



**Committee:** PLANNING REGULATORY COMMITTEE

**Date:** MONDAY, 25 NOVEMBER 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 28<sup>th</sup> October 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 <a href="#">22/01542/OUT</a> | <b>Land East of The Limeburner's Arms Main Road Nether Kellet</b>   | <b>Halton-with-Aughton &amp; Kellet Ward</b> | <b>(Pages 5 - 32)</b>  |
|   |                                 | Relevant demolition of part of front boundary wall, demolition of existing building and outline planning application for the erection of up to 51 dwellings and the creation of new vehicular and pedestrian accesses, retaining walls and regrading of land. |  |                        |
| 6 | A6 <a href="#">24/00948/VCN</a> | <b>Land At Grid Reference E349246 N471955 Sand Lane Warton</b>  | <b>Warton Ward</b>                           | <b>(Pages 33 - 37)</b> |
|   |                                 | Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (pursuant to the variation of condition 2 on planning permission 20/00358/OUT to amend the location of the pedestrian access).                    |  |                        |
| 7 | A7 <a href="#">24/00033/FUL</a> | <b>Land Between 3 And 5 Dalton Road Lancaster Lancashire</b>  | <b>Bulk Ward</b>                             | <b>(Pages 38 - 45)</b> |
|   |                                 | Demolition of 3 existing garages, erection of a dwelling (C3) with associated landscaping and access.   |  |                        |

- |    |   |  |                         |                        |
|----|---|--|-------------------------|------------------------|
| 8  | A8 <a href="#">24/00947/ADV</a>                     | <b>Hest Bank Beach The Shore Hest Bank</b>   | <b>Bolton and Slyne</b> | <b>(Pages 46 - 48)</b> |
|    |   | Advertising application for the display of 2 post mounted signs.   |                         |                        |
| 9  | A9 <a href="#">24/01037/FUL</a>                     | <b>11A Station Road Hest Bank Lancaster</b>  | <b>Bolton and Slyne</b> | <b>(Pages 49 - 52)</b> |
|    |   | Erection of front porch incorporating canopy/hipped roof, erection of single storey front, side and rear extensions to an existing single storey side extension, demolition of existing conservatory, removal of 2no. chimneys, re-roof over and installation of flue. |                         |                        |
| 10 | A10 <a href="#">24/01221/CCC</a>                    | <b>Salt Ayre Landfill Site Salt Ayre Lane Lancaster</b>  | <b>Scale Hall Ward</b>  | <b>(Pages 53 - 56)</b> |
|    |   | Variation of condition 1 of planning approval 01/99/0541 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.  |                         |                        |
| 11 | A11 <a href="#">24/01220/CCC</a>                    | <b>Salt Ayre Landfill Site Salt Ayre Lane Lancaster</b>  | <b>Scale Hall Ward</b>  | <b>(Pages 57 - 60)</b> |
|    |   | Variation of condition 1 of planning approval 01/02/0689 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.  |                         |                        |
| 12 | A12 <a href="#">24/01222/CCC</a>                    | <b>Salt Ayre Landfill Site Salt Ayre Lane Lancaster</b>  | <b>Scale Hall Ward</b>  | <b>(Pages 61 - 64)</b> |
|    |   | Variation of condition 1 of planning approval 01/04/1631 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.  |                         |                        |
| 13 | <b>Planning Performance Reports (Pages 65 - 72)</b> |  |                         |                        |
| 14 | <b>Delegated List (Pages 73 - 79)</b>               |  |                         |                        |

## **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](mailto:emarsden@lancaster.gov.uk).

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

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

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

Published on 12<sup>th</sup> November 2024.

<b>Agenda Item</b>	A5
<b>Application Number</b>	22/01542/OUT
<b>Proposal</b>	Relevant demolition of part of front boundary wall, demolition of existing building and outline planning application for the erection of up to 51 dwellings and the creation of new vehicular and pedestrian accesses, retaining walls and regrading of land
<b>Application site</b>	Land East of The Limeburner's Arms Main Road Nether Kellet Lancashire
<b>Applicant</b>	Oakmere Homes
<b>Agent</b>	Mr Dan Ratcliffe
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	N/A
<b>Summary of Recommendation</b>	Subject to Natural England concurring with the Council's HRA, approve subject to s106.

(i) **Procedural Matters**

A committee site visit has been arranged for the 18 November 2024.

**1.0 Application Site and Setting**

- 1.1 The site forming the subject of this planning application is located on the edge of Nether Kellet village, east of the M6 motorway and approximately 1.5km south of Carnforth and 5km north of Lancaster. The site comprises a 2.4 hectare site, roughly 'L' shaped on a steep slope rising up behind the existing built development that lines Main Road (The Limeburner's Arms and associated allotments/beer garden), Halton Road and Springfield Gardens. The site comprises three adjoining field enclosures used for grazing sheep, a small section of land used in association with Limeburner's Arms and the existing field track. The fields are enclosed and bisected by native hedgerows, post and wire fences and some stone walls. Within the northern field, roughly situated behind the Pear Tree House, the site includes the remnants of polytunnels and an agricultural barn. The area around the barn is used for the storage of various miscellaneous items, such as farm machinery, trailers, tyres, derelict vehicles, oil drums etc.
- 1.2 The site falls steeply from east to west. The lowest level is along the western boundary alongside Main Road at 65m Above Ordnance Datum (AOD), where the site is retained behind a natural, random stone, retaining wall with privet hedgerow. The highest level is approximately 90m AOD resulting in a fall of around 25 metres. Land to the south and east is open agricultural land. Beyond these fields to the east, lies Dunald Mill Quarry (approximately 285 metres from the sites eastern boundary). Existing residential development is located to the west of the site and borders the full length of the northern boundary.

- 1.3 The site is currently accessed via a single track lane off Halton Road between Pear Tree Cottage and 1 Bluebell Cottages. This is a hard surfaced track which runs up to the edge of footway.
- 1.4 The majority of the site is situated to the east of the village Conservation Area with only the access falling within this designation. Within approximately 100m of the site, there are two grade II listed buildings, namely 41 Main Road and Old Hall Barn. Shaw Lane Amenity Greenspace and Play Area is situated 260m west of the site at the village green.
- 1.5 The site is located outside of any flood risk area (from all sources), though Main Road in the vicinity of the site is subject to surface water flood risk. It lies outside of any National Landscape and is not protected for any nature conservation interest. The Agricultural Land Classification for the site is Grade 4 (poor quality).
- 1.6 The site is the subject of a Mineral Safeguarding Area designation, which sweeps across much of the countryside around the village and nearby quarries. Morecambe Bay's National Site Network and the Lune Estuary Site of Special Scientific Interest (SSSI) is located around 2.6km from the site. Long Dales Lane Fields Biological Heritage Site is situated around 250m to the northeast of the site. Dunald Mill Quarry, which is one of a series of limestone quarries in the area, is recognised as Regionally Important Geological Sites and is protected for its minerals in the Joint Lancashire Minerals and Waste Local Plan.
- 1.7 There are a number of public footpaths around the village, but most relevant is public right of way (FP10) which routes along the western and northern edges of the quarry around 360m from the site of the site. Main Road also accommodates Regional Cycle Route 90 – the Lancashire cycleway Northern Loop. There are also existing bus stops on Main Road within 200m of the proposed site frontage which are served by local school buses and bus service 49 (Lancaster – Warton via the Kellet's).

## **2.0 Proposal**

- 2.1 The applicant, Oakmere Homes, seeks outline planning permission for the demolition of the existing agricultural buildings and the erection of up to 51 dwellings with associated access. Matters pertaining to layout, scale, appearance, and landscaping are reserved for subsequent approval.
- 2.2 A new vehicular access is proposed off Main Road. This takes the form of a priority-controlled junction and includes off-site highway improvements works along Main Road to facilitate the access. This comprises traffic calming measures (buildouts and give way markings), carriageway narrowing and footway provision along the site frontage. The access will require the relevant demolition of the existing stone wall and removal of the existing hedgerow. Replacement retaining walls in natural limestone are proposed behind the required visibility splays (for the access). A new pedestrian access is proposed via the existing farm track.
- 2.3 A parameters plan supports the application which attempts to define which areas of the site could be developed and which areas of the site would be left as open space or landscaped (described as a green buffer). The application is also supported by an indicative layout plan to demonstrate one way in which the site could be developed. Both the indicative layout plan and the parameters plan are not for approval.

## **3.0 Site History**

- 3.1 There is no recent and relevant planning history to report in relation to the site itself. There have been some historic refusals for housing on land in the vicinity of the site (before the Spring Garden development) for smaller developments but given the age of these decisions they are not relevant material considerations to this application.
- 3.2 The city council has been consulted on planning applications made to the County Council (as the Waste and Minerals Authority) for development at Dunald Mill Quarry. These are set out below. Dunald Mill Quarry is a large limestone quarry located on both sides of Long Dales Lane. The quarry is divided into two areas by Long Dales Lane. To the west is the main quarry void, with the restoration scheme forming a lake (this is closest to the application site). To the east of Long Dales Lane is a

much shallower quarry formerly used for the processing plant and stocking area. In addition, there is also a planning application with the County Council to allow the continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035 (application ref: LCC/2021/0058). The City Council raised no objections to this scheme earlier in 2022, subject to the imposition of conditions associated with the parent consent. At the time of drafting this report the County has still to determine these applications.

Application Number	Proposal	Decision
22/00237/CCC	County Council Consultation request for the variation of condition 1 of planning permission LCC/2016/0061 to allow for continued operation of the concrete batching plant until 21 February 2034, with all buildings, plant and associated equipment being removed and the site restored by 21 February 2035	Pending consideration  Lancaster City Council raised no objection
22/00107/CCC	County Council Consultation request for the variation of condition 2 of planning permission LCC/2017/0035 to extend the operation period to 21 February 2034 in line with the extension proposed by tarmac on application LCC/2021/0058	Pending consideration  Lancaster City Council raised no objection
LCC/2021/0058	Amendment of Condition 1 of permission 1/97/1298 to allow continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035	Pending consideration  Lancaster City Council raised no objection

#### 4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees in response to the initial consultation and amended consultation:

Consultee	Response
Nether Kellet Parish Council	<p><b>Objection</b> - Following amendments, the Parish Council maintain their objection on the following grounds:</p> <ul style="list-style-type: none"> <li>• 55 properties are too many and a figure around 30 would be more realistic and in keeping with the village surroundings.</li> <li>• Concerns regards the additional foul and surface water drainage details noting the existing drainage system on Halton Road and Main Road have recently flooded. The Parish Council strongly recommend carrying out full CCTV of the existing system should the development go ahead.</li> <li>• Concerns regarding the access proposal noting Main Road has significant issues with regards to speeding vehicular traffic, narrow footways, on-road parking. The Parish Council express concerns over the location of the access opposite an existing junction and the location of bus stops on either side of the carriageway.</li> <li>• Concerns regarding school places noting the village school is oversubscribed.</li> <li>• No reference in the submission for any financial supported for Ash trees GP Surgery or other community infrastructure such as the village hall and play provision.</li> <li>• The nature of the development is unsuitable for an area of conservation.</li> <li>• The latest drainage strategy indicates exceedance flows to the existing highway, which already floods in storm conditions. The development would make this worse.</li> </ul>

Local Highway Authority (LHA)	<p><b>No objection</b></p> <p>Previous concerns regarding the off-site highway scheme have been overcome by the latest amendments (November 2023). The LHA has no objection to the development (on highway safety grounds) subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Wheel cleaning/road sweep facilities/provision</li> <li>• Full construction details of the proposed access</li> <li>• Precise scheme for off-site highway works based on S278 Layout drawing 1600 Rev P08 including traffic calming measures on Main Road, upgrades to bus stops 2500DCL2108 and 2500968, footway improvements on Main Road and pedestrian link from the site to Halton Road as shown on drawing 1605 Rev P02</li> <li>• Protection of visibility splay condition 2.4m x 43m.</li> </ul> <p>The LHA has provided additional design advice relating to the reserved matters, including parking provision, garage dimensions and all internal estate roads to be designed to adoptable standards.</p> <p>The LHA (in August 2023) also requested a gravity contribution of £55,274 towards the thirteen highway improvement initiatives in the main urban areas of the district.</p> <p>Further comments from the LHA (August 2024) raise concerns over the applicant's drainage strategy which currently suggests the use of geocellular attenuation under large sections of the internal road layout. The LHA has expressly set out any exceedance flows to the existing highway network would be unacceptable and the internal roads could not be adopted and would remain private.</p>
County Active Travel Team	At the time of writing this report, no formal comments received.
Lead Local Flood Authority	<p>Following the latest revisions to the FRA and Drainage Strategy (Rev 7, September 2024), the LLFA has <b>withdrawn their objection</b>. This is on the basis the applicant has evidenced the site, in principle, can be drained either by infiltration but if this is not feasible via discharge to a watercourse. This would be subject to detailed design and legal agreements.</p> <p>The following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Final Surface Water Sustainable Drainage Strategy based on</li> <li>• Construction Surface Water Management Plan</li> <li>• Sustainable Drainage Systems Operation and Maintenance Manual</li> <li>• Verification Report of constructed Sustainable Drainage System</li> </ul>
United Utilities (4.9.24)	<p><b>No objection</b>, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Drainage scheme to be in accordance with the principles set out in the submitted Drainage Layout (22333 - GAD - ZZ - 00 - DR - C - 1000, Rev P05, dated 26/07/2024), in particular no surface water shall be permitted directly or indirectly into the public sewer.</li> <li>• Maintenance and management of approved SUDS scheme</li> </ul>
Historic England	Responded and advised no need for HE to be consulted on the application.
Conservation	<p><b>Objection</b> on the following grounds that the development would conflict with policies DM37, DM38, DM39 and DM41 and would lead to less than substantial harm to the setting of designated heritage assets, namely the Conservation Area. No further comments received to the amendments.</p>
Natural England	At the time of compiling this report, NE has not commented on the Council's Appropriate Assessment and HRA. A verbal update will be provided.
GMEU	<p>The following comments have been received:</p> <ul style="list-style-type: none"> <li>• Concurs with the applicant's ecologist and considers the site unlikely to be functionally linked land to Morecambe Bay SPA and that there is no likely significant effect as set out in the HRA.</li> <li>• The site is within 200m of Long Dales Grassland BHS and suggests the grassland survey undertaken may underplay its botanical interest as it was</li> </ul>



	<p>undertaken at the wrong time of year. However, does not consider this a matter which could substantiate an ecological reason for refusal.</p> <ul style="list-style-type: none"> <li>• Recommends reasonable avoidance measures for protected species to be covered by condition and informed by updated surveys (given the age of the report).</li> <li>• Recommends reasonable avoidance measures for mammals and amphibians.</li> <li>• Further bat surveys to be undertaken is the Ash trees are to be removed.</li> </ul> <p>Following the submission of the BNG metric, GMEU note an overreliance on urban trees within the metric, with concerns raised over the implications of the Ash trees if felled and where new urban trees would be provided on the site. However, GMEU indicate that whilst there are still potential areas of disagreement, they agree the site has potential to achieve BNG on site, or at worst, off-site compensation could be feasible.</p>
Lancashire County Council School Planning Team	<b>No objection.</b> The education assessment dated 20 May 2024 determines no primary or secondary school places would be required.
Environmental Health Service	<p><b>No objection</b></p> <p>Comments received in relation to the proximity of the development to the operational quarries and the Limeburner's public house. A summary of the position is: -</p> <ul style="list-style-type: none"> <li>• Based on the current operation of the nearest quarry (Dunald Mill Quarry), the Council's EHO is satisfied that there would be 'no' or 'lowest observed adverse effect levels' in respect of noise and vibration to any future occupiers of at this site.</li> <li>• Whilst the submitted acoustic assessment has failed to assess the potential noise impacts from the public house, the EHO officer would not be unduly concerned about the potential for unreasonable noise impacts associated with its current operation.</li> </ul> <p>Following comments from Lancashire County Council Planning Policy Team, the Council's EHO considers it unnecessary to revisit their comments and maintains from the information available at the time of commenting, there are no grounds to believe or suspect significant effects arising from quarrying operations close to the site.</p>
Lancashire Policy Team	<p><b>Comments</b> as follows:</p> <p>"The proposal would not bring development closer to the quarry than the properties that already exist on the eastern end of Ashmeadow Road as such there does not appear to be a significant risk of encroachment and associated sterilisation of the mineral resource. However, the EHO is correct to note that the proposal is in a key mineral's extraction area, and an area of minerals resource of regional significance as such there may be further applications for minerals extraction in the future.</p> <p>It should be noted that quarrying activities have not been undertaken at Dunald Mill Quarry for a number of years, including the most recent 6 year period they have considered, so the number of complaints received should not be considered a reliable indicator of the existing conditions ability to control noise impacts upon potential future residents of the proposal. Your EHO may wish to revisit their comments in light of the above."</p>
Public Realm	<p><b>No objection</b> subject to the following requirements:</p> <p>Onsite Amenity Greenspace 928.2m<sup>2</sup> based on 51 3-bedroom dwellings.</p> <p>Off-site contributions as follows:</p> <ul style="list-style-type: none"> <li>• £56,288.70 towards outdoor sports provision at Nether Kellet School and Nether Kellet Village Green.</li> <li>• £66,300 towards the equipped play area on Nether Kellet Village Green</li> <li>• £26,520 towards young persons provision Nether Kellet Village Green</li> <li>• £15,912 towards Parks and gardens at Sparrow Park in Warton or Nether Kellet Village Green</li> </ul>
Arboricultural Officer	The Arboricultural Officer initially objected to the application on the grounds the submitted Arboricultural Implications Assessment did not accurately reflect the proposed site plan and needs to be updated. Following the submission of amendments, a summary of the <b>comments</b> are as follows:

	<ul style="list-style-type: none"> <li>• Positive to see the extent of internal hedgerow removal reduced and retained within open space. However, the internal hedgerow will become fragmented.</li> <li>• The internal hedgerows are 'Important' and should be considered as a constraint to any development and should drive the layout of buildings rather than the other way round, creating a place for people and wildlife rather than for buildings. Recommends removal of plot 31 to support more retention of hedgerow and improved landscaping.</li> <li>• There are some discrepancies between the AIA and the plans relating to some trees and hedgerows within the site.</li> </ul>
Waste and Recycling Team	<p><b>No objection</b> to the principle of development. However, the Waste and Recycling Team point out the following issues which they consider need to be addressed before determination:</p> <ul style="list-style-type: none"> <li>• Concerns over the layout and ensuring suitable distances are provided between homes and points of collection, noting the city council does not send crews or vehicles onto private land.</li> <li>• Collection points to be provided at the end of each shared drive and large enough to accommodate all bins/boxes for each property on collection day.</li> <li>• Waste and recycling team welcomes a discussion with the developer about the layout to ensure appropriate waste collection provisions can be made, in addition to ensuring residents will not be required to wheel containers over excessive distances.</li> </ul>
Lancashire Constabulary	<p><b>No objection.</b> The constabulary states it is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks and go on to make several recommendations.</p> <p>The recommendations are more relevant to the details at reserved matters stage.</p>
NHS Lancashire and South Cumbria Integrated Care Board (IBC)	<p><b>No objection</b>, subject to a contribution towards health provision.</p> <p>Based on 55 dwellings @ 2.4 people per dwellings (132 people) a contribution of £33,178 is sought towards extensions and reconfiguration at Ash tree Surgery, Carnforth for additional clinical capacity.</p> <p>If the contribution is not secured, the NHS would be objecting to the development.</p>

4.2 The following responses have been received from members of the public to the initial and amended consultations:

A petition has been received with 198 signatures objecting to the proposal. The petition letter states local villagers are hugely concerned within the proposal and consider it to have a permanently detrimental impact on the village, noting it is oversized and inappropriate development. The petition letter focuses on the following reasons for opposition:

- The site is with Open Countryside and given the elevated nature of the site will have significant visual impacts on the village.
- The land is designated as a Mineral Safeguarding Area close to Donald Mill Quarry which has had an extension to quarry until 2034.
- The site is within the Conservation Area and should be protected from buildings and demolition.
- Increase in flood risk noting low levels of rain cause flooding in the village, the development will exacerbate this.
- Scale of development would impact the village character with lack of amenities and facilities to support a significant increase in population (school places, lack of shop, limited bus services).
- Increase in traffic.

**123 letters of objection.** A summary of the main reasons are as follows:

Principle matters including:

- Overdevelopment of the village that is not able to accommodate development of this size.

- Loss of a greenfield site which should be left to be part of the designated Open Countryside.
- It's an unallocated site and is not suitable for development.
- Trying to meet the target for housing supply does not negate a responsible approach for development in inappropriate areas.
- The site is within a Mineral Safeguarding Area and located near to Donald Mill Quarry, causing a threat to natural resources.
- The development may set a precedent for further inappropriate growth in the village.
- No public consultation and engagement by the applicant.
- Planning consultations should be extended.
- The amendments and further information don't resolve original objections.

#### Heritage concerns including:

- Harm caused to the setting and special historic interest of Nether Kellet Conservation Area and nearby listed buildings.
- Development would result in the removal of the stone wall that lies along the edge of the Conservation Area.
- The proposed development would clearly fail to enhance or even preserve the character and appearance of the Conservation Area and is contrary to policies DM38, DM39 and DM41 of the Development Plan.
- Other than provision of housing, there are no public benefits provided that would outweigh the harm to the Conservation Area.
- Reconfiguration of carriageway to provide access and footways will result in traffic queuing outside listed properties (increased pollution and vibration could be harmful).

