



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 28 JULY 2025

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 23rd June 2025 (previously circulated).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

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

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

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

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

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight

attributed to this is a matter for the decision-taker.

Local Finance Considerations

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

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

- | | | | | |
|---|--|--|--|------------------------|
| 5 | A5 21/00899/HYB | Land Between Brewers Barn And The A601(M) North Road Carnforth Lancashire LA5 9LJ | Carnforth & Millhead Ward | (Pages 5 - 58) |
| | | Hybrid Application comprising a full application for the erection of 71 dwellings with associated vehicular access, incorporating a signalised junction, together with pedestrian and cycle access points, associated earthworks, roads, parking and drainage infrastructure and an outline application for the erection of up to 87 dwellings, including public open space provision and associated infrastructure. | | |
| 6 | A6 22/01542/OUT | Land East Of The Limeburners Arms Main Road Nether Kellet Lancashire | Halton-with-Aughton & Kellet Ward | (Pages 59 - 93) |
| | | 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. | | |

7	A7 24/01395/FUL	87 King Street Lancashire LA1 1RH	Lancaster Castle Ward	(Pages 94 - 102)
		Change of use and conversion of an existing office building (Class E) into 4 self-contained flats (C3) with external alterations and change of use of part of adjacent car park to site bin store.		
8	A8 24/01396/LB	87 King Street Lancashire LA1 1RH	Lancaster Castle Ward	(Pages 103 - 107)
		Listed building application for a replacement roof with solar panels and rooflights, alterations / replacements to window/doors and openings, installation of vents/ducts, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and new ceilings.		
9	A9 25/00637/FUL	Lancaster City FC The Giant Axe West Road Lancaster Lancashire LA1 5PE	Marsh Ward	(Pages 108 - 111)
		Erection of single storey extension to the front.		
10	A10 25/00130/FUL	21 The Drive Lancashire LA5 9JD	Carnforth & Millhead Ward	(Pages 112 - 115)
		Retrospective application for the change of use of land to domestic garden in association with 21 The Drive with landscaping and erection of a shed.		
11	A11 25/00677/VCN	Former Frankie And Benny's Hilmore Way Morecambe Lancashire LA4 4DD	West End Ward	(Pages 116 - 119)
		Variation of condition 7 on approved application 95/00530/FUL to extend the opening hours of restaurant.		
12	Delegated List (Pages 120 - 130)			

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Dave Brookes (Vice-Chair), Louise Belcher, Martin Bottoms, Keith Budden, Tom Fish, Alan Greenwell, John Hanson, Jack Lenox, John Livermore, Andrew Otway, Catherine Potter, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Maria Deery (Substitute), Roger Dennison (Substitute), Martin Gawith (Substitute), Colin Hartley (Substitute), Paul Newton (Substitute) and Joyce Pritchard (Substitute)

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

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

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

Published on 14th July 2025.

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

1.0 **Procedural Matters**

- 1.1 This application was reported to Planning Committee on 28 October 2024 and was resolved to be approved subject to conditions and the completion of the legal agreement. The previous Officer Report is appended to this report as a background paper. The draft legal agreement has been agreed between the parties and is ready for engrossing and completion.
- 1.2 This application is being reported back to planning committee following material changes to the Environment Agency flood maps and the publication of the Strategic Flood Risk Assessment. Given the extent of flood risk on the site, it was determined the Flood Risk Assessment should be updated to reflect the changes and to consider the implications for the proposed development.
- 1.3 Since the resolution, the Climate Emergency Review of the Local Plan has also been adopted. This updated report considers the change in policy in relation to sustainable design.
- 1.4 This report will focus on flood risk matters and the changes to the sustainable design policies only. The background paper provides a full and complete account of the site and surroundings, site history and an assessment of proposal and other material planning considerations.
- 1.5 This report will provide a recap of the proposal and will set out our recommendation for both the full and outline elements of the application in light of the changes.

2.0 Proposal

2.1 The current proposal is a hybrid planning application where full planning permission is sought for the erection of 71 dwellings and associated access and infrastructure and outline planning permission is sought for up to 87 dwellings. The outline element comprises means of access to be considered.