#### Traffic and highway concerns including:

- Additional traffic generated will lead to further traffic issues in the village.
- The village is poorly served by public transport.
- The increase in vehicles to the village may result in more on street parking along Main Road making sections of the pavement difficult to navigate, particularly as they are already narrow.
- Poor footway provision in the village leading to safety concerns for cyclists and pedestrians.
- Concerns that the road would be unable to accommodate for high levels of road users and large vehicles as the village is currently used as a diversion route for the M6 motorway.
- Concerns over the safety of road users when the weather is bad due to the steepness of the proposed road and access – Ashmeadow Road is considered to be dangerous when icy.
- Concerns whether the visibility splays are satisfactory as other roads experience difficulties when pulling out onto Main Road.
- Parked vehicles in the road and access to adjacent church will impede vehicle visibility at the access.
- Reconfiguration of carriageway to provide access and footways will affect parking to the church (10-15 cars) and will cause more congestion.
- Lack of details of the appearance, dimensions of the access walls and concerns over maintenance of the access and associated railings.

#### Amenity (residential and landscape) concerns including:

- The dwellings will not blend in with the landscape and will appear out of character with the surrounding properties.
- The houses will be visually prominent within the streetscene and dominate the landscape due to their elevated position.
- Inappropriate housetypes which are off-the-shelf and not suitable for rural location.
- Design of the dwellings and streetscene layout are lacking creativity.
- Due to the elevated position of the proposed dwellings, residents are concerned that they will experience a loss of privacy/overlooking and overshadowing.
- The development will put a strain on neighbour's retaining wall within the garden.
- Resident's outlook of open landscape being impacted upon.
- Poor design

- Loss of outlook
- Position of footpath links will cause overlooking into existing properties.
- Location of parking and risk of vehicles losing control and entering neighbouring gardens

## Environmental concerns including:

- Proximity of development to the quarry may lead to a risk of subsidence.
- Additional noise and traffic fumes, and dust, as a result of the construction of the development.
- Increased risk of flooding in the village as a result of the development.
- Concerns over the drainage strategy (infiltration) on a sloping site.
- Loss of valuable wildlife habitats and protected species.
- Concerns over the need to blast out limestone under beneath the site like Ash Meadow grove in the 1950s.
- Light pollution from street lighting – lack of details provided.
- Land stability concerns raised between site and neighbouring property.
- Human health risk from contamination to future occupants and existing residents not addressed.

## Infrastructure concerns including:

- Additional population will put a strain upon local amenities, infrastructure, health services and education.
- Local school is already oversubscribed meaning children will have to travel out of the village to access education.
- No shops or local GP practices within close walking distance, resulting in additional strain on local facilities outside the village.
- Existing drainage infrastructure will not cope with additional development and will put more pressure on waste treatment works which is already working at capacity.

**5 letters neither objecting to nor supporting** the proposal. The comments raised were similar to the comments made by objectors.

**1 letter of support** noting the development will bring much needed life to the village. The representation goes on to provide responses to the main reasons for opposition raised by others.

### **Others:**

City Councillor Sarah McGowan supports the views expressed by residents of Nether Kellet in objection to the application.

County Councillor Phillippa Williamson (Lancaster Rural North) has objected (2023) to the application in support of local residents. The concerns raised include: the scale of development noting it is out of keeping with the village, the development would not preserve or enhance the Conservation Area, flood risk and pressure on the existing drainage system, traffic impacts and highway safety concerns requiring full transport assessment to establish clear sightlines and speed mitigation measures, waste collection at the site entrance would be unacceptable from amenity and environmental health perspective, exiting services and infrastructure unable to support growth (school places, shop, GP, public transport)

Former MP, David Morris, objected to the development on behalf of his constituents in response to the initial consultation (8.2.2023). The concerns raised include: the excessive scale of the development, pressure on local services, increased flood risk and that the land should be protected to safeguard minerals (Mineral Safeguarding Area).

## **5.0 Analysis**

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

- Principle of development
- Access, traffic impacts, sustainable travel, and parking

- Landscape character and visual effects.
- Flood risk and drainage.
- Amenity
- Open space
- Housing matters
- Cultural heritage
- Infrastructure

5.2 **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) and the Joint Lancashire Minerals and Waste Local Plan Policies M1 (Managing Mineral Production) and M2 (Safeguarding Minerals) and Guidance Note (December 2014).

5.2.1 **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. Policy SP2 aims to direct significant growth to the main urban areas of the district but also identifies a number of sustainable rural settlements that will provide the focus for rural growth outside the main urban areas. Nether Kellet is one of the district's identified sustainable rural settlements.

5.2.2 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. Accordingly, the principle of housing growth within Nether Kellet can be supported.

5.2.3 Policy SP3 recognises the scale of planned housing growth in the rural areas needs to be carefully managed to reflect the character of the settlement having regard to infrastructure, services, and facilities. This is equally reflected in Policy DM4. Policy DM4 requires development to be well related to the existing built form of the settlement, be proportionate to the scale and character of the settlement, be located where the environment and infrastructure can accommodate the impacts of expansion and where the scheme demonstrates good siting and design in order to conserve and where possible enhance the character and quality of the landscape. An assessment against these criteria shall be undertaken when considered the main issues below in the following sections of this report.

5.2.4 **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. The site is considered Grade 4 agricultural land, which is defined as poor quality and not BMV. Accordingly, the loss of agricultural land is not a constraint to the proposed development and would not conflict with policy DM44 or the framework in this regard.

5.2.5 **Mineral Safeguarding Land**

The application site is affected by a Mineral Safeguarding designation. This designation sweeps extensively across the open countryside in this part of the district. The site is also situated close to a Dunald Mill Quarry which is an allocated minerals site. Policy M2 of the Minerals and Waste Plan seeks to prevent the sterilisation of mineral resources by non-minerals development. Fundamentally, encouraging prior extraction where it is practical and environmentally feasible to do so. However, on the other hand, policy M1 of the Minerals and Waste Plan states development will not be supported for any new extraction of sand, gravel, limestone, gritstone or brickshale. This is due to there being sufficient mineral reserves. The policy then indicates should permitted reserves at existing limestone quarries in the plan area not meet requirements, increasing working depths at existing quarries or extraction at and adjoining Dunald Mill will be supported.

- 5.2.6 The applicant has submitted a Mineral Resource Assessment draws on the above policy position and concludes that extraction for limestone at the site would not be supported by the Waste and Minerals Authority. This is primarily based on the policy position noted above, the extent of limestone reserves and the fact the site is relatively small, close to existing residential and agricultural development with access constraints rendering it highly improbable prior extraction would be economically and environmentally feasible.
- 5.2.7 The proposal would not bring development closer to the existing quarry than existing properties on Ashmeadow Road. In this regard, the County Council's planning team have raised no objection in principle to the development and have noted there does not appear to be a significant risk of encroachment and associated sterilisation of the mineral resource. Accordingly, it is considered that there is no conflict with policy M2. The site's designation for mineral safeguarding is not a constraint to the principle of housing on this site.
- 5.2.8 Paragraph 193 of the NPPF indicates existing business and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where significant adverse effects on new development could occur, the 'agent of change' (applicant) should be required to provide suitable mitigation. In this case, the quarry has been present for many years and whilst inactive for a considerable period, it remains an allocated site for mineral extraction. There have been applications made to the Waste and Minerals Authority for the continued operation for mineral extraction at Dunald Mill Quarry until 21 February 2034, together with two other applications for continued operation of specific development within the eastern quarry at the site. At the time of writing this recommendation, none of these applications have been determined by the County Council.
- 5.2.9 The compatibility, or otherwise, between the two land uses (the proposed residential development and the existing quarry) is a material consideration. It is considered that the main issues will relate to pollution (such as noise and vibration) and transportation matters. With regard to noise, the proposal will not bring new development and its residents any closer to the quarry than existing residential properties. This is acknowledged by the County Council. Therefore, it is unlikely the development would impact upon the operation of the quarry any more than existing residential development. Furthermore, the Council's Environmental Health Service (EHO) has considered the proposals, including the acoustic report, and has raised no objection to the development. The Council's EHO acknowledges the quarry operates under existing noise and vibration limits and operational times as part of its planning permission (a matter controlled by the Waste and Minerals Authority) and that few complaints have been received in the last 6 year period. The Council's EHO also acknowledges that the pending applications to extend the continued operation of the site for mineral extraction and the concrete batching plant would be subject to the same existing controls and in view of this, they would be satisfied there would be 'no' or 'lowest' observed adverse effects level in respect of noise and vibration for future occupants. On this basis, there are no grounds to resist the application on the grounds the development would be adversely affected by noise and vibration deriving from the quarry operations or that the development would prejudice the operations at Dunald Mill Quarry.
- 5.2.10 In addition to noise and vibration impacts, should further extraction development be required at the adjacent quarry, policy M1 clearly states that the development would only be supported if satisfactory arrangements for the diversion of any highway affected and traffic generated by the proposals were addressed, and in line with the safeguarded route (MRT14/policy SA2). The safeguarded route avoids the village of Nether Kellet. It is therefore considered reasonable to expect any future operation of the site to address its own impacts at that time. Furthermore, the allocation

for Dunald Mill Quarry which could see further extraction does not propose encouragement of the quarry to the west towards the application site.

5.2.11 In conclusion, it is considered that the development would not result in the sterilisation of mineral resources, would not be adversely impacted by the operation of the quarry any more than existing development and would not prejudice the future operation of the quarry.

5.2.12 There are several key issues discussed above to help establish whether the principle of residential development is acceptable. In summary, whilst located in the open countryside, the site is located on the edge of an existing sustainable rural settlements 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. Therefore, housing development on the site may be considered acceptable as a matter of principle, subject to the other key material considerations set out below.

5.3 **Access, traffic impacts, sustainable travel and parking 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).**

5.3.1 The district's development strategy (policies SP2 and SP3) aims to manage growth in the most sustainable way possible by directing growth to the main urban areas and to the identified rural sustainable settlements, which Nether Kellet is one. However, opportunities to maximise sustainable transport solutions clearly varies between urban and rural areas and this must be taken into account in the determination of this application (paragraph 109, NPPF). Fundamentally, development proposals must ensure the following criteria are met (paragraph 114 of the NPPF):

- appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its locations.
- safe and suitable access can be achieved for all users.
- the design of streets, parking areas meet standards that reflect national guidance; and
- any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.

This criterion is reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policies DM4 and DM29 also requires development, especially those in the rural areas, to be located where the environment and infrastructure can accommodate the impacts of expansion and new development is well connected to existing settlements and services.

5.3.2 **Access Strategy**

The applicant is seeking details of the access as part of the outline application. The applicant has confirmed this only relates to the vehicular access junction and the first 20 metres into the site, as illustrated on the submitted access and s278 drawings. Full details of the remaining sections of the access roads shall be controlled by planning conditions attached to the outline application if approved. This would need to be submitted concurrent with any reserved matters given the inherent interdependency with the layout of the development. A dedicated pedestrian link is proposed via the existing farm track onto Halton Road. The precise details to be controlled by condition.

5.3.3 The site's access is proposed off Main Road, situated between the Limeburner's Arms public house and 1 Ashmeadow Grove, practically opposite the private drive and garage serving 47 Main Road. Main Road and Halton Road are subject to a 30mph speed limit benefiting from street lighting. Footway provision is available on both Main Road and Halton Road at varying widths and not always continuous to both sides of the carriageway. The footway to the south side of Main Road, in the vicinity of the site access, is narrow and unusable.

5.3.4 The proposed access takes the form of a simple priority controlled junction with a new carriageway width of 5.5 metres with 2 metre footways either side. Based on the applicant's traffic surveys, visibility splays were initially proposed at 2.4 metres x 48 metres in both directions. Following concerns that these splays could not be achieved within the applicant's control or within the adopted highway, the access arrangements have been revised during the determination of the application.

The final access scheme includes a range of off-site highway improvement works to reduce vehicles speeds and provide acceptable visibility sightlines (2.4m x 43m). The highway improvement works include traffic calming measures comprising narrowing of the carriageway, provision of wider footpaths and two buildouts with associated give way markings either side of the new junction on approach to the village from the east. The scheme has also been amended to ensure a 6-metre wide carriageway to Main Road remains to support existing HGV movements on this part of the local highway network. Despite concerns to the contrary by local residents, the proposal is considered to provide a safe and suitable access to the satisfaction of the local highway authority. There are no objections to the proposed pedestrian link to Halton Road.

### 5.3.5 Traffic Impacts

The application has been supported by a proportionate Transport Statement (TS) which considers the effects of additional traffic on the network. Traffic surveys were undertaken in September 2022 to inform the assessment. The TS anticipates the development would generate 46 new two-way trips in the AM (08:00-09:00) peak and the PM (17:00-18:00) peak. This is based on a robust trip rate of 0.7 and assuming 65 new residential units, which is clearly greater than applied for. Using the same trip rate for 51 dwellings, the number of trips reduces to 36 in both the AM and PM peaks. Whilst the development will lead to an increase in local traffic, the applicant has evidenced the network has sufficient capacity to accommodate this growth without the need for further assessment. The TS has also reviewed accident data noting there have been no recorded accidents over the past 5 years in the village area or site frontage. It is acknowledged, there has been a serious collision outside of the village at the motorway bridge (to the west) involving a cyclist. Whilst regrettable, the accident records do not appear to indicate any clear pattern which suggests additional development traffic would lead to wider highway safety issues. The highway authority has raised no objection to the development and is satisfied the development traffic can be accommodated on the network without resulting in highway safety impacts or in residual cumulative impacts on the road network that would be severe (paragraph 115, NPPF). In this regard the development does not conflict with the Framework or the DM DPD in this regard.

### 5.3.6 Sustainable travel

Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and accessing public transport. In relation to walking and cycling, the site is located on the Regional Cycle Route 90, which is largely an on-road cycle network. Other than the presence of this route, there is no dedicated cycle lane or other provisions within the village. Cycle parking within each dwelling will be required in accordance with DM62. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure in accordance with policy T2 of the SPLA DPD. In this case, the access strategy includes traffic calming measures and the provision of new and widen footways along Main Road in both directions and up to Halton Road. It also incorporates a direct link for pedestrians onto Halton Road via the existing farm track. This provides a more direct route towards the school and the village green away from busier traffic along Main Road. Despite increases in development traffic, it is considered that the traffic calming scheme will contribute to an enhanced pedestrian environment providing wider public benefits to the village. At reserved matters stage, the layout will also need to ensure the proposed dwellings are served by suitable, continuous footways (2 metres wide) providing a safe and accessible place to live. The proposed highway improvements along Main Road, together with a separate pedestrian link to Halton Road ensures there is no conflict with policy DM61 specifically.

5.3.7 With regard to public transport, the site is located less than 400m from bus stops along Main Road. There is a weekday and Saturday bus service (number 49) together with school bus services, which provides a relatively frequent service between the village, Carnforth and Lancaster. There are no evening or Sunday services. As part of the proposed access and highway improvements works, the bus stop located close to the south of the proposed junction shall be removed. This has been considered by Lancashire County Council's bus service team (and the highway authority) who have raised no objections on the grounds there are other stops in a short walking distance from the bus stop lost. To mitigate against the loss of the bus stop, there is a requirement to upgrade the other two stops on Main Road to support enhanced bus travel. The development site is within an acceptable walking distance to access existing bus services making it a possible option for future residents should they wish to travel by sustainable modes. The development would also contribute to improved bus stop provision within the village which may encourage others to travel by bus instead of car. Given the rural location of the site, there will inevitably be a reliance on the private



car. Overall, however, the proposed development is making meaningful improvements to encourage walking and sustainable travel options for future residents and existing residents as well. New development and associated population growth also has the potential to support existing services if the services are accessible, which is the case here. It is considered that there is no conflict with the NPPF or the related DM DPD policies in respect of sustainable travel given the sites rural location.

#### 5.3.8 Parking

The applicant seeks up to 51 dwellings. The scale, size, and location of the proposed dwellings within the site will be the subject of the reserved matters. Parking itself is not a reserved matter, but the required standards (DM62 and associated appendix) are best determined with the layout at reserved matters stage. Nevertheless, a condition will be imposed to secure the provision of parking before occupation of respective dwellings and to be retained for such purposes to prevent on-street parking, which may be detrimental to highway safety on and off the site.

5.3.9 Concerns have been raised from local residents about the loss of potential on-street parking associated with the Church on Main Road because of the proposed access strategy and highway improvement works. Given the constraints of the highway network and the built character of the village, any on-street parking around the Church as existing is likely to be hazardous and unsafe as it will involve parking on the footways. The church has no dedicated parking area and clearly relies on people walking to the church or parking on the local streets. It is considered that the location of the buildout would not impede large areas of existing footways, which may have been used previously for parking. The loss of space for potentially unsafe on-street parking associated with the use of the church/hall would not be grounds to resist the proposals, especially in the absence of a highway safety objection from the local highway authority.

5.3.10 Overall, it is considered that the development satisfactorily meets the aims and objectives of the relevant transport and sustainable travel policies set out in paragraph 5.3.1 of this report.

#### 5.4 **Landscape Character and Visual Effects** NPPF Chapter 12 (Achieving Well-Designed Places) and 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: DM4 (Residential Development outside Main Urban Areas), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact) and GVLIA3 Guidelines for Landscape and Visual Impact Assessment (Landscape Institute 3rd Edition).

5.4.1 Paragraph 180 of the NPPF states planning decisions should *contribute to and enhance the natural local environment by protecting and enhancing valued landscapes....and recognising the intrinsic character and beauty of the countryside*. Paragraph 181 emphasises the point that Local Plans should clearly distinguish between the hierarchy of international, national, and locally designated sites and to allocate the land with least environmental or amenity value. Through the preparation of the Local Plan, the Council recognised Lancaster district contains many important landscapes that are valued features of the natural environment and are worthy of protection (these relate Urban Setting Landscapes and Key Urban Landscapes). In this case, the site is not protected for any national or local landscape designation. Nevertheless, it remains important that regard is given to the character, beauty, and openness of the countryside where the development is proposed. Policy DM44 recognises that there can still be values landscapes that provide a distinct sense of place which are located outside designated landscapes and may be worthy of protection.

5.4.2 A Landscape Statement has been submitted with the application. This sets out some baseline information before assessing the impacts on landscape character and the visual effects of the proposal. The statement provided is not a fully detailed Landscape and Visual Appraisal.

5.4.3 The site lies within the National Character Area (NCA) 20: Morecambe Bay Limestones and at a regional level is identified to straddle the Landscape Character Area 13c Docker-Kellet-Lancaster Lancaster Character Area / Landscape Character Type Drumlin Field and Landscape Character Area 12a Carnforth-Galgate- Cockerham / Landscape Character Type Low Coastal Drumlins. LCA 13c comprises distinct drumlin fields underlain by limestone distinguished by large scale undulating hills of pastureland and outcrops of limestone or reef knolls, which are evident around the Kellet's where extensive quarrying is evident in the landscape. LCA 12a forms the low lying areas towards Morecambe Bay. This LCA supports a high proportion of on built development including large settlements and transport infrastructure.

- 5.4.4 The site comprises three clear field enclosures with the field boundaries comprising either native hedgerows or stone walls. The existing field boundaries appear to follow the historic field pattern suggesting it forms part of remaining ancient enclosures around the village. The two Ash trees form prominent and important landscape features within the site. The site includes agricultural buildings, the remnants of former polytunnels with areas around the building in a poor condition used for ad hoc storage including derelict vehicles. A small part of the site lies within the village Conservation Area with exiting residential development located to the north, west and southwest of the site.
- 5.4.5 Open fields adjoin the site to the south and east with existing development bordering the site to the north and west. The village itself originally developed around three farm complexes and later along Main Road forming a strong linear built character. Development in the twentieth century has resulted in a more dispersed settlement pattern with development utilising land on higher slopes around the village, such as Church Hill and Ashmeadow Road. Hill Top farm forms a prominent feature in the landscape to the south of the village. It is elevated on the crest of the hillock overlooking the village. Between housing on Ashmeadow Road and Hill Top farm remains undeveloped agricultural land, which forms part of the western and southern slopes of an existing low drumlin feature that rises up behind the village. The application site is situated on this landscape feature. The lower parts of the drumlin have already been developed in some areas, including Springfield Gardens, which is a comprises two-storey dwellings (stone and render with tiled roofs). The site is not out of the ordinary and is typical countryside on the edge of an area of built development. There are no public rights of way through the site or immediately adjacent surrounding be existing housing, the Limeburner's Public House, and agricultural development. Any value is potentially derived from the contribution the fields make to the setting of the village and its Conservation Area. Accordingly, it is considered not to be 'valued landscape' in the context of the NPPF (paragraph 180), which would require its protection.
- 5.4.6 In terms of landscape character, it is considered the development of the site would not adversely impact the landscape character of the National Character Area or the two local Landscape character Areas (LCAs 12a and 13c). It is accepted that the development would cause harm to the character of the site itself and its immediate setting, by virtue of the open pastureland and field enclosures being replaced by housing development. The level of harm has not been clearly set out in the applicant's Landscape Statement. However, it does conclude there would be no significant landscape effects on the published character areas, the setting of Nether Kellet or the Conservation area (subject to a sperate heritage statement). It does not ascribe a level of harm to the landscape effects of the site itself, though it does state the development would not appear distinctly incongruous in the wider landscape/urban context where similar contemporary development is visible on the urban edge.
- 5.4.7 In accordance with the GVLIA3, the overall judgement of effect combines the sensitivity of the landscape with the magnitude of change. Whilst the landscape is not 'valued landscape,' it has some sensitivity owing to the contribution it makes to the setting of the Conservation Area. Therefore, it is reasonable to make a judgement that the sensitivity of the landscape (site and setting) would be medium. The magnitude of effect is based on the effect arising from the development. The change from pastureland with historic field enclosures to housing development is considered to be major, therefore the overall effect on the landscape character at the site would be permanent moderate/major adverse (officer's judgment). There is scope that the residual effects (at 10-15 years) could reduce the level of effect to moderate adverse or even moderate/minor adverse if, at reserved matters stage, the development is designed to respect and retain more of the field enclosures and hedgerows, provides suitable landscape buffers and provides a well-planned, high-quality designed development. Nevertheless, there is an identified harm to the landscape character of the site itself. This is a very localised impact but would cause a degree of conflict with policy DM46.
- 5.4.8 With regard to visual effects, visual receptors are considered to be residents neighbouring the application site, recreational receptors using the local public rights of way and receptors travelling on the local road network and from the m6 motorway. The Landscape Statement provides a list (and views) of possible locations the site will be viewed from, including the village itself and roads and public rights of way further afield. It is considered the visual effects of the development when viewing the site from passing vehicles on Main Road, Halton Road, the M6 motorway and to lesser extent

Shaw Lane/Hill Lane, is not significant. The views will be fleeting and often filtered by existing built development and landscaping.

- 5.4.9 The applicants Landscape Statement makes no attempt to ascribe a level of harm to the visual effects arising from the development. Neighbouring residential receptors that currently have views of the site will inevitably be adversely affected by the change in character of the landscape (from fields to housing). There is scope at reserved matter stage to mitigate against the visual effects through good design and landscaping with residential amenity also a matter subject to specific design standards to protect their outlook and privacy. Private views are not a material planning consideration. Whilst the views from private property may change, it is not considered to be significantly adverse given the sites edge of centre location, where the development will be seen often in the context of existing built development.
- 5.4.10 Public views of the site are available from Main Road, Shaw Lane, the village green and Church Hill. Some views are filtered by existing development and landscaping and in most cases the site is seen with existing development in the foreground or background to the site. From Hill Lane the topography of the fields south of the site provide some screening, through new development would be seen to rise above the crest of the hill, which without a suitable landscape buffer could be visually harmful. The two Ash trees form strong visual features when viewed from Hill Lane and Shaw Lane and ought to be protected (despite their condition). Views of the site from the public right of way to the east along Dunald Mill Quarry are not available, as the footpath is at an elevated above the site and separated by fields to the west. Notwithstanding the fact the development would be seen in the context of surrounding development, the elevated and sloping nature of the site will mean new development is likely to be highly prominent and would lead to moderate adverse visual effects. In this regard there is a degree of conflict with policy DM29 and DM46 of the DM DPD.
- 5.4.11 The level of harm to the visual amenity and character of the site and the surrounding village will be highly dependent on the detailed design of the scheme. The applicant's indicative layout plans do show an intention to protect and retain the hedgerow boundaries to the main northern and southern fields. The field pattern and hedgerows in the centre of the site warrant a greater level of protection and integration with the built development at reserved matters stage, as these form distinct landscape features of the site. It is also considered that more substantial landscape buffers to the site boundaries would be required in order to secure the long-term management and maintenance of these important field boundary hedges. The scale and heights (relative to new site levels) of new housing needs to be sensitively considered to ensure the development does not appear excessively taller than surrounding lower scale dwellings and property. It is envisaged the site will need to incorporate bungalows, 1.5 storey dwellings and split level units to enable the built development to integrate with the topography of the site. A scheme of conventional two storey dwellings across the site would not be an acceptable design response to integrate the site with the historic built environment and surrounding countryside. There will be an expectation the proposed dwellings will need to include some natural materials and that they design reflects the local vernacular to avoid the development looking overly sub-urban in this rural context. These are matters to be considered by the applicant if they advanced a reserved matters application.
- 5.4.12 Inherently relating to landscape impacts, policy DM4 requires new residential development on non-allocated sites, to be well-related to the existing built form of the settlement, proportionate to the existing scale and character unless exceptional circumstances can be demonstrated, be located where the environment and infrastructure can accommodate the impacts of expansion and demonstrate good design in order to conserve and where possible enhance the character and quality of the landscape. It has been determined that the proposal will give rise to harm to the landscape character and visual amenity of the area. This is arising from the development extending up the slopes of the hillside, elevated above and behind the linear build form of the village. However, acknowledging there is already existing development which extends up the slopes of the hillside, and beyond the boundary of the application site to the east, it would not be a completely incongruous pattern of development. However, it is considered that the scale, layout, landscaping, and design of development will be critical considerations to determine whether the development conforms to policy DM4 at the reserved matters stage. It is envisaged the number of dwellings will need to be reduced to provide an acceptable design and to mitigate the landscape impacts, as well as the impacts on heritage assets (discussed below) and to secure a satisfactory sustainable drainage scheme (next section). At the reserved matters stage, it is considered the development would be capable of being well-related to the existing settlement and proportionate in scale and character.

- 5.5 **Consideration 3 - Flood Risk and Drainage** (NPPF: Chapter 14 Planning for Climate Change paragraphs 152-154 and 159 to 169; Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure) and Planning Advisory Note 3 Surface Water Drainage and Flood Risk Management and watercourses).
- 5.5.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.
- 5.5.2 The site lies within flood zone 1 (less than 0.1% annual probability of flooding). Groundwater flood mapping (BGS data in the SFRA) identifies the site is at low risk (<25% risk) which is further evidenced by the 14 trial pits undertaken whereby no ground water was encountered. The site itself is also unaffected by surface water flooding, though it is acknowledged the highway alongside the site is at risk of medium and high surface water flood risk. The NPPF and NPPG requires development proposals to consider the risk of flooding from all sources and to undertake the sequential and exception tests where appropriate. This means avoiding, so far as possible, development in current and future medium and high flood risk areas. In this case, there is minimal risk of flooding (from all sources) on the site itself therefore the sequential test is not required. This site is one of few sites of this scale within the district that is unaffected by flood risk. Nevertheless, in accordance with paragraph 167 of the NPPF and policy DM33 and DM34, development proposals should still ensure flood risk is not increased elsewhere. The application has been supported by a site-specific Flood Risk Assessment (FRA) and an outline Drainage Strategy. These assessments have been amended during the determination of the application to overcome a number of repeated objections from the LLFA. The objections from the LLFA were on the basis that the applicant had failed to demonstrate there was a satisfactory drainage strategy based on inadequate information to inform the proposals.
- 5.5.3 The final strategy has overcome the objection from the LLFA despite some remaining caution. However, the LLFA contend the outstanding concerns can be controlled by planning condition but advise it is a matter for the local planning authority to determine whether sufficient information has been provided before making the decision.
- 5.5.4 The final drainage scheme reverts back to the original proposal to drain the site by infiltration. This is on the basis further testing and analysis has been undertaken during the determination period, but also recognising seasonal groundwater monitoring and further infiltration testing will still be required (by condition), amongst other matters raised in the LLFA's statutory comments. Current testing indicates the southern part of the site does not infiltrate, which will require surface water from the southern part of the site to be conveyed to suitable soakaway on the northern parcel of land. In the areas of the site that can infiltrate, it is proposed that individual soakaways will be provide for each plot with permeable driveways to enable natural infiltration. Estate Roads will need to be served by their own infiltration basins on the northern part of the site as well. All attenuation features are designed for a return period of 100 years plus 50% climate change, 10% for urban creep and 30% allowance for remaining greenfield areas. The LLFA remain cautious over the prospects of infiltration being a suitable and viable option but accepts this cannot be determined until detailed design work, further drainage/geotechnical investigations have been undertaken and the layout of the development is understood.
- 5.5.5 Recognising the local planning authority, in consultation with the LLFA, must be satisfied the site is capable of draining, the applicant's final strategy provides an option B proposal in the event infiltration is proven unsuitable. The option B proposal consists of an attenuated (on site), controlled discharge to a new surface water sewer within the adopted highway to a new outfall into a nearby watercourse west of the village close to the bridge over the motorway (c500m from the site). It is understood the new drainage system would route through land under the ownership of the highway

authority. This would require separate consents from the local highway authority and the Lead Local Flood Authority for a new outfall to the watercourse (land drainage consent).

- 5.5.6 The applicant has set out that there may be two possible ways in which to manage surface water drainage on the site. Whilst both have their challenges and require further investigation, it would be unreasonable to resist the application on the grounds the site cannot drain as such an argument could not be substantiated at this stage. However, it is imperative the applicant undertakes thorough investigations and further percolation testing over the winter period to explore their first option for an infiltration only based system. If this fails, the applicant would then need to obtain all necessary consents to discharge to the watercourse and provide full details of either drainage scheme before any development commences on site. In the circumstances a pre-commencement condition is deemed necessary to ensure the development can drainage without causing a flood risk elsewhere.
- 5.5.7 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. United Utilities has raised no objection to this but insists surface water drainage does not connect to the public sewer in Main Road.
- 5.5.8 The highway authority has also made it clear any exceedance flows would not be permitted on the local highway network. It is understood this is due to existing flooding that occurs on Main Road in the vicinity of the site entrance. Accordingly, the applicant will need to ensure exceedance flows can be captured on site through the use of additional sustainable drainage features and/or directed elsewhere and away from other property. It is also anticipated that to deliver an infiltration based scheme on site, and accounting for the land level changes, a series of drainage features may be required to help slow flows and gradually capture surface water as it flows downhill, such as swales or a series of attention/infiltration basins stepping down the site. The local planning authority would expect these features to be mainly above ground features in accordance with good design and emerging policy. The applicant will also need to be aware that the provision of soakaways for infiltration also needs to be located certain distances (usually 5 metres) from property and roads. When combining these factors, it is highly likely that more land will be required on the site for sustainable drainage features. This will affect the layout and number of units capable of being accommodated on the site. Consequently, it is deemed necessary that as well as the drainage scheme being submitted and approved before any development takes place, it is submitted and determined concurrent to the first reserved matters application.
- 5.5.9 Subject to the imposition of pre-commencement conditions to secure the final drainage scheme (and other conditions relating to management and maintenance and verification the approved scheme has been implementation), it is accepted the site can be capable of being drainage without causing a flood risk off site in compliance with national and local planning policy.
- 5.6 **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); Development Management DM) DPD DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being).**
- 5.6.1 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.
- 5.6.2 **Residential Amenity**  
The proposed development has the potential to impact existing residential development on Ashmeadow Grove, Ashmeadow Road, Springfield Gardens and Halton Road. It is acknowledged many local residents have objected over concerns relating to overlooking, loss of privacy and overshadowing. For outline planning application where layout and scale are not for determination (as is the case here) it is not possible to determine whether the development would or would not

cause adverse impacts on neighbouring residential amenity. This is a matter to be determined at reserved matters stage in accordance with the standards set out in policy DM29, specifically relating to necessary interface distances (accounting for land level differences) and garden sizes. It will be important that the scale of development (in terms of the heights of dwellings) equally has regard to the scale and character of neighbouring properties and the rising topography of the site to ensure new development is not overbearing and oppressive to existing residents. The indicative layout plan is deficient in terms of suitable amenity standards when accounting for the level changes and would not be acceptable at reserved matters stage. However, this is only one way of potentially developing the site. There is nothing to suggest an alternative layout, which may or may not require a reduction in dwellings numbers, could not meet the requirements of policy DM29 and achieve a high standard of amenity for existing and future residents at reserved matters stage. In this regard, the impacts of the development on existing residential amenity would not be a reason to resist this outline planning application.

5.6.3 Subject to the final number of dwellings proposed, the layout and scale (reserved matters), it is considered that the development can be accommodated on the site without having a detrimental impact on the amenity of neighbouring properties. It is acknowledged that there will be a level of disruption during construction which is unavoidable, however measures can be put in place to help mitigate the impact such as the submission and approval of a Construction Environmental Management Plans, including hours of construction.

5.6.4 Noise

The relationship of the site to the adjacent quarry has already been considered in respect of noise under the 'principle of development' section of this report. The submitted acoustic report has thoroughly considered the potential impacts associated with the quarry, in particular noise and vibration. This determines the existing environmental controls regulated through the existing planning permission for the quarry itself, will secure no observed adverse effect levels on the future residents without the need for any mitigation forming part of the proposed development. In relation to vibration, blast monitoring data has been obtained from a nearby quarry operating in the same manner and under the same ownership as the nearby Dunald Mill Quarry. The submitted assessment concludes vibration from the blasting process would not result in adverse impacts to existing and future residents in accordance with the relevant guidance and based on existing controls through the original planning permission for mineral extraction. Furthermore, the proposed development will be located further away than existing properties, so it is reasonable to assume vibration levels would be lower at the development site. There are no objections from the Council's Environmental Health service in this regard. It is considered the development accords with the requirements of DM29 and paragraph 191 of the Framework in respect of securing good standards for amenity for future residents, their health and quality of life.

5.6.5 The site is also located adjacent to the Limeburner's Arm public house. The acoustic assessment submitted by the applicant has not considered any potential noise impacts from the Limeburner's Arms. There is a beer garden to the rear of the pub (with unrestricted hours of use), and it is currently licensed to operate 7 days per week until midnight. The proposal for housing adjacent to the public house could give rise to amenity issues in the future. The Council's Environmental Health Service have considered the relationship between the development and the Limeburner's Arms and note that the indicative plan shows dwellings in close proximity to the pub and beer garden, albeit not significantly closer than nearby existing residential receptors. The public house does not currently operate in such a manner to cause significant adverse impacts. Indeed, the EHS indicate they have not received any complaints about noise associated with the Limeburner's Arms and in view of this they would not be unduly concerned about the potential for unreasonable noise impacts associated with its current operation. If in future any expansion/redevelopment of the pub was to occur, then any noise impacts associated this would be considered at that time, either through the planning system or by any required applications under the Licensing Act 2003 (or using the existing Premises Licence). Nevertheless, any future reserved matters application should carefully consider the relationship of the development to the public house and should ensure there is a suitable interface and spatial buffer in this location.

5.6.6 Contaminated land and land stability matters

Paragraph 189 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 190 goes on to state that where a site is affected by contamination or

land stability issue, responsibility for securing a safe development rests with the developer and/or landowner. In this case, it is recognised there have been concerns raised by local residents over the sloping nature of the site and the risks to existing retaining features associated with other property and the need to retain the new access arrangements. It remains the developer's responsibility not to cause any damage to surrounding property during construction. Siting new development and their foundations sufficiently far enough away from site boundaries will clearly minimise the risk. The precise details of the site levels, new retaining features will also be secured by planning condition to ensure the development is of an acceptable and safe design. A detailed contaminated land site investigation has been carried out which identifies potential contaminants of concern with respect to the development of the site for residential use. The risks are considered to be low with the no specific mitigation proposed, save for radon protection measures and a watching brief for any unforeseen contamination. The Council's Environmental Health Service has raised no objections and have not recommended conditions associated with land contamination. Notwithstanding this, it is recommended to include a condition to carry out the development in accordance with the submitted site investigation and for the validation of any measures required in the event of unforeseen contamination being encountered during construction.

5.7 **Open Space** NPPF Chapter 8 (Promoting Healthy and Safe Communities including Open Space and Recreation), Chapter 12 (Achieving Well-Designed Places) and Development Management (DM) DPD policies: DM27 (Open Space, Sports, and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being)

- 5.7.1 The provision and access to open space is strongly encouraged in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies DM27 and DM57 of the DM DPD. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of open space requirements, it recognises the importance open space and landscaping when promoting good health and well-being.
- 5.7.2 The site does not form part of any designated area of open space, nor are there any formal open space allocations adjacent to the site. There is currently no public access within or through the site to connect to the wider countryside and the network of public rights of way. As such, there are no direct impacts arising from the development on protected open space. The village green provides the closest area of protected open space. This includes amenity greenspace, an outdoor playing pitch and an equipped play area. The play area has partially been upgraded by the Parish Council. There is no young persons' provision within the village.
- 5.7.3 Policy DM27 requires development proposals located in areas of recognised deficiency to provide contributions towards open space, sports, and recreational facilities either on or off site. This should be in accordance with the standards and thresholds set out in Appendix D of the DM DPD. All new development must provide amenity greenspace as a matter of good design and place making.
- 5.7.4 The proposed development shall provide on-site amenity greenspace as a matter of course. The amount and layout of such shall be secured by legal agreement but determined at the reserved matters stage. For development proposals over 35 units, equipped play areas are required on site. However, given the rural location of the development and the provision of the existing play area at the nearby village green, it is considered more beneficial to the wider public to secure a financial contribution towards improvements and enhancements to the existing play facilities in the village. The applicant has also agreed off-site financial contributions towards young persons facilities and improvements to the playing pitch at the village recreation grounds. The Council's public realm team had indicated the contributions could also be spent at the school fields. However, community use of these facilities outside of school hours is unknown and therefore it has been determined that the required contribution would be best spent at the village green only. In respect of the requested Parks and Gardens contribution there has been little evidence provided to confirm what the project is and what the contribution would be used towards, Therefore, this contribution request is not supported as it would fail the tests for a planning objection. Subject to the provision of on-site amenity greenspace being provided as part of the development (and designed at reserved matters stage)



and the provision of financial contributions towards the improvement and enhancement of the existing equipped play area, provision of young persons facilities and improvements to the playing pitch at the village green, the development fully conforms with the requirements of policy DM27, DM57 and DM58 of the DM DPD and the NPPF. The provision of off-site open space contributions provides benefits to the wider community which should be afforded moderate weight in the planning balance.

5.8 **Housing needs, 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).

5.8.1 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.

5.8.2 Given the acute under supply of deliverable housing against our housing requirements, the provision of new residential development (in this case up to 51 dwellings) is a significant benefit of the proposal that must be given significant weight in the overall planning balance.

5.8.3 Policy DM1 requires new residential development to meet identified housing needs that accords with the Council’s latest Strategic Housing Market Assessment (SHMA). The applicant is not seeking to address any specific localised housing need in the village or wider Parish. The application is not supported by any up-to-date village housing needs assessment. Therefore, the required housing mix will be based on the district wide housing needs set out in the SHMA and the indicative mix within table 4.1 of the Development Management DPD (copied overleaf).

Property Type	Market (%)	Affordable (%)
House (2 bedrooms)	20	30
House (3 bedrooms)	35	20
House 4+ bedrooms	25	5
Bungalow	10	10
Flat/apartment (may include 1 bedroom houses)	10	35
Total	100	100

**Table 4.1:** Table to show the indicative approach to housing mix across the District (Lancaster CC 2018)

5.8.4 Owing to the outline nature of the proposal, the details of the housing mix are unknown at this stage. To ensure compliance with policy DM1, it is necessary to impose a planning condition to require the precise details of the housing mix, types, and sizes to be agreed concurrent with the reserved matters application.

5.8.5 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). To secure these standards at the detailed design stage (reserved matters) planning conditions are proposed as part of this recommendation.

5.8.6 Policy DM3 sets out the requirements for affordable housing for all new residential development. For development proposals over 10 units on greenfield sites in the Rural East (including the Kellet’s) there is a 40% on-site affordable housing requirement. The applicant is committed to meeting their affordable housing obligations. This requirement shall be secured by planning obligation requiring 40% of the total number of dwellings to be for affordable occupation in accordance with an affordable housing scheme to be agreed at reserved matter stage. The planning obligation will set out the



triggers for implementation and transfer to a registered providers to secure the affordable homes in perpetuity. The provision of affordable housing is a significant benefit of the development, which attracts significant weight in the planning balance, particularly in light of current under supply.

- 5.9 **Cultural Heritage NPPF Chapter 16 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings) and DM42 (Archaeology).**

The application site sits on the boundary of the Nether Kellet Conservation Area with a small section within the Conservation Area where the access is proposed onto Main Road. There are listed buildings and non-designated heritage assets in close proximity to the site. Accordingly, a Heritage Statement has been submitted, which considered the significance of the relevant heritage assets and the effects of the development on the significance of identified assets.