2.2 Full Planning Application

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

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

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

House Size	Number of Units
1 BED DWELLINGS (APARTEMENTS)	8
2 BED DWELLINGS	20
3 BED DWELLINGS	30
4 BED DWELLINGS	13
Total:	71

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

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

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

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

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

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

Outline Planning Application

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

3.0 Consultation Responses

3.1 A summary of all the consultation responses is provided in the appended report.

3.2 The submitted Flood Risk Assessment Addendum has been considered in consultation with the Environment Agency. Their comments are summarised below:

Consultee	Response
Environment Agency	<p>No objection. Following amendments, the EA has removed the objection and comment as follows:</p> <p>Updated Flood Risk Assessment (FRA) addendum note and figures prepared by Fairhurst, referenced; Document Number: 139997-GL-W-TN-01 FINAL R2and dated 27 June 2025 has addressed earlier concerns and demonstrated the development would be safe without exacerbating flood risk elsewhere provided the mitigation measures are implemented.</p> <p>A condition is recommended requiring the development to be carried out in strict accordance with the measures set out in the FRA Addendum.</p> <p>The EA reminds the applicant an Environmental Permit will be required for works within phase 1 around Back Lane watercourse.</p>

4.0 Analysis

The key considerations in the re-assessment of this application are:

- Flood risk
- Sustainable Design

4.2 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable

- 4.2.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.
- 4.2.2 Both Local Plan policy DM33 and the NPPF require a sequential approach to development in respect of flood risk. If a site contains areas of medium or high risks of flooding, taking into account all sources of flood risk, a sequential test would be required to demonstrate that there are no sites at a lower risk of flooding where the development could be located.
- 4.2.3 Based on the identified flood risks on the application site (see paragraph 5.3.3 of the background paper), the applicant did provide a Flood Risk Sequential Test (FRST) in accordance with policy DM33 and the NPPF (pre December 2024 NPPF).
- 4.2.4 The changes to the NPPF have introduced some flexibility, setting out that a sequential test would not be required if a site specific flood risk assessment (FRA) demonstrated that the built development could be located outside areas of flood risk. In this case, the revisions to the NPPF do not alter the requirement for a FRST as the development does not avoid the areas at risk of flooding.
- 4.2.5 Our assessment of the applicant's FRST is set out in paragraphs 5.3.8 – 5.3.19 of the background paper. This concludes the FRST has been satisfied (despite deficiencies) and that the development accords with the requirements of policy DM33. There are no material changes to account for now which would alter this outcome, as alternative sites at a lower risk of flooding were not available to the applicant. This remains the case.
- 4.2.6 Having satisfied the FRST, the applicant is required to demonstrate compliance with the Exception Test. This is set out in paragraph 5.3.20-5.3.29 of the background paper. To pass the Exception test there must be wider sustainability benefits that outweigh the flood risk, and the development will be safe for its lifetime without increasing the flood risk elsewhere.
- 4.2.7 The previous recommendation set out that both parts of the Exception Test had been satisfied. The wider sustainability benefits have not changed since the Planning Committee's earlier resolution. In relation to the second part of the Exception Test, the applicant had demonstrated the development would be safe for its lifetime and would not increase the risk of flooding elsewhere. This was set out in their FRA (version 4) which was accepted by the Environment Agency. However, there have been changes in relation to flood risk data which informed the previous FRA. This includes the recently published Strategic Flood Risk Assessment (January 2025) and an update to the Environment Agency's flood maps for planning. Both show a greater level of flood risk across the site now and in future scenarios. This mainly affects the applicant's phase 2 land.
- 4.2.8 In light of the changes, the applicant has produced an FRA Addendum to address the changes in flood risk across the site and to demonstrate the development would remain safe for its lifetime without existing flood risk elsewhere.
- 4.2.9 The FRA addendum has been amended to address previous concerns raised by the Environment Agency and officers. This largely related to deficiencies and not accurately identifying the flood risks.
- 4.2.10 The FRA addendum considered the updated EA flood maps for planning and has assessed the proposal having regard to climate change allowances (1 in 100 year plus 70% climate change scenario). This exceeds the 'higher' climate change allowance for the Lune Management Catchment area and is considered a conservative approach. The addendum recognises a greater proportion of the site (mainly phase 2) is now located in areas at higher risk of flooding. There is a small area close to plots 28-35 in phase 1 located within Flood Zone 2 with Flood Zone 2 and 3 extending into the access road and driveways. Within Phase 2, the indicative drawings show some access routes within the extent of flood risk. The proposals do not include any dwellings within Flood Zone 3.