- 5.9.1 The Local Planning Authority has a statutory duty to consider the impact of these proposals on the Conservation Area under section 72 of the Planning (Listed Buildings and Conservations Areas) Act (1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is supported by paragraphs 195-204 of the National Planning Policy Framework, and by policy DM38 of the DM DPD. Policy DM38 requires that proposals preserve or enhance the character and appearance of the Conservation Area, and in particular that they do not *'have an unacceptable impact on...open spaces...including important views into and out of the area.'* There are also statutory duties under sections 16 and 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to consider the impact of the proposals on the adjacent Listed Building and to ensure that its setting is preserved. This duty is similarly echoed by NPPF paragraphs 195-204, and by policies DM37 and DM39 of the DM DPD. Policy DM37 states that *'The significance of a Listed Building can be harmed or lost... through development within its setting. Any harm (substantial or less than substantial) ...will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'* The impact of the proposed development on non-designated heritage assets must also be considered in light of NPPF paragraph 209, and a balanced judgement reached with regard to the scale of harm or loss and the significance of the asset. Policy DM41 supports this obligation, and further requires that *'Proposals affecting the setting of a Non-Designated Heritage Asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.'*
- 5.9.2 The Conservation Area comprises the historic core of the village of Nether Kellet. The Conservation Area was designated for its medieval origins, irregular arrangement around a village green, retention of 17th to 19th century houses, cottages, barns and public house, and its rural industrial and agricultural associations. The historic parts of the village are predominately characterised by linear development in a hollow along Main Road. The overriding character of the historic part of the village is the prevalent use of sandstone walling with pitched slate roofs and vernacular construction. The village has also seen twentieth century development expand up the slopes either side of Main Road giving rise to a more dispersed settlement pattern. The Council's Conservation Officer considers the setting of the Conservation Area to be formed by rising agricultural land which creates a sense of inwardness and enclosure around the village green and Main Road.
- 5.9.3 Opposite the proposed site sits 41 Main Road, a Grade II Listed Building. The building is an 18th century house of rubble construction. The Council's Conservation Officer states the significance is derived from the evidential value of its vernacular form and means of construction, and the aesthetic and illustrative values of its resultant appearance. Its setting is formed by its immediate context on Main Road, including The Limeburner's' Arms and stone boundary wall opposite, which share its vocabulary of materials and forms thereby contributing to illustrative value. The setting of this property is compromised to a certain degree by the extent of tarmac hardstanding to its frontage to provide parking.
- 5.9.4 Immediately adjacent to the site is The Limeburner's' Arms, a non-designated heritage asset. It is an early 19th century public house, which appears as such on the Tithe Map of 1840. It is considered that its significance primarily relates to its association with lime burning in Nether Kellet, which was an important local industry in the 18th and early 19th centuries. The building holds some aesthetic

and illustrative value as what is likely an early 19th century remodelling of an earlier building on the site. Its setting is formed by the surrounding buildings on Main Road, and by the sloping fields (the application site) site which forms its backdrop to the rear.

- 5.9.5 Opposite The Limeburner's Arms, St Mark's Church is a modest chapel of ease dating to the latter half of the 19th century. The building is a non-designated heritage asset. The building's significance lies in its illustrative value as evidence of the continuing role of the church in rural communities throughout the 19th century, and to a lesser extent, its aesthetic value as an unusually diminutive and humble church building. Its setting is made up of its small curtilage, bounded by a low stone wall, rising open land to the rear, and buildings on Main Road to the front; these allow the building's position and function in the settlement to continue to be appreciated.
- 5.9.6 Nether Kellet Congregational Church is situated to the north of the proposal site. The building is also considered a non-designated heritage asset. It sits back from the road, with an ancillary building projecting at right angles towards the road. It is a landmark building in the Conservation Area of aesthetic and illustrative value. Its setting is formed by its immediate curtilage fronting Main Road, and by 47 and 49 Main Road to its west, which place it in its historic context. The proposal site forms part of oblique views of the building from Main Road to the north-east but makes a limited contribution to significance.
- 5.9.7 *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation"* (paragraph 205 of the NPPF. It is considered that the proposed development would result in the loss of the existing stone wall to Main Road, which would lead to minor harm to the significance of the Conservation Area and the setting to 41 Main Road. This harm can be mitigated to some extent by the reuse of the existing stone (or reclaimed natural limestone) to form a new retaining wall around the new access. The precise details of the appearance of the access stone wall shall be controlled by condition. Nevertheless, there remains harm which is considered to be less than substantial harm.
- 5.9.8 The construction of new housing development on the application site will lead to the loss of agricultural land and historic field patterns, which currently contributes to the rural setting of the village and the Conservation Area. The development will be elevated above the historic core around Main Road and the village green and will affect views into and across the Conservation Area. The sense that the village sits in a hollow would be diluted, as development creeps up the slopes enclosing the historic built environment, compounded by increased artificial lighting associated with the development. It is therefore considered that there would be minor-moderate harm to the significance of the Conservation Area via setting. It is contended that this harm could be mitigated to a certain extent by high quality housing design, traditional use of materials and a sensitive approach to scale, layout, and landscaping. These are matters pertaining to reserved matters. Nevertheless, there remains harm which is considered to be less than substantial harm.
- 5.9.9 In the case of non-designated heritage assets (NDHAs), it is considered that the development would have a neutral impact to the setting of the St Mark's Church and Nether Kellet Congregational Church. However, the significance of the Limeburner's Arms, via its setting, would be adversely affected by the development. The council's Conservation Officer considered the level of harm to be moderate, as the historic and rural setting would be replaced by modern development rising up behind the public house. Again, there is scope to mitigate against some of the harm through appropriate design, layout, scale, and use of materials at the reserved matters stage. It is also relevant to note that whilst the rural and agricultural backdrop to the public house contributes to the significance of its setting, the current condition of the application site (in some areas) does not positively contribute to the setting of the Limeburner's Arms at present. Paragraph 209 (NPPF) requires a balanced judgment having regard to the scale of the harm and the significance of the heritage asset. The development of the fields behind the Limeburner's Arm will lead to moderate to minor (at reserved matters stage subject to good design) to the significance of the NDHA via its setting, which results in conflicts with policy DM41 of the DM DPD.
- 5.9.10 In the case of designated heritage assets, paragraph 208 of the Framework states that 'where a proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. The Council currently has a significant undersupply of deliverable housing sites and Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that

a sufficient amount and variety of land can come forward where it is needed. This site is located within an identified Sustainable Rural Settlement and would provide 40% affordable homes which is a significant public benefit. The proposal also includes other public benefits, including enhancements to the village play area and recreational facilities and improvements to the pedestrian environment through the proposed traffic calming scheme along Main Road.

- 5.9.11 Taking into account the public benefits of the development of up to 51 dwellings in this location, including the affordable units, it is considered that this outweighs harm that has been identified to the significance of the identified heritage assets. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.
- 5.10 **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)).
- 5.10.1 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.
- 5.10.2 **Habitat Regulations Assessment**  
The site is located approximately 2.6km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. 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.
- 5.10.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas 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 sewer networks in the highway towards the culverted watercourses which provide potential pathways to the designated areas. For impacts during the operational phase, this requires the implementation of a suitable foul and surface water drainage scheme and the provision of homeowner packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of alternative areas for recreation, in particular dog walking. These measures shall be controlled by planning condition. Natural England has been consulted on the Council's Appropriate Assessment but has yet to provide their statutory comments. Subject to Natural England concurring with our conclusions, it is considered the development, with mitigation, would accord with the requirements of the Habitat Regulations, strategy policy SP8 and policy DM44 of the DM DPD.
- 5.10.4 **Ecological Impacts**  
The application has been supported by a preliminary ecological appraisal (PEA). This concludes the site comprises poor semi-improved grassland bound by a combination of species poor and species rich hedgerows, some which contain trees. The site also includes two mature Ash trees and two younger Cherry trees that sit in the lower most field. The PEA concludes the grassland is of low

ecological value. The PEA considers the existing hedgerows priority habitats and recommends their retention. The PEA has assessed the impacts on protected species. The buildings and trees on the site have been assessed for bat roosting potential. No evidence of bats were recorded during the surveys with all the buildings assessed as having negligible bat roosting potential. GMEU are satisfied with the findings of the report, with the exception that one Ash tree, indicated to be removed on health and safety grounds, would require a further bat survey in the event it is removed. It is accepted this could be the subject of condition. In relation to other species, a scheme for reasonable avoidance measures would be satisfactory. The PEA sets out the following mitigation in order to minimise the ecological impacts of the development:

- CEMP setting out RAMS during constructions.
- New bat roosting provisions to be incorporated into the development.
- Sensitive lighting scheme
- No vegetation clearance during bird nesting seasons
- Pre-fell bird/bat surveys for the Ash Trees if removed.
- Compensatory native landscaping scheme with hedgerow retention where possible and landscaping which provides habitat connectivity.

Subject to conditions securing the above mitigation, it is contended the development would not conflict with policy DM44 and mitigation can be secured to ensure there is no significant adverse effect to protected species or priority habitat. The landscaping scheme which will form part of the reserved matters application must have regard to the requirements of the PEA the relevant ecological conditions. The layout of the development should be based on a greater level of retention of the historic hedgerows.

#### 5.10.5 Trees and Hedgerows

The application has been supported by an Arboricultural Impacts Assessment (AIA) and Tree Survey. This has been updated during the consideration of the application in an attempt to correct discrepancies between the plans and the AIA and also what exists on site. The submissions remain poor with uncertainty remaining over what sections of the hedgerow in the centre of the site (group 1) would be removed and what could be retained. Group 1 (category B) is a significant group of mature Hawthorn, Hazel, Elder and Blackthorn trees up to 6m in height and form important landscape feature. These groups of trees are considered Important Hedgerows and have recently been partly removed and damaged, claiming they were carrying out coppicing and laying in accordance with traditional hedgerow management. This is a separate issue the Council are dealing with and monitoring. Currently, the damaged sections have been fenced to allow regeneration.

5.10.6 Important Hedgerows they should be retained and enhanced wherever possible, but in this case, it is accepted there will be some removal (as minimal as possible) of Group 1 to widen the gap between the two main field enclosures to provide access. T7 and T8 (the mature Ash trees) are marked as category U trees due to their poor arboricultural condition (signs of Ash die-back). These trees form very important landscape features therefore their retention is desirable. However, it is inevitable they will need to be removed in the future. The reserved matters application will need to ensure there is sufficient space around these trees (if retained in the short term) and space within the site for considerable replacement planting when they need to be removed. T2 and T3 (category C2 trees) along the site frontage will need to be removed to facilitate the site access, along with the privet hedgerow (category B2). Hedgerows 1, 2, 3, 4 and 5 capable of protection and retention as they form the field enclosure and site boundaries.

5.10.7 The Council's Arboricultural Officer originally objected but now maintains concerns over how the site will be developed at reserved matters stage, noting the landscaping should drive the design of the development and not the other way around to create places for people and wildlife and not just buildings.

5.10.8 The tree losses and hedgerow removal to form the site access on to Main Road would not lead to unacceptable impacts, with the losses capable of being compensated for as part of the landscaping proposals at reserved matters scheme in accordance with policy DM45 of the DM DPD. Given the discrepancies with the AIA it is considered appropriate and necessary for an updated AIA and tree protection/retention plan to be provided for approval concurrent with any subsequent reserved matters application.

5.10.9 Landscaping is not a consideration in relation to the outline proposals. Therefore, there remains scope to ensure existing trees and hedgerows are retained, protected, and enhanced and better

incorporated into the layout of the development and new landscaping provides improved ecological links to existing landscape features within and around the site. There are no substantive grounds to resist this outline application on the grounds of unacceptable impacts on trees and hedgerows.

5.10.10 **Biodiversity Net Gain (BNG)**

The submitted application is not subject to mandatory BNG and is exempt because of when the application was submitted. However, the NPPF and Local Plan policies still encourage new development to make positive contributions towards BNG.

5.10.11 The application has been supported by an updated Biodiversity Net Gain assessment (July 2024, 2024). The site comprises a mix of area habitat (6.76 biodiversity units) and linear habitat (3.82 biodiversity units). 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 (this includes at least 24 medium sized urban trees and approximately 87m of two staggered rows of native hedgerow planting 40-60cm in height) it is possible to achieve net gains in biodiversity over 10% for area habitat (13.56%) and linear habitat (15.34%). This is based on one of the indicative plans and is subject to change.

5.10.12 Our ecology advisor, GMEU, has raised no objections to the proposal. GMEU do indicate there are potential areas of disagreement in relation to the BNG outcomes (and the metric inputs), but there is agreement that this is an outline application which has the potential to achieve BNG on site at the reserved matter stage. Subject to the imposition of planning conditions and a planning obligation to secure net gains in biodiversity on this site, it is contended that proposals accord with the requirements of policy DM44 and the Framework.

5.11 **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).**

5.11.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Despite the lack of school places being a concern to some local residents objecting to the development, Lancashire County Council's School Planning Team (the local education authority) has assessed the proposal and confirmed no school places (financial contributions) would be sought from this development.

5.11.2 The NHS Integrated Care Board (ICB) has made representations to the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 132 new patient registrations based on based on an average household size of 2.4 for 55 dwellings, which generates a contribution of £33,178. Given the outline nature of the application, the figure would be recalculated at reserved matters stage. Indeed, the maximum number of units for this development would now be 51 units therefore reducing the figure currently set out in the consultation response.

5.11.3 The ICB recognise that the growth generated from the proposed development would not trigger consideration of commissioning a new general practice; however, the ICB states the '*proposal would trigger a requirement to support the practice to understand how growth in the population would be accommodated and therefore their premises options.*' Therefore, it is not clear how the contribution would be used. The response contradicts this point and suggests the project would be towards extensions and reconfiguration at Ash Tree Surgery Carnforth for additional clinical capacity. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project and an understanding the named GP Surgery has capacity to expand, means the NHS request for contributions cannot be accepted at this time and would not be CIL compliant. Failing to secure the contribution would amount to an objection from the NHS ICB.

5.12 **Sustainable Design and Renewable Energy NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 14 (Meeting the challenge of climate change, flooding, and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)**

- 5.12.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the district and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.12.2 An Energy Statement has been submitted with the application. This sets out what renewable and low carbon options are available and potentially viable for the development but does not provide a clear position on what will be provided as part of the development. However, it does commit to adopt a 'fabric first' approach which would exceed minimum requirements of Part LA 2013 building regulations. It is understood Building Regulations have been updated so it is unclear whether the development would exceed current standards or not. It is acknowledged that Policy DM30 only requires high standards of design to be encouraged, and that the current application is at outline and therefore the detailed design of the dwellings is not currently known. Although, if measures are to be sought, they need to be conditioned at the outline stage although the design of the buildings, layout and orientation will also be relevant to this at reserved matters stage. It is therefore considered that a statement setting out energy efficiency and sustainability measures should be conditioned to ensure that these are incorporated into the final design as far as possible.

## **6.0 Conclusion and Planning Balance**

- 6.1 In accordance with the strategic development strategy for the district, the application site is located in a sustainable rural settlement where housing growth is supported in principle. The provision of up to 51 dwellings at a time when the Council cannot demonstrate an adequate supply of housing, weighs substantially in favour of the development. In addition, the proposal will provide 40% affordable dwellings. The provision of market and affordable housing attracts significant weight. Other benefits arising from the development include traffic calming measures, footway provision and improvements to the pedestrian environment along Main Road, together with upgrades to the local bus stops. The proposal also includes contributions to make off-site improvements and enhancements to the equipped play area, the provision of new young persons' equipment and improvements to the playing pitch at the village recreation area benefiting the wider community as well as future residents of the development. This should be afforded moderate weight. 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 in favour of the development.
- 6.2 The applicant has demonstrated a safe and suitable access can be provided and the impacts of development traffic would not lead to safety concerns or have residual cumulative impacts that would be severe on the network. Subject to pre-commencement conditions, it has been demonstrated that there are options available to ensure the development can be drained sustainability and without causing a flood risk elsewhere. With mitigation, the impacts of the development on protected species are considered acceptable with the applicant demonstrating there is sufficient scope to secure net gains in biodiversity at the reserved matters stage. It has also been demonstrated and assessed that the development would not compromise the operation of the adjacent quarry or public house and that acceptable standards of amenity for existing and future residents should be capable of being secured as part of the reserved matters. In relation to these matters, the proposals confirm to the aims and objectives of the relevant local plan policies and the NPPF.
- 6.3 The main issues weighing against the proposal relate to the localised landscape impacts and the less than substantial harm identified to the setting of the Conservation Area. The harm to the landscape and the countryside area is potentially capable of being minimised through embedded design mitigation at the reserved matters stage, though the loss of countryside cannot be mitigated in full. It is considered that the proposal will cause harm to the significance of Nether Kellet Conservation Area through development within its setting. It is considered that this harm could also be minimised to some degree through good design although harm will still exist. However, it is considered that this harm is outweighed by the public benefits of the scheme, in particular the

provision of both market and affordable housing in the context of a significant undersupply of housing land. The adverse effects arising from the construction phases of the development on both the amenity of the area and nearby residents are temporary and can be minimised through appropriate construction method statements. Therefore, the harm arising from this is afforded only limited weight in the planning balance.

6.4 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.

6.5 On balance, whilst the development is considered to cause less than substantial harm to the setting of designated heritage assets, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. The harm to the setting of the Conservation Area and the other identified adverse impacts set out above (localised landscape harm and loss of open countryside) would not significantly and demonstrably outweigh the benefits. The delivery of housing, and a 40% affordable housing provision, weighs strongly in favour of the proposal. Given the significant undersupply of housing within the district, it is considered that these benefits and the other benefits identified above, do outweigh the harm caused through the impacts on the setting of the heritage assets and the location of the development within the open countryside. On this basis, it is recommended that planning permission should be granted.

**Recommendation**

Subject to Natural England concurring with the Council's HRA, that Outline Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured and the following planning conditions:

The legal agreement shall secure:

- Provision of a 40% affordable housing, with precise details determined at reserved matters stage.
- Financial contributions for open space calculated at reserved matters stage to go towards the equipped play area, provision of young persons facilities and improvements to the playing pitch at the village recreation area.
- Provision of on-site amenity greenspace.
- Setting up of a management company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure, on-site open space, and on-site watercourses
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, which continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management and investigation of peat on site and scheme for compensation/re-use.

subject to the following conditions:

Condition no.	Description	Type (indicative)
1	Timescale for submission of reserved matters application	Standard

2	Development in accordance with Approved Plans (location plan and access)	Standard
3	Final surface water sustainable drainage strategy to be submitted	Pre-Commencement
4	Construction surface water management plan	Pre Commencement
5	Construction Environmental Management Plan	Pre Commencement
6	Employment and Skills Plan	Pre Commencement
7	Details of finished floor and site levels (including gardens and open space) and any retaining structures	Pre Commencement
8	Precise scheme for ecology mitigation	Pre Commencement
9	Precise details of site access and associated off site highway improvements	Pre Commencement
10	Precise design details of the site access retaining walls and railings including scaled dimensions, materials, and stonework details (and sample panel).	Pre Commencement
11	Updated Arboricultural Implications Assessment/ Tree Protection Plan	Pre Commencement and concurrent with first reserved matters
12	Details of housing mix to accord with policy DM1	Pre Commencement and concurrent with first reserved matters
13	Details of the internal estate roads	Prior to commencement of estate roads
14	Scheme for external lighting (street lighting and lighting of any open space)	Above Ground
15	Scheme for the final energy efficiency and sustainable design measures for each dwelling	Above Ground
16	Sustainable drainage system operation and maintenance manual.	Pre Occupation
17	Contaminated land verification report based on mitigate in Site Investigation and unforeseen contamination.	Pre Occupation
18	Verification report of constructed sustainable drainage system.	Pre Occupation
19	Details of the homeowner packs	Pre Occupation
20	Requirements of M4(2) accessibility and adaptability, space standards	Control
21	Provision of turning and parking	Control
22	Limit to maximum of 2 storey	Control
23	Protection of visibility splays	Control

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

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

### **Background Papers**

None



<b>Agenda Item</b>	A6
<b>Application Number</b>	24/00948/VCN
<b>Proposal</b>	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (pursuant to the variation of condition 2 on planning permission 20/00358/OUT to amend the location of the pedestrian access)
<b>Application site</b>	Land At Grid Reference E349246 N471955 Sand Lane Warton Lancashire
<b>Applicant</b>	Oakmere Homes
<b>Agent</b>	Mr Daniel Hughes
<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval subject to a deed of variation to the existing Section 106 Agreement

## 1.0 Application Site and Setting

- 1.1 The site relates to approximately 0.7 hectares of undeveloped grassland field within the village of Warton. The site lies to the southwest of the main village centre and to the northwest of Sand Lane, with existing residential properties opposite. Sand Lane functions as the main vehicular route between Silverdale and Warton. Undeveloped agricultural land lies to the North of the site, with the Warton Crag Quarry Nature Reserve located approximately 500 metres further north. In terms of topography and undulation, the site's levels fall from the southwest to the northeast by approximately 7 metres across a 100 metre section. This gives the appearance of a gentle slope as opposed to a steep gradient.
- 1.2 On its southeast boundary, the application site is bounded by an existing hedge adjacent to Sand Lane and the northeast boundary of the site comprises an existing hedgerow. A public footpath (FP2) runs parallel to the site's northeast boundary which affords walking links to Crag Road before tracking West to connect to New Road. The existing footpath link (FP2) is to be retained and is not to be relocated or diverted as a result of this development.
- 1.3 The site is located within the Arnside and Silverdale National Landscape (formally Area of Outstanding Natural Beauty) and the Countryside Area as identified in the Local Plan. Most of the site is within an allocation for residential development within the (site AS21 W88) within the Arnside and Silverdale AONB Development Plan Document.

## 2.0 Proposal

- 2.1 Outline planning permission was granted in February 2023 for the erection of up to 12 dwellings, with approval for the site access, following a resolution at planning committee in July 2021. This

application seeks to vary the requirements of condition 2 on the outline permission. Condition 2 relates to the approved plans and seeks to amend the vehicular access to solely one access point rather than two, remove a pedestrian access onto Sand Lane from the southwestern end of the site frontage, and introduce a pedestrian access to the public footpath to the northeast of the site. A previous application to vary the requirements of conditions was submitted earlier in the year. This application was refused but also related to more conditions and sought the approval of other matters.

**3.0 Site History**

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

Application Number	Proposal	Decision
24/00389/VCN	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (Pursuant to the variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 22 on planning permission 20/00358/OUT to revise the plans and provide further details)	Refused (under delegated powers)
24/00443/REM	Reserved matters application for the erection of 12 dwellings	Refused (under delegated powers)
20/00358/OUT	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses	Approved
20/00556/EIR	Screening request for the erection of up to 12no. dwellings	ES not required

**4.0 Consultation Responses**

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

Consultee	Response
Warton Parish Council	<b>No comments received</b>
County Highways	<b>No objection.</b>
Public Rights of Way Officer	<b>No comments received</b>
National Landscape Partnership	Consultation period expires 28 November 2024
Peak and Northern Footpaths Society	<b>Comments.</b> The use of any public right of ways and the safety of users must not be affected by the development, nor during the work taking place.
Ramblers Association	<b>No comments received</b>

4.2 Three responses have been received from members of the public which raise an objection to the proposal and set out the following concerns:

- **Designated landscape:** more suitable sites outside AONBs
- **Ecology/ biodiversity:** loss of hedgerows
- **Flood risk:** Increase risk of flooding to properties from runoff; impact on the road safety from runoff; implication to ground conditions from compaction during construction
- **Highway safety:** access to the site is on the bend/hill
- **Public right of way:** affect right of way for walkers; speed of vehicles using Sand Lane
- **Residential amenity:** overlooking due to position of proposed dwellings; impact during construction from dust, noise and traffic.
- **Loss of agricultural land:** the land is cropped and grazed
- **House prices**

One further response has been received which does not raise an objection or support the applications but raises the following concerns:

- Development on greenfield land
- Flood risk to existing properties from run-off

## 5.0 Analysis

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

- Highway safety
- Impact on the character and appearance of the area including the impact on the National Landscape
- Flood risk and drainage
- Impact on trees and ecology

5.2 **Highway Impacts:** NPPF section 9 (Promoting Sustainable Transport), Strategic Policies and Land Allocations (SPLA) DPD policies T2 (Cycling and Walking Network) Development Management (DM) DPD policies DM29 (Key Design Principles) DM60 (Enhancing Accessibility and Transport Linkages) and DM61 (Walking and Cycling)

5.2.1 The outline permission approved a main vehicular access to the serve the development, in addition to a second vehicular access which was anticipated to serve two dwellings. The current application seeks to amend the vehicular access into the site to provide one main access point, with a pedestrian access added to link from the site to the public footpath to the northeast. The vehicular access is proposed in a similar location to the main access previously approved and would have a footway on one side. County Highways have no objections and similar conditions can be imposed. It is therefore considered that this alteration will not have a detrimental impact on highway safety and provides an appropriate vehicular access to serve the development.

5.2.2 The pedestrian link to the public right of way would provide a slight improvement to the scheme. Couty Highways have advised that this aspect would not be considered for adoption, however it can be privately maintained through the management company that would be set up. A footway was previously shown further to the southwest of the site's frontage and it is not considered necessary to make the development acceptable, particularly given its relatively small scale. It also did not link directly to a footway.

5.2.3 Overall, the changes to the access, proposed by this application, are considered to be acceptable in terms of highway safety and comply with the relevant local and national planning polies.

5.3 **Design and Landscape Impacts** NPPF: sections 12 (Achieving well-designed and beautiful places) and 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN2 (Areas of Outstanding Natural Beauty); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact; Arnside and Silverdale AONB Development Plan Document 2019: Policies AS02 (Landscape), AS04 (Natural Environment), AS08 (Design) and AS21 (W88) (Land North West of Sand Lane)

5.3.1 The proposed amendments to the approved plans would remove one of the previously proposed vehicular accesses into the site, in addition to a pedestrian access. These both required the removal of sections of hedgerow. As such, the proposed changes will provide an improvement to the natural environment and the visual amenity of the street scene from the original approval. The proposed path within the site will occupy an area of open space to the front, however this would be behind a hedgerow and it is not considered that this would have a detrimental impact in visual terms. The pedestrian link to the public right of way will require the removal of a section of boundary wall. This would be a relatively small part of the wall and its loss is considered to be outweighed by the benefits of providing a link to the public right of way.

5.3.2 The proposed alterations to the approved accesses to the site are likely to provide some visual improvements, due to the opportunity to retain more of the hedgerow, and overall they are considered to be acceptable and comply with local and national planning policies, including those detailed above specifically relating to the National Landscape.

5.4 **Residential Amenity** NPPF sections: 8 (Promoting Healthy and Safe Communities), 12 (Achieving Well-Designed and Beautiful Places) and 15 (Conserving and enhancing the natural environment): Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.4.1 The proposed changes only relate to the accesses to the site and do not seek approval for the scale, layout or design of the dwellings, which would be considered at reserved matters stage. As such, it is considered that the proposal will not have a detrimental impact on residential amenity.

## **6.0 Conclusion and Planning Balance**

6.1 The principle of the development has been established through the granting of the original outline permission. This application seeks to amend the approved plans, covered by condition 2, in relation to the proposed access. This is the only matter which was approved by the original permission. It is considered that the proposed changes are acceptable in terms of highway safety, residential amenity and landscape impact and complies with the relevant local plan policies and the NPPF.

### **Recommendation**

That Permission BE GRANTED subject to a deed of variation to vary the original S106 Agreement to tie it to this permission and the following conditions, which includes the updated wording to condition 2 to cover the submitted plans:

Condition no.	Description	Type
1	Time limit and submission of reserved matters	Standard
2	In accordance with plans	Standard
3	Land contamination condition	Pre commencement
4	Submission of a surface water drainage scheme	Pre commencement
5	Submission of a surface water drainage scheme during construction	Pre commencement
6	Submission of access details	Pre commencement
7	Submission of site level details	Pre commencement
8	Hedge translocation and delivery of visibility splays	Pre commencement
9	Off site highway works	Pre commencement
10	Provision of pedestrian linkage	Pre commencement
11	Boundary treatments	Above ground level
12	EV points and cycle stores	Above ground level
13	Submission of foul drainage scheme	Pre occupation
14	Verification / maintenance for surface water drainage	Pre occupation
15	Ecological enhancements	Pre occupation
16	Homeowner packs	Pre occupation
17	Specification of internal estate road	Pre occupation
18	Ecological mitigation measures (site specific)	Control
19	Houses to be NDSS compliant	Control
20	Houses to be compliant with M4(2) Building Regulations	Control
21	Removal of permitted development	Control
22	Subject to the scheme agreed under condition 8, retention of hedge	Control

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

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

material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None

<b>Agenda Item</b>	A7
<b>Application Number</b>	24/00033/FUL
<b>Proposal</b>	Demolition of 3 existing garages, erection of a dwelling (C3) with associated landscaping and access
<b>Application site</b>	Land Between 3 And 5 Dalton Road Lancaster Lancashire LA1 3HD
<b>Applicant</b>	Lindsay Robertson
<b>Agent</b>	Mr Sam Edge
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Refusal

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the application was called in within 21 days of appearing on the weekly list of planning applications by Councillor Caroline Jackson who requested that the application be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 The site that forms the subject of this application is part of the rear gardens relating to nos 3 and 5 Dalton Road, 44 Grasmere Road and 41 Ullswater Road in Lancaster. The rectangular plot is occupied in part by three garages which are accessed off Dalton Road. The site also contains a number of trees and shrub planting and garden ponds. The site gradient increases from west to east between Ullswater Road and Grasmere Road. The area is characterised by a grid road pattern with properties of varying size but all in a dense terrace arrangement with long rear gardens. The front (southern) site boundary is largely formed by a natural stone wall which is softened by trees and planting within the site. The remaining boundaries are formed by a mix of treatments including fencing and hedge planting.

1.2 The site is within the Urban Boundary of Lancaster and is covered by an Article 4 Direction which restricts permitted development for the change of use of a dwellinghouse to a small house of multiple occupancy. The site is also susceptible to groundwater flooding (medium potential).

**2.0 Proposal**

2.1 This application seeks the demolition of 3 existing garages, erection of a 3-bed dwelling (C3) with associated landscaping and access.

2.2 The dwelling consists of two storey's and features a gable frontage and two gables to the side and is comprised of stone and render to the walls under a slate tiled roof. The dwelling also features solar panels and to the front roof slope and two chimneys to the side.

2.3 The garden area is located to the east of the dwelling whilst the parking and associated hardstanding will be located to the west.

**3.0 Site History**

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

Application Number	Proposal	Decision
23/00026/REF	Demolition of 3 existing garages and erection of two detached dwellings (C3) with associated landscaping, access and erection of outbuilding	Appeal Dismissed
22/00873/FUL	Demolition of 3 existing garages and erection of two detached dwellings (C3) with associated landscaping, access and erection of outbuilding	Refused
21/01250/FUL	Demolition of 3 existing garages and erection of two detached dwellings (C3) with associated landscaping, access and erection of outbuilding	Refused
14/00252/FUL	Erection of a single storey detached garden room	Permitted

**4.0 Consultation Responses**

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

Consultee	Response
Arboricultural Officer	<b>Objection</b> Trees to be lost make positive contribution to streetscene
County Highways	<b>No objection</b> Subject to submission of CMP, new dropped kerbs, parking areas and suitable surface water drainage scheme
Engineers	<b>No response</b>
Environmental Health	<b>No response</b>
Fire Safety Officer	<b>No response</b>
Natural England	<b>No objection</b> Subject to submission of homeowner pack
United Utilities	<b>No comment</b> Advice note to be attached

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

- **53 letters of objection**
- **1 letter of support**

Letters of objection included the following points:

- Impact on neighbouring properties/gardens in terms of overbearingness and loss of light
- Impact on neighbouring properties/gardens in terms of overlooking
- Detrimental visual impact on streetscene/character of the area and overdevelopment
- Loss of trees, biodiversity and greenspace
- Highway concerns relating to inadequate access, hazard to pedestrians, impact on street parking and increased traffic
- Impact on drainage and flooding both on and off site
- Impact and pollution from construction phase of development

- Proposal has not addressed previous reasons for refusal
- Set an unwanted precedent

Comments were also received relating to the loss of view and impact on house prices however, these are not material considerations in the determination of this planning application.

The single letter of support including to the following point:

- Improve local area

### 5.0 Analysis

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

- Principle of development
- Design and impact on streetscene
- Residential amenity
- Flood risk and drainage
- Trees and biodiversity
- Highways and parking
- Any other matters

5.2 **Principle of development** (NPPF Sections 2 and 5; Strategic Policies and Land Allocations DPD policies SP1, SP2, SP6; and Development Management DPD policy DM1)

5.2.1 The site is located within the urban boundary of Lancaster and lies adjacent to existing residential development and is close to existing public transport links. In accordance with policy SP2, the site is identified as being within a sustainable location where residential development can be accommodated.

5.2.2 The Council cannot demonstrate a five-year housing land supply (currently stands at approximately 2.4yrs) and policy SP6 identifies that an average of 685 dwellings per annum are required to meet the district's housing requirement need. A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. Policy DM1 also states that proposals must also accord with the Council's latest Strategic Housing Market Assessment (SHMA). In this respect, table 4.7 of the SHMA identifies a need for 2 and 3 bed detached units within this area of the district.

5.2.3 Therefore, given the current situation, the principle of low-level residential accommodation located in established garden areas within a sustainable location would be supported in principle. Notwithstanding this point, the proposal is still subject to all other relevant material considerations which will be discussed in the following sections.

5.3 **Design and impact on streetscene** (NPPF Section 12; and Development Management DPD policies DM29 and DM30)

5.3.1 In conjunction with Section 12 of the NPPF, policy DM29 states the Council will expect development contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. In addition to this, policy DM30 encourages development to deliver high standards of sustainable design.

5.3.2 The application proposes 1no. 3-bed detached dwelling and materials would comprise of natural stone to the front and side elevations with render to the rear under a slate roof and hardwood windows throughout. This choice of materials would be in keeping with that of the surrounding area and are considered acceptable in this location subject to the precise details being provided through condition.

5.3.3 In terms of scale, massing and design, the proposed dwelling would not reflect the terraced properties that make up the character of the area however, a similar single detached dwelling was



granted in 2002 under planning application 02/01318/FUL on the opposite side of the street The 2002 building is of a comparable scale and is of a similar design to what is being proposed here. Whilst the Council notes the public comments relating to how the proposal does not integrate itself into the streetscene and character of the area, considering the dwelling opposite the site and sympathetic choice of materials utilised within the scheme, it is considered that the provision of a single dwelling would not have a significant adverse visual impact on the area to warrant a refusal of consent on this ground alone. This is consistent with the approach adopted on the previous applications and whilst these were ultimately refused for various reasons, the applications were for 2no. detached dwellings and it was considered these were acceptable in terms of the design and their siting within the streetscene.

- 5.3.4 In terms of the scale of the overall area of the site, the proposed dwelling and garden would be sited on a parcel of land measuring c.370sqm. Due to the constraints of the site, the garden and parking areas have to be located to the sides of the property. The side garden would measure c.120sqm and would feature an 11m depth, whilst the parking to the other side would be of a similar scale. This outdoor space is considered proportionate to the scale and size of the dwelling and would not represent overdevelopment of the site.
- 5.4 **Residential amenity** (NPPF Section 12; and Development Management DPD policies DM2 and DM29)
- 5.4.1 Policy DM29 states that the Council will expect development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.
- 5.4.2 Considering the impact on the neighbouring properties, in comparison to the previous applications, this scheme has attempted to limit the impact by reducing the number of dwellings from two to one and by also siting the proposed building centrally within the site.
- 5.4.3 Elevated views from the proposed dwelling would be from both side (east and west) and front (south) elevations. The rear (north) elevation features no openings. Direct views east and west from the side elevations would be c.10m to the shared boundaries and c.21m to the nearest outriggers (the main dwellings are located c.25m away) of 5 Dalton Road and 44 Grasmere Road to the east and 3 Dalton Road and 41 Ullswater Road to the west. These distances are considered sufficient and meet the requirements outlined in policy DM29 in terms of separation distances. Whilst the proposed dwelling would not face directly to the gardens of 42 Grasmere Road and 39 Ullswater Road which are located just to the north of the site, the proposal is sited in close proximity to these boundaries (less than 2m), and it is likely that there would be angled views towards these garden areas. However, it is recognised that due to the close nature of the terraced properties combined with narrow gardens, there is already an element of mutual overlooking between gardens from the main dwellings that line both Grasmere Road and Ullswater Road. Therefore, any angled views from this proposed dwelling are unlikely to result in a significant adverse effect in terms of overlooking or loss of privacy on these garden spaces. Views from the front would be towards the highway and raise no significant concerns.
- 5.4.4 Considering the impact in terms of overbearingness and loss of light, as outlined above, the proposal is sufficiently distanced from the gardens and dwellings of 5 Dalton Road and 44 Grasmere Road to the east and 3 Dalton Road and 41 Ullswater Road to the west. This will ensure that these properties retain sufficient levels of light and that the proposed dwelling does not appear unduly overbearing when viewed from either the dwellings or garden spaces.
- 5.4.5 As outlined above in paragraph 5.4.3, the rear elevation of the property would be in close proximity to the gardens of 42 Grasmere Road and 39 Ullswater Road. The dwelling would run parallel to each boundary for c.6.5m and 5m. These gardens, like others in the vicinity, have a long and narrow layout. The siting of a dwelling in such close proximity to these gardens would appear overbearing to the occupiers and users of these immediate gardens and is also likely to have an impact on light levels considering the solar orientation. The overbearing impacts are also likely to be exacerbated by the rear blank elevation which spans c.4.2m in height and 11m in length as the lack of any visual animation is likely to appear oppressive when viewed from these viewpoints. Due to the narrowness of the gardens, it is also likely that the gardens beyond those closest to the application site would also be overshadowed. Whilst it is acknowledged that by reducing the number of dwellings from two

to one and siting it more centrally within the site, this has reduced the overbearing and loss of light impacts in comparison to the previous application. However, the dwelling still commands a large footprint combined with a two-storey height and as such has not sufficiently addressed the concerns highlighted on the previous application. Therefore, such a proposal is considered to be unduly harmful to the standard of living for the neighbouring properties with regards to overbearingness and loss of light.

5.4.6 Considering the amenity for the proposed dwelling and future occupiers, the internal layout would provide for c.120sqm spread over two floors which meets the minimum requirements outlined in the Nationally Described Space Standards and policy DM2. All habitable rooms are served with an outlook that is proportionate to the size and layout of the room to ensure suitable levels of light. As outlined in paragraph 5.3.4, the proposal cannot provide for a 10m deep rear garden, however, the garden space to the side does achieve this distance as well as providing for c.120sqm of space. This provides for a suitably sized outdoor space, and this would also be relatively well screened from the highway due to the large stone wall fronting the highway. As such, it is considered that the proposal can provide for a suitable level of amenity for any future occupiers of the building.

5.5 **Flood risk and drainage** (NPPF Section 14; and Development Management DPD policies DM33, DM34 and DM35)

5.5.1 As outlined in paragraph 1.2, the site is susceptible to groundwater flooding and is classified as having a medium potential. This is based on the data contained with the Council's Strategic Flood Risk Assessment. Policy DM33 requires proposals to minimise the risk of flooding to people and property by taking a sequential approach which directs development to the areas at the lowest risk of flooding and the policy notes that consideration should be given to all sources of flood risk. The policy specifically states *"New development will need to satisfy the requirements of the sequential test and exception test where necessary in accordance with the requirements of national planning policy and any other relevant guidance. Where proposals fail to satisfy the requirement of these tests they will be refused."*

5.5.2 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."*

5.5.3 When assessing flood risk and applying the sequential test, it is acknowledged that this matter was not raised on the previous applications. This is partly because the Council's overall understanding of the government's flood risk policies and guidance evolved and improved as a result of planning appeal inquiry. The outcome of this appeal, amongst other things, identified that the need for a sequential test is triggered for sites at risk from flooding from any source.

5.5.4 A flood risk assessment and sequential test was submitted by the agent during the course of this application. With regards to the sequential test, the document outlines that the applicant owns the site and nearby dwellings and there is little space for alternative development sites within close proximity. Whilst the content of this document is noted, this information lacks any significant detail. Land ownership is not a suitable reason to reduce the scope of the sequential test and as the application is for a single open market dwellinghouse, there is no justified reason why it must be located here. In addition, the test has failed to identify or rule out any other sites within the district that could accommodate a similar form of development. In the absence of an adequate sequential test, it cannot be concluded that there are no other sites available for the proposed development which are at a lower risk of flooding. Policy DM33 and the NPPF are clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

5.5.5 The flood risk assessment outlines that mitigation measures and engineering design can be implemented in order to demonstrate that the proposals would be safe for the lifetime of development. However, this represents an improper attempt to rely on the exception test set out in the NPPF.

- 5.5.6 Paragraph 169 of the NPPF is clear that, only if the sequential test is passed (i.e. it is demonstrated that it is not possible for the development to be located elsewhere at a lower risk of flooding), should the exception test then be applied and any site-specific flood risk assessment be taken into consideration. The NPPF is clear that the exception test comes after the application of the sequential test. Paragraph 169 states: *“If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.”*
- 5.5.7 The NPPG makes the point more forcefully. Paragraph 032 of the ‘Flood Risk and Coastal Change’ section states: *“The Exception Test should only be applied as set out in Table 2 and only if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered.”*
- 5.5.8 Given the sequential test is not passed, it would be improper to consider matters pertinent to the exception test (i.e. whether the scheme would provide wider sustainability benefits to the community that outweigh flood risk; and whether the development could be made safe for its lifetime, without increasing flood risk elsewhere). This is consistent with paragraph 031 of the NPPG, which states: *“The Exception Test is not a tool to justify development in flood risk areas when the Sequential Test has already shown that there are reasonably available, lower risk sites, appropriate for the proposed development. It would only be appropriate to move onto the Exception Test in these cases where, accounting for wider sustainable development objectives, application of relevant local and national policies would provide a clear reason for refusing development in any alternative locations identified.”* Essentially, the NPPG guides that, not only must the exception test come after the sequential test, but that it is inappropriate to even consider the exception test at all if the sequential test is not passed.
- 5.5.9 To conclude, the application has failed to provide for a substantial and robust sequential test and as such, the Council cannot be satisfied that there are no other reasonable available sites for the proposed development that are at a lower risk of flooding.
- 5.5.10 Policy DM34 sets out the Council’s approach to managing surface water and sets out the requirement for a positive approach towards sustainable drainage solutions which can be incorporated into the design of development. The Council advocates the use of the SuDS hierarchy which is set out in Policy DM34 of the Development Management DPD. Any proposed development should consider how the surface water arising from the site should be managed with SuDS measures given priority as any solution. DM35 states new development must demonstrate adherence to the National Planning Practice Guidance (water supply, wastewater and water quality) for sewerage infrastructure.
- 5.5.11 The application form and plans indicate that surface water is to be dealt with via a soakaway located under the proposed parking area with the size dependent on the result of percolation testing. Whilst the information provided is limited and no evidence has been provided to demonstrate that a soakaway would be a viable, given the location in an established residential area which is close to a main drain and sewer system, there is likely to be an achievable solution. This can be covered by condition and is consistent with the approach adopted by the planning inspector on the previous appeal. As such, it is considered that there would be no conflict with policies DM34 and DM35.
- 5.6 **Trees and biodiversity (NPPF Section 15; Strategic Policies and Land Allocations DPD policy SP8; and Development Management DPD policies DM44 and DM45)**
- 5.6.1 Policy DM45 states the Council will support the protection of trees and hedgerows that positively contribute, either as individual specimens or as part of a wider group, to the visual amenity, landscape character and/or environmental value of the location. New development should positively incorporate existing trees and hedgerows. Where this cannot be achieved the onus is on the applicant to justify the loss of trees and hedgerows as part of their Arboricultural Implications Assessment (AIA).
- 5.6.2 The AIA submitted with the application identifies that 8 trees are to be felled, 2 are categorised as C and 6 are categorised as U. To compensate for this loss, the scheme proposes 25m of hedgerow along the northern and western boundary as well 4 new trees to be planted in the garden to the side of the property.