- 4.2.11 The FRA addendum equally recognises changes to the level of surface water flood risk across the site and notes this aligns with the fluvial flood extents and does not show any areas of the proposed development site to be at a higher risk of surface water flooding than that of fluvial flooding. Accordingly, any mitigation required to address fluvial flood risk will also provide adequate mitigation for surface water flood risk now and in the future.
- 4.2.12 In respect of groundwater flood risk, the SFRA mapping now shows a greater risk of flooding from groundwater sources compared to the previous SFRA, which was considered when the application was first reported to Planning Committee. Notwithstanding this, the applicant's site specific FRA and supporting site investigations and soakaway testing adequately demonstrates the risk of groundwater flooding is low. This is not contested.
- 4.2.13 The watercourses running through the site remain classified as Flood Zone 3b. Policy DM33 seeks to protect Flood Zone 3b from new development. It goes on to state development must not impede the flow of water or reduce the volume available for the storage of water, and that only essential infrastructure or water compatible uses will, in exceptional circumstances, be permitted in the flood plain.
- 4.2.14 Phase 1 includes a crossing over the main river which is already partly culverted. The route of the watercourse is classed as Flood Zone 3b but the extent of flood risk around this area is only Flood Zone 2, therefore access and egress can be suitably provided. The internal access road in this location will require a small section of culverting, which also requires approval and permitting from the Environment Agency. This is not a new issue and formed part of the proposal previously presented to Planning Committee. However, to ensure the details of the access road and culverting are satisfactory and any such work does not impede the flow of the watercourse, it is recommended the internal road condition is widened to require details of all supporting infrastructure (retaining walls/culverting and bridging).
- 4.2.15 Within phase 2, the extent of Flood Zone 3 has extended and now impacts likely access and egress more than it did previously. The FRA Addendum indicates access through the flood extent (Flood Zone 3) would be constructed above the design flood level without impacting on the flood flow routes to ensure there is no adverse impact on flood risk elsewhere (including the development itself). The flood level is not known at this stage and requires further flood modelling. However, the extent of any bridging would be no higher (in terms of land levels) than the areas currently identified in Flood Zone 2. There is clearly a solution to ensure the development can be made safe for its lifetime, including safe access and egress, and the flood risk would not be increased elsewhere. The solution is set out briefly in the FRA addendum but this would require refining with specific details. This would include details of the site levels including road infrastructure and details to demonstrate flood flow routes are not impacted nor is the volume of flood storage reduced. This detail will be necessary to inform reserved matters, as the flood mitigation requirements could result in other impacts, such as amenity and design concerns that need to be understood to inform the layout. As such, an additional condition is recommended for Phase 2 (the outline element) requiring a detailed Flood Risk Mitigation Scheme including details of the design flood levels and proposed levels for property and access roads. This would be a pre-commencement condition which is concurrent with the reserved matters.
- 4.2.16 The FRA addendum identifies the changes in flood risk on the site and proposes the following mitigation:
- No dwellings shall be located in Flood Zone 3
 - Within Phase 1 plots 28-35 shall have their finished floor levels more than 600mm above the adjacent peak flood level. The applicant has confirmed this does not alter the proposed FFLs specified on the submitted plans for the full element of the development.
 - For Phase 2, all dwellings located in Flood Zone 2 shall have their finished floor levels more than 600mm above the adjacent peak flood level or 300mm above ground level, whichever is greater.
 - The layout of development is unknown for Phase 2 and would be subject to reserved matters which will be accompanied by a site specific FRA.
 - Access across Flood Zone 3 will require bridging which must not impact flood flow routes and cause flood risk elsewhere.

- 4.2.17 The Environment Agency has raised no objection to the addendum and is satisfied the development is safe for its lifetime and would not increase the risk of flooding elsewhere. Our assessment concludes the addendum is satisfactory in principle for both phases 1 and 2, however, a precise mitigation scheme is required in relation to the outline element of the proposal.
- 4.2.18 Considering the above, and with the imposition of suitable flood risk and drainage planning conditions, it has been demonstrated that the development can be safe from flood risk and that the development would not result in a flood risk elsewhere over the lifetime of the development. Accordingly, the second part of the exception test is also passed. It is contended that there are no flood risk or drainage grounds to resist the proposal and that the development accords with the NPPF and Local Planning policies in this regard.
- 4.3 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation) and Policy CNDP EC3: Sustainable Design of the Carnforth Neighbourhood Plan.
- 4.3.1 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 development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of 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. The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 (after the earlier resolution) and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction.
- 4.3.2 Policy CNDP DC3 of the Neighbourhood Plan also encourages new housing development to meet high standards of sustainability and accord with BREAAAM, Passivhaus or Home Quality Mark standards. It goes on to state housing proposals should show how resource efficiencies and climate change adaptations will be incorporated into development including layout, landscaping, drainage and the utilisation of sustainable drainage systems.
- 4.3.3 The application was submitted and resolved to be approved prior to the adoption of the CERLP. The applicant's submitted Energy Statement was previously accepted (see paragraph 5.9.4 of the background paper) and a condition not deemed necessary at this stage as the requirements would have been a duplication of building regulations. The newly adopted sustainable design policies are more stringent and will require measures beyond that set out in the initial Energy Statement. The development must now accord with the new requirements (DM30a to DM30c), specifically securing a fabric first approach to reach a minimum of 75% reduction in carbon emissions against Part L of the Building Regulations 2013 (and 100% reduction for dwellings building on or after 01/01/2028), as well as achieving, as a minimum, the optional requirement set through Building Regulations G2: Water Efficiency (or any future successor requirement). Securing compliance with these new policies can be secured by planning condition. DM30c requires more awareness and measures to minimise the effects of climate change during construction in particular. The recommended Construction Management Plan will need to cover the requirements of this policy.