- 5.6.3 Whilst there is a question mark over the categories given to some of the affected trees, it is clear from the constraints of the site that the trees cannot be retained as this would compromise the siting of the dwelling. In addition, the site can also not accommodate the replanting 3:1 ratio adopted by the Council's Tree Policy (2010) document. The proposed planting of 4 new trees and 25m of hedgerow would be contained within the site and this can be secured by condition. This is an improvement over the previous application and whilst the loss of the trees is regrettable, the loss will be partially mitigated by this replacement planting although these will take time to mature. It is also worth noting that these are trees located in domestic gardens and they are not protected by a tree preservation order nor are they located within a Conservation Area.
- 5.6.4 The submission includes an Ecology Report which includes an assessment of the site for protected species, specifically bats and great crested newts, found that there is little realistic likelihood of these species being present at the site. The garages and trees were inspected for Potential Roost Features but were found to be either narrow and featureless or with superficial features that offered no roosting potential. The report included various pre-cautionary conditions that can be attached to any planning consent.
- 5.6.5 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to get to the European designated sites of Morecambe Bay, which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI).
- 5.6.6 As a result of the proximity of the residential development to the sensitive site, it is considered that a proportionate Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document. The HRA concludes that without mitigation, the proposed development could have detrimental impacts upon Morecambe Bay SAC, Morecambe Bay & Duddon Estuary SPA and Morecambe Bay Ramsar site. However, with the implementation of the mitigation outlined above, it is considered that the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures in the form of homeowner packs can be adequately covered by a condition attached to any planning consent in consultation with Natural England.
- 5.7 **Highways and parking** (NPPF Sections 9 and 12; Development Management DPD policies DM29, DM60 and DM62)
- 5.7.1 Policy DM29 states that all development should incorporate suitable and safe access to the existing highway network and road layout design which is also reinforced by policy DM60.
- 5.7.2 The existing garages appear to be used in association with 3 and 5 Dalton Road and 41 Ullswater Road. Although domestic in scale and design, the overhanging vegetation and dilapidated nature of them suggests they are not frequently in use for motor vehicles entering and exiting the site. Notwithstanding this the proposal would result in the loss of garages which currently have the potential to provide off street parking. It is acknowledged that on street parking is at a premium in this location and although the development would result in the potential displacement of vehicles, the level is not considered to be significant enough to warrant a refusal. The proposal would require maximum of two spaces which is also shown on the proposed plan, and this would utilise part of the existing dropped kerb. The plans also indicate good levels of visibility for vehicles entering and exiting the site which is essential to ensure highway safety.
- 5.7.3 County Highways have raised no objection to the scheme citing the proposal would not have an unacceptable impact on highway safety, nor would the cumulative impacts on the road network be severe. A list of conditions has been suggested and could be included on any planning consent.
- 5.8 **Any other matters**
- 5.8.1 The majority of the comments are considered to have been covered in the body of this report. The outstanding comments relate to the impact and pollution from construction phase of development and the development would set an unwanted precedent.

5.8.2 Considering the noise/pollution impacts from the construction phase of the development, whilst this is noted, the scale of development is not significant, and any disturbance is likely only to be short lived. Taking the second point, this application has been considered on its own merits with consideration given to the relevant material considerations listed above.

## **6.0 Conclusion and Planning Balance**

6.1 This application would provide for a single dwellinghouse which would make a small contribution to meeting the districts housing need and this would carry moderate weight. There would also be limited small scale economic benefits in terms of employment during the construction phase of the development. However, the proposal raises significant concerns in terms of the impact upon the amenity of various neighbouring properties. In addition to this, the proposal has failed to satisfy the requirements of the sequential test and as such, there remains clear reasons to refuse the application which are not outweighed by the moderate benefit of the provision of a single dwellinghouse.

### **Recommendation**

That Planning Permission BE REFUSED for the following reasons:

1. The site is located within an area at risk from groundwater flooding and the application has not satisfied the requirements of the sequential test inasmuch that it has not demonstrated that the development cannot be accommodated elsewhere within the district that would be at a lower risk of flooding. Therefore, the proposal is contrary to policy DM33 of the Review of the Development Management Development Plan Document and Section 14 of the National Planning Policy Framework.
2. The proposed development by reason of the siting, scale and proximity to the shared boundaries would appear as an overbearing form of development which would also likely result in a loss of light on the garden spaces of the neighbouring properties to the north of the site. This would result in an unacceptable level of harm to the amenity of the occupiers of these affected properties. Therefore, the proposal is contrary to policy DM29 of the Review of the Development Management Development Plan Document and Section 12 of the National Planning Policy Framework.

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the refusal, specifying policies and proposals within the Development Plan which are relevant to the decision.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Background Papers**

None

<b>Agenda Item</b>	A8
<b>Application Number</b>	24/00947/ADV
<b>Proposal</b>	Advertising application for the display of 2 post mounted signs
<b>Application site</b>	Hest Bank Beach The Shore Hest Bank Lancashire
<b>Applicant</b>	Miss Elanor Brown
<b>Agent</b>	
<b>Case Officer</b>	Ms Sophie Taylor
<b>Departure</b>	
<b>Summary of Recommendation</b>	Approval, subject to conditions

**(i) Procedural Matters**

This application for advertisement consent is required to be determined by the Planning Committee as the applicant is a member of Lancaster City Council staff.

**1.0 Application Site and Setting**

1.1 The site forming the subject of this application is located between a car park and the coastal sand dunes to the west of the railway line and village of Hest Bank. The site is adjacent to the Lancashire Coastal Way walking route, and to the west of the unclassified public highway cul-de-sac of The Shore, which links to two public right of way footpaths to the north. The site is within flood zones 2, 3, and partly within 3b, is identified as Open Countryside and forms coastal land to Morecambe Bay which is a Ramsar site, Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

**2.0 Proposal**

2.1 The application seeks advertisement consent for the display of two identical signs measuring approx. 350mm in width and 500mm in length. Two signs are proposed, and they will be located approx. 156m apart. The signage will be installed on a fence post measuring approx. 1.4m in height with a camera bracket fixed to the top. The signage will have a pale blue background and features a QR code and information about the Our Future Coasts project.

2.2 The signage forms part of the Our Future Coast project which is a project aimed at working with nature to safeguard coastal communities. The project will test and implement nature-based solutions to coastal change at 14 different sites along the North West coast, Hest Bank Beach being one of these sites. The signage will detail information regarding the installation of nature-based sediment

trapping devices which have been placed along the shore at Hest Bank. It also aims to encourage members of the public to take photos and upload them in order to help with the monitoring of the coastline and to help understand the impact the structures have on the shoreline.

**3.0 Site History**

3.1 No relevant planning applications relating to this site have previously been received by the Local Planning Authority.

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	No objection.
Parish Council	No response received.

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

**5.0 Analysis**

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

- Amenity and Landscape
- Highway Safety

5.2 Amenity and Landscape (National Planning Policy Framework Section 12 Achieving well-designed and beautiful places, Section 15 Conserving and enhancing the natural environment; Development Management DPD Policies DM21 Advertisements and Shopfronts, DM29 Key Design Principles, DM46 Development and Landscape Impact; Strategic Policies and Land Allocations, EN3 The Open Countryside)

5.2.1 Policy DM21 of the DM DPD states that ‘advertisements should be well designed and appropriately sited in order to contribute positively to a safe and attractive environment’. The policy goes on to state that advertisements should ‘be of a high-quality design and sensitive to the visual appearance of the building which it is to be sited and the surrounding streetscene’, should be ‘appropriate to its setting and location and have due regard for local distinctiveness’ and should not contribute to an ‘unsightly proliferation of clutter or signage in the vicinity’.

5.2.2 The advertisements would be visible in wider landscape views along the shoreline, however there are several other features located along the shoreline, such as bins, benches and traffic/parking signage. It is considered that due to the small size of the advertisements that the proposal would not be unacceptably obtrusive. The proposal is therefore not considered to cause significant harm to the character and appearance of the immediate landscape given the small scale and other street infrastructure within the vicinity. Furthermore, the benefits entailed with the proposal regarding community engagement and coastal process management are important and sufficient to justify the advertisements.

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

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

5.3.2 The signs will have no form of illumination and is set back significantly from the highway. The proposed signage will not impede pedestrian movements, thus will have no significant impact upon public safety. County Highways have raised no objections to the proposal.

**6.0 Conclusion and Planning Balance**

6.1 The siting and design of the proposed signage ensures the proposal will not have a significant effect on the character and appearance of the immediate landscape, nor will they have a significant impact upon highway and public safety.

**Recommendation**

That Advertisement Consent BE GRANTED subject to the following conditions:

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

**Background Papers**

None



<b>Agenda Item</b>	A9
<b>Application Number</b>	24/01037/FUL
<b>Proposal</b>	Erection of front porch incorporating canopy/hipped roof, erection of single storey front, side and rear extensions to an existing single storey side extension, demolition of existing conservatory, removal of 2no. chimneys, re-roof over and installation of flue
<b>Application site</b>	11A Station Road Hest Bank Lancaster Lancashire
<b>Applicant</b>	Mr & Mrs Taylor
<b>Agent</b>	Mr Simon McAllister
<b>Case Officer</b>	Ms Charlotte Hutton
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

(i) **Procedural Matters**

This form of development would normally be dealt with via the scheme of delegation, however, the applicants are directly related to an employee of Lancaster City Council and therefore, the application is required through the scheme of delegation to be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

- 1.1 11A Station Road is a detached dwellinghouse in Hest Bank and is comprised of rendered walls with a natural slate tiled roof with white uPVC windows throughout. There is an existing detached garage along the southern boundary.
- 1.2 The property benefits from a generous sized rear garden measuring c.170sqm and is afforded privacy by hedgerows and fencing measuring between 1.5m and 2m in height.
- 1.3 The site is in a residential area with various house types and design in the immediate vicinity and measures approximately 47m from a canal.

**2.0 Proposal**

- 2.1 This application seeks consent for the erection of front porch incorporating canopy/hipped roof, erection of single storey front, side and rear extensions to an existing single storey side extension, demolition of existing conservatory, removal of 2no. chimneys, re-roof over and installation of flue.
- 2.2 The extensions and property will be finished with a smooth coat render throughout.

### 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
00/00628/FUL	Erection of a rear conservatory	Permitted

### 4.0 Consultation Responses

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

Consultee	Response
Town Council	<b>No response</b>
County Highways	<b>No objection</b>
Canal and River Trust	<b>No objection</b>
Lancaster Canal Trust	<b>No response</b>

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

### 5.0 Analysis

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

- Design and streetscene impact
- Residential Amenity
- Ecology

5.2 **Design and streetscene impact** (NPPF paragraphs 131, 132 and 135 and policy DM29 of the Development Management DPD)

5.2.1 Good design is expected by policy DM29 which states that new development should ‘contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.

5.2.2 The proposed removal of the two chimney stacks and installation of a flue is classed as permitted development under schedule 2 class G of the General Permitted development order 2015. This aspect is not considered to result in significant visual harm to the area or, to the character of the original property, as the dwelling remains set back from highway and the flue is located to the rear reducing the overall prominence.

5.2.3 The property will replace the existing pebble dash with a smooth coat render as indicated in the design and access statement. Again this is not considered to be detrimental to the character of the original property or wide street as there are other instances of such materials in much more prominent locations in the vicinity.

5.2.4 The proposed front extension and porch are considered to be in keeping with the existing character of the property and the works are considered to remain subservient to the character and appearance of the original dwelling. As such, these aspects are not considered to have an adverse impact on the character and appearance of the existing dwelling nor the wider streetscene.

5.2.5 The rear extension is not wholly visible from the front elevation of the property and as it will be finished in the same materials, continuing on those of the existing dwelling house, will appear as a subservient addition to the property. As such, this element raises no concerns in terms of the visual appearance.

5.3 **Residential Amenity** (NPPF paragraphs 131, 132 and 135 and policy DM29 of the Development

Management DPD)

- 5.3.1 Policy DM29 requires all new development to ‘ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.’
- 5.3.2 The rear extension is set in from the shared side and rear boundaries, combined with the screening of the existing rear extension to the north and high boundary treatments to the south and eastern elevation, the extension will not appear as overbearing to the adjacent occupiers when inside or outside of their respective properties.
- 5.3.3 The proposal does include an additional outlook, however this is contained at ground floor level and directed to the applicant’s private amenity space similar to what is existing. As such, the proposed works raise no concerns in relation to overlooking or privacy.
- 5.3.4 The works to the front are set in from the shared boundaries and are behind the principal elevation of the neighbouring properties, there are no side facing windows adjacent to the extensions, therefore the works will not appear as overbearing to the adjacent occupiers or cause a loss of light.

5.4 **Ecology** (NPPF paragraphs 185, 186 and 188 and policy DM44 of the Development Management DPD)

- 5.4.1 Policy DM44 states that proposals will not be permitted where there is an adverse effect on priority species and priority habitat or sites of a local or regional importance for biodiversity and/or geology, unless the benefits of the proposal outweigh the potential adverse effects.
- 5.4.2 A bat survey accompanies this application given the dwelling is located within 100m of the canal and the works involve a disturbance to an existing roof. The survey was undertaken by Simply Ecology Limited dated August 2024 which stated ‘A bat scoping survey of a residential property was undertaken. The building was in good condition and was occupied and well maintained at the time of the survey. No constraints were encountered during the survey, all areas were examined.’ No mitigation was proved necessary within the report as it was advised that all works can continue with no need for any supervision by the appointed Ecologist.

**6.0 Conclusion and Planning Balance**

- 6.1 The proposal will provide extensions and alterations to an existing dwellinghouse with no adverse impacts upon the visual amenity of the street, residential amenity of neighbouring properties and ecology. As such, the proposal is seen to comply with the relevant local and national policies and is therefore recommended for approval

**Recommendation**

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

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans	Standard

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

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

Lancaster City Council has made the 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

<b>Agenda Item</b>	A10
<b>Application Number</b>	24/01221/CCC
<b>Proposal</b>	Variation of condition 1 of planning approval 01/99/0541 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas
<b>Application site</b>	Salt Ayre Landfill Site Salt Ayre Lane Lancaster Lancashire
<b>Applicant</b>	SUEZ Recycling And Recovery UK Ltd
<b>Agent</b>	
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	
<b>Summary of Recommendation</b>	No objections

(i) **Procedural Matters**

This application (LCC/2024/0033) has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals. Lancaster City Council has been consulted as the proposal falls within our District and, as such, this report sets out the City Council's proposed **consultation response**. It will be for the County Council to determine whether planning permission should be granted.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is a Materials Recycling & Transfer facility, on the former Salt Ayre Landfill Site, adjacent to the Household Waste Recycling Centre (HWRC). The site is allocated as green corridor open space, Nature Improvement Area and a Key Urban Landscape (KUL) on the Adopted Policies Map.
- 1.2 The site lies within 900m of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar internationally designated sites, and the Lune Estuary SSSI. The site is located approx. 350m north of the River Lune and is also located within the Air Quality Management Area.
- 1.3 The proposal relates to an existing compound within the site which has been in place for over twenty years and provides necessary infrastructure to control and manage landfill gas produced by the landfill site and produce green electricity which feeds into the National Grid. The landfill gas electricity generating compound is required to ensure that the site operator is appropriately managing all landfill gas arising from the adjacent landfill site in accordance with the site's Environmental Permit. The compound comprises of various infrastructure including landfill gas electricity generating units which utilise as much of the landfill gas as possible to generate green electricity, a landfill gas flare and ancillary infrastructure.

1.4 The existing landfill gas electricity generating compound operates under three separate planning permissions. The extant permissions are listed below and highlighted in bold.

- Planning permission 1 - The compound was originally granted planning permission in 1991 (ref: 1/91/219) and was retained until 31 December 2024 under a subsequent permission granted in 1999 (planning reference: **01/99/541**).
- Planning permission 2 – An extension was added to the north of the compound in 2002 under a separate planning permission (planning reference: **01/02/0689**).
- Planning permission 3 – Two extensions were added to the north and south of the compound in 2004, also under a separate planning permission (planning reference: **01/04/1631**)

All three existing planning permissions share the same expiry date, governed by a similarly worded condition which requires the electricity generating operations to cease no later than 31 December 2024 and to be restored in its entirety, in accordance with the relevant condition, by 30 June 2025.

1.5 This consultation relates to planning permission 1 listed above. Two other separate County Council Consultations have also been submitted in respect of the two other permissions relating to the compound.

## 2.0 Proposal

2.1 The application (ref. LCC/2024/0033), which has been submitted to Lancashire County Council, seeks to vary a condition on the earlier planning permission (ref. 01/99/541) for the compound in 1999 which includes a condition that requires the electricity generating operations to cease no later than 31 December 2024 and restoration by 30 June 2025. The current application (ref. LCC/2024/0033), seeks to vary the condition to allow the retention of the existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the County Council. The most relevant of these are:

Application Number	Proposal	Decision
<b>LCC/2022/0061</b>	Permanent retention of the existing Salt Ayre materials recycling & transfer facility	<b>Permitted</b>
<b>01/02/0689</b>	Extension to compound to accommodate additional gas control and generation plant	<b>Permitted</b>
<b>01/99/541</b>	Amendment of condition 1 of planning permission 1/91/219 to allow development to continue until 2024	<b>Permitted</b>
<b>01/04/1631</b>	Extension to existing electricity generating compound to accommodate additional gas control and generation plant	<b>Permitted</b>

## 4.0 Consultation Responses

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

Consultee	Response
Environmental Health	<b>No objections</b>

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

- No comments received at the time of compiling this report.

## 5.0 Analysis

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

- Principle of Development
- Landscape and Design
- Air Quality
- Biodiversity

5.2 **Principle of Development** (NPPF section 2; Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD; Policy DM30 of the Development Management DPD and Policy SO3 of the Strategic Policies and Land Allocations DPD)

5.2.1 The site is established and provides an important local recycling facility for bulking up of waste collected at the local Household Waste Recycling Centres (HWRCs) and from trade collections, facilitating movement of waste and recycling. It is noted that the site is not allocated or safeguarded for waste use on County Council Local Plan map, nor on the City Council's Local Plan. Sites allocated for waste management facilities within the District include White Lund and Heysham Industrial Estates. Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD seeks to achieve sustainable waste management and facilities and Policy SO3 of Strategic Policies and Land Allocations (SPLA) DPD seeks to minimise the generation of waste, promote recycling and prevent where possible or mitigate against, the effects of air, water and soil pollution, noise, smells and fumes.

5.2.2 Policy DM30 of the Development Management DPD acknowledges the importance of measures to reduce energy consumption and carbon dioxide emissions as well as opportunities for energy supply from on-site, decentralised, renewable or low carbon energy systems in delivering sustainable development. Lancaster City Council has declared a Climate Emergency and acknowledges that climate change remains the challenge of our generation. In light of the Councils declaration, a partial review of the Development Plan was undertaken to strengthen the climate change policy ambitions of the Council. It is envisaged that the updated policies will be adopted early 2025, however, it is not considered that this proposal would conflict with any proposed modification to policy DM30.

5.2.3 It is considered that the proposal will allow the site to continue to effectively manage landfill gas produced by the landfill site. As such the proposal complies with the relevant policies outlined above and is considered acceptable in principle.

5.3 **Landscape** (NPPF Sections 12 and 15; Policies DM29 and DM46 of the Development Management DPD; Policy EN5 of the Strategic Policies and Land Allocations DPD)

5.3.1 The existing landfill gas electricity generating compound is situated on an area of hardstanding in the middle of the landfill site and surrounding by other buildings and structures. The application site is therefore well screened in all directions. It is therefore considered that the proposal does not raise concerns in terms of landscape impacts.

5.4 **Air Quality** (NPPF Section 15; Policy DM31 of the Development Management DPD; Policy EN9 of the Strategic Policies and Land Allocations DPD)

5.4.1 The site lies within an Air Quality Management Area (AQMA) and Policy DM31 seeks to ensure that development which is located in such areas must not significantly worsen any emissions or air pollutants. Policy EN9 advises that developments that are located within AQMAs should not contribute to increasing levels of air pollutants within the locality.

5.4.2 The Environmental Health Officer (EHO) has confirmed that there are no historic issues with the installation relating to noise, odour or smoke. The EHO has advised that from an air quality perspective, the proposal is unlikely to impact the nearby AQMA as any NO2 emissions are already part of the background levels being monitored and there is no proposal to increase volumes of methane being burnt. While the installation will continue to emit some CO2 while operating, the methane produced by the landfill is a more potent greenhouse gas so reducing this through burning in the energy plant is a net environmental benefit. Therefore, the scheme accords with Policies EN9 and DM31.

5.5 **Biodiversity** (NPPF Section 15; Policy DM44 of the Development Management DPD; Policy EN7 of the Strategic Policies and Land Allocations DPD)

5.5.1 The site lies close to environmentally important areas, including the River Lune, Lune Estuary and Morecambe Bay, which are nationally and internationally designated for their ecological importance. Policy EN7 of the Lancaster Local Plan Part One states that sites designated for environmental importance will be protected from development proposals that have a detrimental impact on their designation. The materials recycling facility has been in operation for over 20 years and the proposal to allow the retention of the existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas does not include any new development or changes to operations or practices. It is therefore considered that the retention of the existing facility until it is no longer required would not give rise to any new or differing harm to the designated ecological sites nearby.

## **6.0 Conclusion and Planning Balance**

6.1 The proposal relates to variation of a condition on a planning permission to allow for the continued operation of existing landfill gas electricity generation. It is considered that the continued operation would not have a detrimental impact on landscape, air quality or biodiversity.

### **Recommendation**

That the Lancaster City Council has **NO OBJECTION** to the proposal subject to the imposition of other conditions associated with the parent consent remaining.

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

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

### **Background Papers**

None



<b>Agenda Item</b>	A11
<b>Application Number</b>	24/01220/CCC
<b>Proposal</b>	Variation of condition 1 of planning approval 01/02/0689 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas
<b>Application site</b>	Salt Ayre Landfill Site Salt Ayre Lane Lancaster Lancashire
<b>Applicant</b>	SUEZ Recycling And Recovery UK Ltd
<b>Agent</b>	
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	N/A
<b>Summary of Recommendation</b>	No objections

(i) **Procedural Matters**

This application (ref. LCC/2024/0032) has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals. Lancaster City Council has been consulted as the proposal falls within our District and, as such, this report sets out the City Council's proposed **consultation response**. It will be for the County Council to determine whether planning permission should be granted.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is a Materials Recycling & Transfer facility, on the former Salt Ayre Landfill Site, adjacent to the Household Waste Recycling Centre (HWRC). The site is allocated as green corridor open space, Nature Improvement Area and a Key Urban Landscape (KUL) on the Adopted Policies Map.
- 1.2 The site lies within 900m of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar internationally designated sites, and the Lune Estuary SSSI. The site is located approx. 350m north of the River Lune and is also located within the Air Quality Management Area.
- 1.3 The proposal relates to an existing compound within the site which has been in place for over twenty years and provides necessary infrastructure to control and manage landfill gas produced by the landfill site and produce green electricity which feeds into the National Grid. The landfill gas electricity generating compound is required to ensure that the site operator is appropriately managing all landfill gas arising from the adjacent landfill site in accordance with the site's Environmental Permit. The compound comprises of various infrastructure including landfill gas electricity generating units which utilise as much of the landfill gas as possible to generate green electricity, a landfill gas flare and ancillary infrastructure.

1.4 The existing landfill gas electricity generating compound operates under three separate planning permissions. The extant permissions are listed below and highlighted in bold.

- Planning permission 1 - The compound was originally granted planning permission in 1991 (ref: 1/91/219) and was retained until 31 December 2024 under a subsequent permission granted in 1999 (planning reference: **1/99/541**).
- Planning permission 2 – An extension was added to the north of the compound in 2002 under a separate planning permission (planning reference: **01/02/0689**).
- Planning permission 3 – Two extensions were added to the north and south of the compound in 2004, also under a separate planning permission (planning reference: **01/04/1631**)

All three existing planning permissions share the same expiry date, governed by a similarly worded condition which requires the electricity generating operations to cease no later than 31 December 2024 and to be restored in its entirety, in accordance with the relevant condition, by 30 June 2025.

1.5 This consultation relates to planning permission 2 listed above. Two other separate County Council Consultations have also been submitted in respect of the two other permissions relating to the compound.

## 2.0 Proposal

2.1 The application (ref. LCC/2024/0032), which has been submitted to Lancashire County Council, seeks to vary a condition on the earlier planning permission (ref. 01/02/0689) for an extension to the north of the compound in 2002 which includes a condition that requires the electricity generating operations to cease no later than 31 December 2024 and restoration by 30 June 2025. The current application (ref. LCC/2024/0032), seeks to vary the condition to allow the retention of the existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the County Council. The most relevant of these are:

Application Number	Proposal	Decision
<b>LCC/2022/0061</b>	Permanent retention of the existing Salt Ayre materials recycling & transfer facility	<b>Permitted</b>
<b>01/02/0689</b>	Extension to compound to accommodate additional gas control and generation plant	<b>Permitted</b>
<b>01/99/541</b>	Amendment of condition 1 of planning permission 1/91/219 to allow development to continue until 2024	<b>Permitted</b>
<b>01/04/1631</b>	Extension to existing electricity generating compound to accommodate additional gas control and generation plant	<b>Permitted</b>

## 4.0 Consultation Responses

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

Consultee	Response
Environmental Health	<b>No objections</b>

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

- No comments received at the time of compiling this report.

## 5.0 Analysis

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

- Principle of Development
- Landscape and Design
- Air Quality
- Biodiversity

5.2 **Principle of Development** (NPPF section 2; Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD; Policy DM30 of the Development Management DPD and Policy SO3 of the Strategic Policies and Land Allocations DPD)

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5.2.3 It is considered that the proposal will allow the site to continue to effectively manage landfill gas produced by the landfill site. As such the proposal complies with the relevant policies outlined above and is considered acceptable in principle.

5.3 **Landscape** (NPPF Sections 12 and 15; Policies DM29 and DM46 of the Development Management DPD; Policy EN5 of the Strategic Policies and Land Allocations DPD)

5.3.1 The existing landfill gas electricity generating compound is situated on an area of hardstanding in the middle of the landfill site and surrounding by other buildings and structures. The application site is therefore well screened in all directions. It is therefore considered that the proposal does not raise concerns in terms of landscape impacts.

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5.4.2 The Environmental Health Officer (EHO) has confirmed that there are no historic issues with the installation relating to noise, odour or smoke. The EHO has advised that from an air quality perspective, the proposal is unlikely to impact the nearby AQMA as any NO2 emissions are already part of the background levels being monitored and there is no proposal to increase volumes of methane being burnt. While the installation will continue to emit some CO2 while operating, the methane produced by the landfill is a more potent greenhouse gas so reducing this through burning it in the energy plant is a net environmental benefit. Therefore, the scheme accords with Policies EN9 and DM31.

5.5 **Biodiversity** (NPPF Section 15; Policy DM44 of the Development Management DPD; Policy EN7 of the Strategic Policies and Land Allocations DPD)

5.5.1 The site lies close to environmentally important areas, including the River Lune, Lune Estuary and Morecambe Bay, which are nationally and internationally designated for their ecological importance. Policy EN7 of the Lancaster Local Plan Part One states that sites designated for environmental importance will be protected from development proposals that have a detrimental impact on their designation. The materials recycling facility has been in operation for over 20 years and the proposal to allow the retention of the existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas does not include any new development or changes to operations or practices. It is therefore considered that the retention of the existing facility until it is no longer required would not give rise to any new or differing harm to the designated ecological sites nearby.

## **6.0 Conclusion and Planning Balance**

6.1 The proposal relates to variation of a condition on a planning permission to allow for the continued operation of existing landfill gas electricity generation. It is considered that the continued operation would not have a detrimental impact on landscape, air quality or biodiversity.

### **Recommendation**

That the Lancaster City Council has **NO OBJECTION** to the proposal subject to the imposition of other conditions associated with the parent consent remaining.

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

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

### **Background Papers**

None

<b>Agenda Item</b>	A12
<b>Application Number</b>	24/01222/CCC
<b>Proposal</b>	Variation of condition 1 of planning approval 01/04/1631 to allow retention of existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas
<b>Application site</b>	Salt Ayre Landfill Site Salt Ayre Lane Lancaster Lancashire
<b>Applicant</b>	SUEZ Recycling And Recovery UK Ltd
<b>Agent</b>	
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	N/A
<b>Summary of Recommendation</b>	No objections

(i) **Procedural Matters**

This application (ref. LCC/2024/0034) has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals. Lancaster City Council has been consulted as the proposal falls within our District and, as such, this report sets out the City Council's proposed **consultation response**. It will be for the County Council to determine whether planning permission should be granted.

**1.0 Application Site and Setting**

- 1.1 The site to which this application relates is a Materials Recycling & Transfer facility, on the former Salt Ayre Landfill Site, adjacent to the Household Waste Recycling Centre (HWRC). The site is allocated as green corridor open space, Nature Improvement Area and a Key Urban Landscape (KUL) on the Adopted Policies Map.
- 1.2 The site lies within 900m of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar internationally designated sites, and the Lune Estuary SSSI. The site is located approx. 350m north of the River Lune and is also located within the Air Quality Management Area.
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All three existing planning permissions share the same expiry date, governed by a similarly worded condition which requires the electricity generating operations to cease no later than 31 December 2024 and to be restored in its entirety, in accordance with the relevant condition, by 30 June 2025.

1.5 This consultation relates to planning permission 3 listed above. Two other separate County Council Consultations have also been submitted in respect of the two other permissions relating to the compound.

## 2.0 Proposal

2.1 The application (ref. LCC/2024/0034), which has been submitted to Lancashire County Council, seeks to vary a condition on the earlier planning permission (ref. 01/04/1631) for two extensions to the north and south of the compound in 2004, which includes a condition that requires the electricity generating operations to cease no later than 31 December 2024 and restoration by 30 June 2025. The current application (ref. LCC/2024/0034), seeks to vary the condition to allow the retention of the existing landfill gas electricity generating compound until it is no longer required for the management of landfill gas.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the County Council. The most relevant of these are:

Application Number	Proposal	Decision
<b>LCC/2022/0061</b>	Permanent retention of the existing Salt Ayre materials recycling & transfer facility	<b>Permitted</b>
<b>01/02/0689</b>	Extension to compound to accommodate additional gas control and generation plant	<b>Permitted</b>
<b>01/99/541</b>	Amendment of condition 1 of planning permission 1/91/219 to allow development to continue until 2024	<b>Permitted</b>
<b>01/04/1631</b>	Extension to existing electricity generating compound to accommodate additional gas control and generation plant	<b>Permitted</b>

## 4.0 Consultation Responses

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

Consultee	Response
Environmental Health	<b>No objections</b>

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## 5.0 Analysis

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

- Principle of Development
- Landscape and Design
- Air Quality
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5.2 **Principle of Development** (NPPF section 2; Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD; Policy DM30 of the Development Management DPD and Policy SO3 of the Strategic Policies and Land Allocations DPD)

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5.2.2 It is considered that the proposal will allow the site to continue to effectively manage landfill gas produced by the landfill site. As such the proposal complies with the relevant policies outlined above and is considered acceptable in principle.

5.3 **Landscape** (NPPF Sections 12 and 15; Policies DM29 and DM46 of the Development Management DPD; Policy EN5 of the Strategic Policies and Land Allocations DPD)

5.3.1 The existing landfill gas electricity generating compound is situated on an area of hardstanding in the middle of the landfill site and surrounding by other buildings and structures. The application site is therefore well screened in all directions. It is therefore considered that the proposal does not raise concerns in terms of landscape impacts.

5.4 **Air Quality** (NPPF Section 15; Policy DM31 of the Development Management DPD; Policy EN9 of the Strategic Policies and Land Allocations DPD)

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5.4.2 The Environmental Health Officer (EHO) has confirmed that there are no historic issues with the installation relating to noise, odour or smoke. The EHO has advised that from an air quality perspective, the proposal is unlikely to impact the nearby AQMA as any NO<sub>2</sub> emissions are already part of the background levels being monitored and there is no proposal to increase volumes of methane being burnt. While the installation will continue to emit some CO<sub>2</sub> while operating, the methane produced by the landfill is a more potent greenhouse gas so reducing this through burning in a gas to energy plant is a net environmental benefit. Therefore, the scheme accords with Policies EN9 and DM31.

5.5 **Biodiversity** (NPPF Section 15; Policy DM44 of the Development Management DPD; Policy EN7 of the Strategic Policies and Land Allocations DPD)

5.5.1 The site lies close to environmentally important areas, including the River Lune, Lune Estuary and Morecambe Bay, which are nationally and internationally designated for their ecological importance. Policy EN7 of the Lancaster Local Plan Part One states that sites designated for environmental importance will be protected from development proposals that have a detrimental impact on their designation. The materials recycling facility has been in operation for over 20 years and the proposal to allow the retention of the existing landfill gas electricity generating compound until it is no longer

required for the management of landfill gas does not include any new development or changes to operations or practices. It is therefore considered that the retention of the existing facility until it is no longer required would not give rise to any new or differing harm to the designated ecological sites nearby.

**6.0 Conclusion and Planning Balance**

6.1 The proposal relates to variation of a condition on a planning permission to allow for the continued operation of existing landfill gas electricity generation. It is considered that the continued operation would not have a detrimental impact on landscape, air quality or biodiversity.

**Recommendation**

That the Lancaster City Council has **NO OBJECTION** to the proposal subject to the imposition of other conditions associated with the parent consent remaining.

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

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

**Background Papers**

None



<b>Agenda Item</b>	A13
<b>Purpose of report</b>	To update members on the Planning Enforcement and Applications Team performance.
<b>Report Author:</b>	Service Manager – Development Management
<b>Summary of Recommendation</b>	That the report be noted

## 1.0 Purpose of report

1.1 The purpose of the report is to share with members the performance of the Development Management function since April 2024. It is the intention moving forwards that each quarter a report will be presented to members setting out the team's performance, and how it compares with government timescales. The report will also provide information on planning and enforcement appeals. Quarter 3 performance will be shared with Committee in January 2025.

## 2.0 Planning Applications

2.1.1 The planning applications team comprises of a Planning Applications Manager, 3 Principal Planning Officers, 1 Senior Planning Officer, 2 Planning Officers, 3 Planning Assistants, 1 Graduate Planning Officer and a Section 106 Monitoring Officer. The team determines in the region of 1500 applications a year (amongst the applications noted below, this also includes the likes of discharge of planning conditions, non-material amendments and the Councils pre-application offering). The Planning and Enforcement Teams (together with the Councils Building Control function) are supported by our planning and building technical team who play a pivotal role in supporting the success of the services.

2.1.2 There are different types of applications for which government assess local authorities on in terms of performance, these are broken down below. The majority of the schemes that come before members at Committee are major applications.

### 2.1.3 Major

Major applications are applications which fall into the following categories:

- Dwellings - 10+ dwellings or cover a site area of 0.5ha+
- Offices/Retail & Distribution/Light Industry -cover over 1,000m<sup>2</sup> or floor space or a site area of 1ha+
- General Retail Distribution and Servicing – 1,000m<sup>2</sup>+ or floor space or site area of 1ha+
- Gypsy and Traveller sites – 10+ pitches
- All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m<sup>2</sup>

### 2.1.4 Minor applications

These are applications which fall into the following categories:

- Dwellings – 1-9 dwellings. Or site area of less than 0.5ha
- Offices/Retail & Distribution/Light Industry – less than 1,000m<sup>2</sup> floor space or less than 1 ha site area
- General Industry and Distribution and Servicing – less than 1,000m<sup>2</sup> floor space or less than 1ha site area

- Gypsy and Traveller sites – 1-9 pitches
- All other minor developments – less than 1,000m2 floor space or less than 1ha site area

2.1.5 **Other Developments**

These applications include the below.

- Change of Use – going from one class use to another
- Householder developments - extensions, conservatories, garages etc within the domestic curtilage of the property
- Advertisements
- Listed Building Consent

2.2 **Performance**

2.2.1 Performance has traditionally been measured in terms of time taken to determine a planning application. The target is 13 weeks for major applications, and 8 weeks for householder and other applications. This is calculated from the date of validation to the date of the decision notice being issued. There is also an opportunity to negotiate an extension of time for applications where it is clear that the statutory target cannot be met.

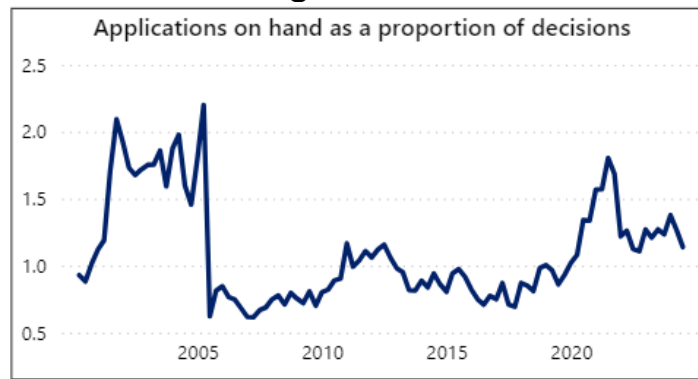
2.2.2 Currently the Government has set Local Planning Authority performance targets (Improving Planning Performance: Criteria for Designation Updated 2020) as follows:- 60% of Major Applications to be determined within 13 weeks or the agreed time extension 70% of Minor Applications and Others to be determined within 8 weeks or the agreed time extension. As can be seen from the statistics below the service is exceeding the timescales imposed by government

2.2.3 Quarter 2 – 2024/2025 (July - 30 September 2024)

- Majors 91% within 13 weeks or within agreed time extension
- Minors 91.94% within 8 weeks or within agreed time extensions
- Others 95.50% within 8 weeks or within agreed time extensions

2.2.4 The table below shows the number of applications received for the first two quarters of 2024, and those determined. Members will note the vast majority of decisions are delegated, and historically the figure is around 93% of applications are delegated to officers to determine. As of 30 June the Councils applications on hand/decisions figure is 1.14 down from the previous month of 1.26, which bodes well when compared against the North West Average of 1.75. The spike in 2021 was due to the significant planning application backlog the council faced.

	January – March 2024	April -June 2024	July – September 2024
<b>Applications received</b>	215	206	200
<b>Applications determined</b>	219	231	182
<b>Percentage delegated</b>	93%	90%	94.5%



**2.3 Planning Appeals**

There are three main types of planning/enforcement appeals.

These are written representations, Hearings and Inquiries.

**2.3.1 Written Representation**

Most planning appeals are decided by the written representations route. With this procedure the Planning Inspector will consider written evidence from the appellant, the local planning authority (LPA) and anyone else who has an interest in the appeal. The written evidence usually takes the form of a statement of case by the main parties (the appellant and the LPA), and there is also the opportunity to comment on each other’s statements.

For householder appeals there is a slightly different process, There are no opportunities to submit further information once the original appeal form has been submitted and the Local Authority will provide a copy of either the officers delegated/ committee report rather than a separate statement.

**2.3.2 Hearing**

A planning hearing is an appeal in which there is normally no legal representation. Statements are submitted by both parties and there is an open, informal discussion on the key issues. A hearing is usually a day event.

**2.3.3 Public Inquiry**

An Inquiry is more formal process and there is normally legal representation who cross examine witnesses. Public Inquiries will last more than a couple of days.

2.3.4 The following planning appeal decisions were issued between 1 July to 30 September 2024. A separate list is appended to this report detailing the schemes that have been subject of the appeal and the outcomes.

<b>Planning Appeals</b>	<b>Number</b>	<b>Allowed</b>	<b>Dismissed</b>
<b>Determined</b>			
Written Representations	10	3	7
Hearings	0	0	0
Inquiry	0	0	0
Householder	1	0	1

Total	11	3	8
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The percentage of allowed appeals is 27% and therefore above the quality indicator of Major and Non-Major Development which stands at 10%.

**4.0 Planning Enforcement**

4.0.1 The Planning Enforcement Team (which consists of 1 Senior Planning Enforcement Officer, 3 Planning Enforcement Officers and 1 Graduate Planning Enforcement Officer (role currently vacant) are responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and harm arising.

4.0.2 The team receive on average 350 complaints per year, and until 2021 the Council only employed 2 Planning Enforcement Officers, and 1 Graduate Planning Enforcement Officer. As part of the Development Management Review in 2021, two additional Planning Enforcement Officers posts were created employed to assist in managing caseloads and to help reduce the backlog of cases that had built up over time.

**4.1 Historic Case Review and Management of the Backlog**

4.1.1 Over the past 18 months one of the key priorities has been to work on the review and clearance of historic enforcement cases. Some of these cases date back to 2010. A large number of these cases have been reviewed, and a large number of those cases have been closed, either that it is not proportionate to take action, action has been taken, the breach is de minimis or that through the passage of time the breach is immune from enforcement action. The table below shows the progress in terms of clearing historic cases. The team have worked hard to resolve and close active files. In January 2023 we had 342 active cases from the past decade still active, the figure in October 2024 is 147, this is down from 152 the previous quarter. The work has been undertaken in addition to ongoing investigations.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Live Cases October 2024	1	1	0	2	3	3	7	20	27	31	52
Live Cases January 2023	1	1	2	6	5	7	22	53	61	64	120

4.1.2 A review of cases has also occurred for the recent years of 2021-2024. These are higher in terms of open cases, but closed cases are also much higher, these take into closure of cases from previous years.

	2021	2022	2023	2024
Overall number of cases received	384	355	310	298
Closed Cases	299	176	439	312
Open Cases October 2024	94	88	112	186
Review of ongoing enforcement cases – The review shows figures for the years 2021-2024. The table illustrates the change in the number of live cases received.				

4.1.4 For the year to date (January to the end of September 2024) a total of 298 cases have been received, and 112 cases have been closed. This is illustrated below. 186 cases are currently active for the year of 2024. We expect given the current trends for complaints to reach circa 355 by the end of the year. A slight increase than in 2023.

	2024
Open Cases	186
Closed Cases	112
Cases received January 2024-September 2024	298

4.1. The Local Authority currently have 640 live planning enforcement cases. Between 1 January to 30  
 5 September we received 298 new complaints. The Local Planning Enforcement Plan sets out a case management system as set out below. The local planning authority have committed to monitoring the performance against the action targets. The new plan adopted by the Planning and Regulatory Committee in 2024 set out a new expediency test aimed at assessing the breach, remedying breach, resolving the breach and formal action to resolve the breach if this is indeed required. The new system is designed to be more focussed and allow time for others to pursue the breaches of planning control that require action to be taken.