5.0 Conclusion and Planning Balance

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

- 5.2 The proposed application has been subject to complicated technical constraints including the on-site infrastructure and flood risk, as well as the implications of the changes to the status of the former A601(M) to order to provide a suitable access to the site. It has equally been complicated by the nature of application submitted with phase 1 seeking full planning permission and phase 2 in outline. It is also recognised that the proposal has not been well received by the public or the Town Council and the long-standing determination has not been helpful to the community. Objections from the community relate largely to the impact of traffic and potential misuse of North Road, loss of countryside and impacts on wildlife, concerns relating to the infrastructure on site and the lack of community infrastructure to support growth, visual impacts and the effects on the amenity of existing residents. These are all valid concerns which have been carefully considered in the assessment of this proposal.
- 5.3 The proposed access strategy is fundamentally a consequence of the existing highway network along North Road being highly unsuitable to support additional traffic from this development. The access proposal is not a typical solution for residential development because the principal access is disconnected from the existing built environment. This is a weakness of the proposal; however, the applicant has demonstrated the access is safe and would not impact the efficient operation of the local and strategy highway network to the satisfaction of the local highway authority and National Highways. To mitigate the against the accessibility concerns, off-site highway improvements works along North Road are proposed to enhance pedestrian accessibility. This together with connections to Whernside Grove, Carnforth Brow, a contribution towards improvements to existing public rights of way and improvements to the canal towpath ensure the proposal complies with planning policy objectives in relation to active travel. These measures make the development acceptable in planning terms and provide wider public benefits. These benefits are given moderate weight in the planning balance.
- 5.4 The applicant has demonstrated that the development would be acceptable in terms of flood risk despite the increase in flood extent which mainly affects phase 2. The proposal will include some dwellings in floodzone 2 (for phase 2) but with mitigation in relation to finished floor levels and access being provided above the flood design level this would ensure the development is safe for its lifetime. As the applicant has satisfied the FRST, there is no conflict with flood risk policy in this regard. The Environment Agency remain satisfied that the proposal is acceptable and would not be at risk of flooding or increase the flood risk elsewhere. However, since the earlier resolution, additional conditions are now recommended to ensure the flood risks are fully understood to inform the reserved matters associated with the outline application. This also includes details of the internal estate roads and any culverting and bridging of watercourses and the floodplain.
- 5.5 Regarding climate change matters, the requirements of policies DM30a to DM30c are matters that are capable of being controlled by planning condition. The applicant accepts this position and understands there will be an additional condition to secure details of the measures needed to meet the requirements of these newly adopted policies.
- 5.6 The applicant has also demonstrated ecological impacts and infrastructure/pollution matters can be made acceptable (through conditions) and it is recognised the development will also make positive contributions towards open space provision on and off-site. The open space contributions provide wider public benefits and are afforded moderate weight. The other matters hold neutral weight as they are matters required to make the development acceptable in planning terms. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.
- 5.7 For the full application the development will provide 71 dwellings of which 21 dwellings shall be affordable. The outline application seeks up to 87 dwellings, though the final number is expected to be much lower, taking account of the design concerns set out earlier in the repot, of which 30% of the dwellings would be affordable. The housing benefits should be given significant weight in the planning balance.
- 5.8 Weighing against the proposal, is the loss of open countryside, localised moderate adverse landscape and visual effects and the design concerns. The design concerns associated with the full application relate to the extent of parking dominating the proposed streets, lack of communal landscaping within the built development to support street trees (though street trees can still be

provided), and the extent of engineering works required around and within the banks of the watercourse.