<b>'Red' Cases</b>	Cases that involve significant or irreparable harm. These include unauthorised works to a listed building, the felling of a protected tree, development likely to adversely impact public safety, or development likely to cause adverse impacts to sensitive habitats (e.g. Sites of Special Scientific Interest and similar designations).	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>1 working day</b> of receipt of the case.
<b>'Amber' Cases</b>	All other cases where there is a breach of planning control.	The Planning Enforcement Officer will aim to visit these cases, or otherwise pursue appropriate action within <b>15 working days</b> of receipt of the case.
<b>'Green' Cases</b>	Cases where there is no breach of planning control, or where it is proven at Stage 1 and 2 of the Expediency Test that the breach does not warrant enforcement action.	These cases will <b>not be investigated further.</b>

4.1. It can be seen from the figures below (April-September 2024) that whilst red cases have been visited  
 6 broadly within the timescales committed to in the plan the amber cases are taking more time. Since the new monitoring came into place in April, we have faced recruitment issues with one of our officers leaving for another role within the authority. This is why the number is lower than expected. We would hope if fully resourced to visit 90% of amber sites within the 15 working days.

	Received	Initial visit within target	Percentage in time
<b>Red Case</b>	12	11	91%
<b>Amber</b>	165	89	54%
<b>Green</b>	14	NA	NA

4.1. In terms of enforcement action taken in Quarter 2, there have been 12 notices served in the last quarter.  
 7 These are noted below.

Action	Number of Actions
<b>Breach of condition notice</b>	2
<b>Enforcement injunctions</b>	0
<b>Enforcement Notice</b>	8
<b>Injunctive Applications refused</b>	0
<b>Planning Contravention Notice</b>	1
<b>Listed Building Temporary Stop Notice</b>	1

**5.0 Conclusion**

5.1 The Development Management team are working above expected government targets in terms of timescales. Whilst quality of decision making is higher than the 10% endorsed by government there are no concerns on the quality of decision making. The Planning Enforcement Team are reducing the significant backlog that was peaked in December 2022 when 797 open cases were held on 1<sup>st</sup> January 2023 whereas the figure now is 640 (20% reduction).

Appeal Reference	Application Reference	Application Site	Proposal	Appeal Decision
24/00011/REF	23/00951/FUL	24 Franklin Street, Lancaster	The development proposed is change of use from residential dwelling (C3) to House of multiple occupation (C4) - Student House.	ALLOW
23/00029/REF	21/01341/OUT	Land East Of Fulwood Drive Morecambe Lancashire	Outline application for the development of 129 residential dwellings and creation of new access	DISMIS
23/00032/8WEEK	23/00422/FUL	The Old Post House 28 - 30 Yealand Road Yealand Conyers Carnforth Lancashire LA5 9SH	Erection of a single storey rear extension	DISMIS
23/00033/8WEEK	23/00399/LB	The Old Post House 28 - 30 Yealand Road Yealand Conyers Carnforth Lancashire LA5 9SH	Listed building consent for erection of a single storey rear extension removal of internal wall and relocation of bathroom	DISMIS
24/00003/REF	23/00628/FUL	Gatehouse Natterjack Lane Middleton Morecambe Lancashire LA3 3FG	Change of use of Gatehouse to mixed use unit compromising office and living accommodation (sui generis) erection of a two storey side extension single storey rear extension and detached double garage	DISMIS
24/00004/REF	23/00617/FUL	Kings Arcade King Street Lancaster Lancashire	Replacement windows to first and second floor front elevation	DISMIS
24/00007/REF	23/00933/FUL	Gatehouse Natterjack Lane Middleton Morecambe Lancashire LA3 3FG	Erection of single storey rear extension detached outbuilding and hardstanding	DISMIS
24/00008/HAS	23/01273/FUL	Highfield Wagon Road Dolphinholme Lancaster Lancashire LA2 9AU	Demolition of existing single storey rear extension erection of a two storey rear extension installation of solar panels to the front roof slope and juliet balcony to the front	DISMIS
24/00009/REF	23/01444/FUL	Richmond Hall Lancaster Road Cockerham Lancaster Lancashire LA2 0DU	Erection of an agricultural storage building	ALLOW

Planning Appeal Decisions July-September 2024

<b>24/00013/REF</b>	23/01100/FUL	Park View Residential Home 95 Regent Road Morecambe Lancashire LA3 1AF	Retrospective application for the construction of raised decking and wheelchair access ramp to the rear and side	DISMIS
<b>24/00014/REF</b>	23/01086/FUL	Flat 2 11 Cable Street Lancaster Lancashire LA1 1HD	Retrospective application for the change of use of flat (C3) to HMO (C4)	ALLOW



## LIST OF DELEGATED PLANNING DECISIONS

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
23/01016/FUL	1 And 3 Trumacar Terrace, Heysham, Morecambe Change of use of part of dwelling (C3) at ground floor to form additional floor space for existing retail unit (E) and single storey rear extension for Mrs Thavaruby Arul (Overton Ward)	Application Permitted
23/01137/FUL	3 Hadrian Road, Morecambe, Lancashire Erection of two storey rear extension, single storey front and side extensions creating reorientation of house, conversion of garage into habitable room for Mr & Mrs P Millar (Torrisholme Ward)	Application Permitted
24/00099/DIS	Land Off, Willey Lane, Cockerham Discharge of condition 3 on approved application 23/01117/REM for Mr P Hewitt (Ellel Ward)	Application Permitted
24/00100/DIS	Land Off, Willey Lane, Cockerham Discharge of conditions 4, 5, 7, 8, 10 and 11 on approved application 22/01254/OUT for Mr P Hewitt (Ellel Ward)	Application Permitted
24/00104/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of condition 3 on approved application 24/00158/FUL for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00116/DIS	78 Main Street, Warton, Carnforth Part discharge of condition 3 on approved application 23/00838/LB for Mr Christopher Atherton (Warton Ward)	Application Permitted
24/00137/DIS	342 Oxcliffe Road, Heaton With Oxcliffe, Lancashire Discharge of condition 3, 4, 7, 8 and 9 on approved application 17/01384/FUL for Mr William Hill (Westgate Ward)	Split Decision
24/00139/DIS	Dam Head Farm, Procter Moss Road, Ellel Discharge of condition 3 on approved application 23/00584/LB for Mr John Fox (Lower Lune Valley Ward)	Application Permitted
24/00140/DIS	Dam Head Farm, Procter Moss Road, Ellel Discharge of condition 3 on approved application 23/00583/FUL for Mr J Fox (Lower Lune Valley Ward)	Application Permitted
24/00153/DIS	Bullcopy Farm, Kirkby Lonsdale Road, Arkholme Discharge of Condition 3 on approved application 20/00786/FUL for Mrs Sarah Mellows (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00170/DIS	Lancaster University , Bigforth Drive, Bailrigg Discharge of conditions 4 and 6 and part of conditions 3 and 5 on approved application 24/00171/FUL for Lancaster University (University Ward)	Split Decision
24/00178/DIS	Parkside, Woodman Lane, Cowan Bridge Discharge of conditions 2, 5 and 7 on approved application 21/01306/PAA for Mr and Mrs Warburton (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00183/DIS	2 St Christophers Way, Morecambe, Lancashire Discharge of condition 3 on approved application 24/00703/FUL for Mr J Daly (Bare Ward)	Application Permitted
24/00194/DIS	73 - 75 High Road, Halton, Lancaster Part discharge of condition 2 on approved application 24/00458/FUL for Louise Miller (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00201/DIS	Coach House To Rear Of Mansergh House, Borwick Lane, Borwick Discharge of condition 4 on approved application 21/00415/LB for Mr Ken Howson (Warton Ward)	Application Permitted
24/00201/FUL	First Floor Flat And Adjoining Barn, The Stables, Eskrigge Lane Re-roofing of first floor flat and attached barn for Mrs Sarah Underdown (Halton-with-Aughton And Kellet Ward)	Application Refused
24/00520/FUL	43 Cassidy Drive, Lancaster, Lancashire Installation of solar panels to south-east (side) and south-west (front) roof slopes for Dr Syed Bilgrami (Bulk Ward)	Application Permitted
24/00631/RCN	Dam Head Farm, Procter Moss Road, Ellel Partially retrospective application for the conversion of existing barn and shippon to a dwelling (C3) and holiday cottage including reroofing of the barn, rebuilding of the shippon and erection of a double garage to the rear (pursuant to the removal of conditions 10 and 11 on planning permission 23/00583/FUL to allow for permanent occupation of the holiday cottage) for Mr J Fox (Lower Lune Valley Ward)	Application Permitted
24/00730/FUL	Land To The Rear Of Greystones, Long Level, Cowan Bridge Retrospective application for the erection of a detached garden store building in association with Greystones, Spring Fold, Ken Moor and Linford for Mr Andrew Howson (Upper Lune Valley Ward)	Application Permitted
24/00734/FUL	11 Sir Simons Arcade, Lancaster, Lancashire Change of use of retail unit (E) into tattoo studio (Sui Generis) for Mrs Alice Nitu (Castle Ward)	Application Permitted
24/00743/PLDC	Middleton Parish Hall, 62 Low Road, Middleton Proposed lawful development certificate for the installation of a drainage system for Mr Thomas Smith (Overton Ward)	Lawful Development Certificate Refused
24/00748/PLDC	50 Albert Road, Morecambe, Lancashire Proposed lawful development certificate for conversion of two flats into one dwellinghouse (C3) for Mr Mark Nicholls (West End Ward)	Lawful Development Certificate Granted
24/00772/VCN	Cottages, Long Level, Cowan Bridge Erection of single and 2 storey rear extensions and porches to a front elevation and a side elevation, installation of a front door to replace existing window, removal of chimney stack, and creation of reconfigured domestic cartilages with associated hard standing (pursuant to the variation of condition 1 on approved application 22/00804/VCN to change site layout and rooflight position on approved plans) for Mr Andrew Howson (Upper Lune Valley Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00806/FUL	Whinney Hill Farm, Aughton Road, Aughton Temporary siting of cabin in association with The British Thoroughbred Retraining Centre for Mrs G Carlisle (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00843/FUL	Kitchen Garden South Of Hazelwood Lodge, Hollins Lane, Silverdale Erection of single storey dwelling with associated access, erection of replacement car-port, and associated landscaping for Mr R. & Mrs. N. Walton (Silverdale Ward)	Application Permitted
24/00850/LB	1 Laurel Bank, Lancaster, Lancashire Listed building application for the replacement of 5 uPVC ground/first/second floor level windows to rear elevation with timber sliding sash windows for Mr Charles Forsberg (Marsh Ward)	Application Permitted
24/00857/LB	West Lodge , Quernmore Road, Lancaster Listed building application for the installation of a rear flue and associated internal alterations for Mrs Janet Stuart (Bulk Ward)	Application Permitted
24/00877/EIR	Land Adjacent Health Innovation One, Sir John Fisher Drive, Lancaster University Screening opinion for proposed innovation campus for Lancaster University (University Ward)	ES Not Required
24/00879/LB	Higher Lee, Rakehouse Brow, Abbeystead Listed building application for the removal and infill of 2 existing rooflights/openings and installation of 3 rooflights to the rear roof slope, recovering of the roof and repairs to the chimneys with replacement vents and new pots, repairs to walls, replacement rainwater goods, repairs & replacement windows and doors, installation of secondary glazing, replacement upper floor flooring, removal of existing internal partition walls and construction of new internal partition walls and provision of new building services to include bathrooms, kitchen and heating appliances for Mr Gareth Fleming (Ellel Ward)	Application Permitted
24/00884/FUL	Flat 3 And 4, 336 Marine Road Central, Morecambe Change of use and conversion of upper flats (flats 3 and 4) into a self-contained unit and installation of two replacement windows to front elevation for Mr Peter Brown (Poulton Ward)	Application Permitted
24/00892/FUL	7 Hoghton Close, Lancaster, Lancashire Erection of a single storey side extension for Mr L Stainsby (Marsh Ward)	Application Permitted
24/00894/FUL	St Marys, Main Road, Bolton Le Sands Retrospective application for the change of use of land to cemetery and erection of boundary walls and gates for Father Peter Houghton (Bolton And Slyne Ward)	Application Refused
24/00896/FUL	Higher Lee, Rakehouse Brow, Abbeystead Removal and infill of 2 existing rooflights/openings and installation of 3 rooflights to the rear roof slope for Mr Gareth Fleming (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00898/FUL	23 - 25 Common Garden Street, Lancaster, Lancashire Change of use and conversion of part of ground floor retail unit (E) to residential studio flat for students (C3) and insertion of a new door/window in existing openings and replacement windows to the side for Mr Tarik Jayousi (Castle Ward)	Application Permitted
24/00901/FUL	Poulton Chippy, 1 Poulton Square, Morecambe Installation of replacement windows to first and second floor for Miss Nataly Sin (Poulton Ward)	Application Permitted
24/00904/ELDC	Basement Flat, 30 West End Road, Morecambe Existing Lawful Development Certificate for the use of basement flat as a self contained unit for Mrs Samina Shah (West End Ward)	Lawful Development Certificate Granted
24/00915/OUT	Moor End, Lodge Lane, Melling Outline application for the erection of a single dwelling with associated vehicular access and landscaping for Mr & Mrs Bayes (Upper Lune Valley Ward)	Application Refused
24/00921/LB	Flat 3 And 4, 336 Marine Road Central, Morecambe Listed building application for the removal of partition wall at first and second floors and installation of two replacement windows to the front elevation for Mr Peter Brown (Poulton Ward)	Application Permitted
24/00926/FUL	19 Sharpes Avenue, Lancaster, Lancashire Erection of a first floor front extension and installation of replacement windows to the front and side elevation for Mr and Mrs Armer (Bowerham Ward)	Application Permitted
24/00931/FUL	18 Greenwood Crescent, Bolton Le Sands, Carnforth Erection of a wall, entrance gate and posts for Mr And Mrs D Lawson (Bolton And Slyne Ward)	Application Permitted
24/00932/FUL	11 Haweswater Place, Morecambe, Lancashire Erection of a two storey side extension for Mr and Mrs D Murray (Westgate Ward)	Application Permitted
24/00935/FUL	1 Monkswell Avenue, Bolton Le Sands, Carnforth Erection of a single storey rear/side extension for Mr James Rafferty (Bolton And Slyne Ward)	Application Permitted
24/00936/FUL	Whale Tail Cafe , Penny Street, Lancaster Installation of 3 rooflights for Mr P Taylor (Castle Ward)	Application Permitted
24/00937/FUL	Gibraltar Farmhouse, Lindeth Road, Silverdale Erection of a roof extension to existing agricultural buildings, and concreting of track and yard area for Mr James Burrow (Silverdale Ward)	Application Permitted
24/00940/RCN	Diviny Livery Stables, Middleton Road, Middleton Erection of a detached dwelling for equestrian worker (pursuant to the removal of condition 8 on planning permission 17/00708/FUL to allow for the retention of the existing static caravan) for Miss H Diviny-Day (Overton Ward)	Application Refused
24/00941/FUL	The Castle, Castle Park, Lancaster Removal of window grilles to the Keep Building for Mr Adam Brooks (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00942/LB	The Castle, Castle Park, Lancaster Listed building application for the removal of window grilles to the Keep Building for Mr Adam Brooks (Castle Ward)	Application Permitted
24/00949/VCN	Bank House Fly Fishery Car Park (Parklands House), Lancaster Road, Caton Reserved Matters application for the erection of a detached dwelling (C3) with associated access, soakaway and landscaping and installation of a sewage treatment plant (pursuant to the variation of condition 2 on planning permission 21/01500/REM to allow for changes to the layout, appearance and landscaping including enlargement of the garage, alterations to fenestration/materials on the front elevation, oriel window to the rear, installation of a heat pump and alterations to the parking layout/patio area) for Mr Stainton (Lower Lune Valley Ward)	Application Permitted
24/00950/ELDC	Lakeland Fells View, Kirkby Lonsdale Road, Over Kellet Existing lawful development certificate for the lawful commencement of planning permission 22/00177/FUL for Mr & Mrs C Nichol (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
24/00951/FUL	Brow Foot Farm, Storrs Lane, Yealand Redmayne Construction of a roof over existing dirty yard area and concreting of an agricultural yard for Mr James Burrow (Silverdale Ward)	Application Permitted
24/00952/FUL	Wenning Cottage, Wennington Road, Wennington Erection of a greenhouse at the rear for Bruno Ditri (Lower Lune Valley Ward)	Application Permitted
24/00954/PAA	Batty Hill Farm, Lancaster Road, Cockerham Prior approval for the change of use of agricultural building to 4 dwellings (C3) for Mr P Hewitt (Ellel Ward)	Prior Approval Refused
24/00960/FUL	Brows Farm, Glasson Dock Road, Glasson Dock Retrospective application for erection of balcony to the rear of the dwelling and new fence adjacent to the highway for Mr Ben Hodgson (Ellel Ward)	Application Refused
24/00964/PLDC	185A Scotforth Road, Lancaster, Lancashire Proposed lawful development certificate for the construction of raised decking area with associated fencing for Oliver Mossop (Scotforth East Ward)	Lawful Development Certificate Granted
24/00965/PAM	Land To The Side Of Units 1-9, Lansil Way, Lancaster Prior approval application for the installation of a 22.5m lattice mast and associated equipment, cabinets and boundary fencing for Cornerstone (Bulk Ward)	Prior Approval Refused
24/00968/FUL	Ripley St Thomas Church Of England Academy, Ashton Road, Lancaster Installation of replacement windows and cladding to the Ashton, English and Humanities Block for Ripley St Thomas CE Academy (Scotforth West Ward)	Application Permitted
24/00969/FUL	1 Warren Close, Slyne, Lancaster Demolition of existing conservatory and erection of a single storey rear extension for Mr and Mrs Martin Fagon (Bolton And Slyne Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

24/00977/FUL	21 Clarendon Road East, Morecambe, Lancashire Change of Use from dwellinghouse (class C3) to two self-contained apartments (class C3) for Mr Peter Young (West End Ward)	Application Permitted
24/00982/FUL	12 Craggs View, Over Kellet, Carnforth Erection of conservatory to rear of property for Mr & Mrs Bradbury (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00986/FUL	Cotestones Farm, Sand Lane, Warton Construction of roof and walls over existing midden for Mr Paul Barker (Warton Ward)	Application Permitted
24/01006/FUL	Hill Crest, Grange View, Warton Erection of single storey side extension and installation of roof-lights for Mr and Mrs Tom Carling (Carnforth And Millhead Ward)	Application Permitted
24/01009/FUL	Nippers Nursery, 74 Lancaster Road, Carnforth Creation of door and window to rear elevation for Mr J Dixon (Carnforth And Millhead Ward)	Application Permitted
24/01013/FUL	8 Wallings Lane, Silverdale, Carnforth Installation of package sewage treatment plant to replace existing septic tank for Mr M Hillard (Silverdale Ward)	Application Permitted
24/01020/NMA	28 Langdale Road, Carnforth, Lancashire Non material amendment to planning permission 23/00620/FUL to amend windows for Mrs Carol Sedgwick (Carnforth And Millhead Ward)	Application Permitted
24/01053/PAH	14 Seaborn Road, Morecambe, Lancashire Erection of a 6 metre deep, single storey rear extension with a maximum roof height of 3.2 metres and a maximum eaves heights of 2.5 metres for Mrs Loxam (Bare Ward)	Prior Approval Not Required
24/01055/NMA	3 Croftlands, 28 Westbourne Road, Lancaster Non material amendment to change render to stone on rear and rear-side elevations and adjustment to rear boundary wall for Mr S Gershon (Marsh Ward)	Application Permitted
24/01078/LB	Lancaster Priory, St Marys Parade, Lancaster Listed building application for installation of replacement external drainage pipes, the installation of a new French drain to the West elevation of the North Aisle and Regimental Chapel and proposed archaeological trial pit for Leah Vasey-Saunders (Castle Ward)	Application Withdrawn
24/01094/PLDC	11 Herb Gardens, Arkholme, Carnforth Proposed lawful development certificate for the installation of replacement first floor windows to the front elevation for Mr Justin Owens (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
24/01096/AD	Tatham Hall, Wennington Road, Tatham Agricultural determination for the erection of an agricultural storage building for Mr Frank Towers (Lower Lune Valley Ward)	Prior Approval Refused
24/01100/EIR	Tatham Hall, Wennington Road, Tatham Screening request for the erection of an agricultural storage building for Mr Frank Towers (Lower Lune Valley Ward)	ES Not Required

LIST OF DELEGATED PLANNING DECISIONS

24/01128/EIR	Land At, Silverhelme Scout Camp, The Row Screening request for the installation of a 30m high lattice tower with 3 antennas, 1 transmission dish, 2 equipment cabinets, 1 electric meter cabinet, 1 GPS module, 9 Ericsson Radio Systems, 1.8m high fencing and ancillary development for Cornerstone Telecommunications Ltd (Silverdale Ward)	ES Not Required
24/01133/AD	Whittington Farm, Main Street, Whittington Agricultural determination for the creation of an access track for Mr E Makereth (Upper Lune Valley Ward)	Prior Approval Refused
24/01162/PLDC	41 Foxholes Road, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr Stuart Taylor (Bare Ward)	Lawful Development Certificate Granted
24/01168/EIR	Silver Sapling Camp Site, Park Road, Silverdale Screening opinion for the erection of a side extension to existing amenity block for Elaine Clare (Silverdale Ward)	ES Not Required
24/01191/EIR	Railside Yard, Land East Of Old Moor Road, Old Moor Road Screening request for erection of extension to agricultural machinery shed for Mr J Shaw (Lower Lune Valley Ward)	ES Not Required