- 5.9 In relation to the outline, there are number concerns identified with the indicative proposals, but it is contended that the design impacts could be addressed by a substantial reduction in the number of dwellings at reserved matters stage, subject to housing type, size and mix. The conflicts with design and landscape policy in this regard should be given some weight in the planning balance. However, as set out early, it is felt these concerns would not be substantiated on appeal and in the case of the outline application could be overcome through the reserved matters.
- 5.10 Paragraph 61 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 (January 2025) identifies a housing land supply of 2 years (this has dropped since the application was last reported), which is a significant shortfall against the required 5 year supply requirement. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 5.11 In the context of the presumption in favour of sustainable development, the assessment of this proposal against the NPPF taken as a whole, concludes there are no clear reasons for refusing the application which would effectively disengage the tilted balance. Therefore, in applying the tilted balance, the test is whether any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal.
- 5.12 Given the significant undersupply of housing within the district, it is considered that the benefits of the proposal, in connection with both the full and outline application, do outweigh the harm caused through the loss of open countryside, the localised moderate adverse landscape and visual effects and the design and amenity concerns set out in this report. Accordingly, Members are recommended to continue to support both the full and outline applications based on the recommendations set out below.

Recommendation

Full Planning Application:

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting to cater for the provisions below. 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.

The following obligations are required:

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

- £337,173.90 Towpath contribution CART.
- Provision of 21 affordable housing units.

And the following conditions (changes from previous recommendation highlighted in bold text):

Condition no.	Description	Type
1	Standard Time Limit (2 years)	Control
2	Approved Plans	Control
3	Full details of the vehicular access details and access to be provided before construction of any other part of the development	Pre-commencement
4	Full details of the pedestrian/cycle connections to Whernside Grove, Carnforth Brow based on submitted drawings including timetable for implementation and use	Pre-commencement
5	Full details of the emergency access measures to prohibit general vehicular access at Whernside Grove and Carnforth Brow and ongoing management/maintenance including timetable for implementation and use.	Pre-commencement
6	Full details of all off-site highway improvement works based on submitted drawings including timetable for implementation and use	Pre-commencement
7	Construction Method Statement including traffic management and protection of on-site infrastructure and requirements to meet policy DM30c.	Pre-commencement
8	Construction Environmental Management Plan including protection of landscape features.	Pre-commencement
9	Surface Water Construction Method Statement	Pre-commencement
10	Foul and Surface Water Drainage Scheme	Pre-commencement
11	Site Investigation and Remediation Strategy	Pre-commencement
12	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA	Pre-commencement
13	Employment and Skills Plan	Pre-commencement
14	Precise details of noise mitigation measures based on updated assessment for approved layout.	Pre-commencement
15	In accordance with AIA except for the requirement for updated protection plans for trees and hedgerows and method statements based on phased development (full and outline stages).	Pre-commencement
16	Final finished floor levels and site levels and details of any retaining features (location, heights and appearance)	Pre-commencement
17	Landscaping scheme	Pre-commencement
18	Parking plan to be submitted and agreed and thereafter retained for said purpose (including removal of garage PD rights where required)	Pre-commencement
19	Submission of a Sustainable Design Statement including Energy and Carbon Statement to meet the requirements of policy DM30a and DM30b including the precise details of sustainable design measures/features	Pre-commencement
20	Details of external lighting	Above slab level
21	Details of all external materials to the dwellings	Above slab level
22	Details of all boundary treatments	Above slab level
23	Hard Landscaping scheme	Above slab level

24	Construction details of internal estate roads, private drives and driveways, including levels, retaining structures and any bridging details.	Before construction of estate roads
25	Landscape Management Plan	Pre-occupation
26	Sustainable drainage system operation and maintenance manual.	Pre-occupation
27	Verification report of constructed sustainable drainage system.	Pre-occupation
28	Travel Plan	Pre-occupation
29	Homeowner Pack (HRA mitigation)	Pre-occupation
30	Protection of visibility splays	Control
31	M4(2) compliance	Control
32	Development to accord with the mitigation set out in the FRA addendum in respect of Phase 1 only.	Control
33	Provision and retention of road turning facilities	Control
34	Removal of PD rights (extensions, roof alterations, fencing and enclosures)	Control
35	No insertion of new windows and obscure glazing only to side facing windows to plots 1, 11, 17, 24, 28, 57 and 68-69.	Control

Outline Planning Application

That Outline Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting to cater for the provisions below.. 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.

The following obligations are required:

- Provision of 30% affordable housing.
- Provision of amenity space.
- POS contribution towards outdoor sports facilities to be calculated at reserved matter stage.
- Provision of Young persons play space on site or off-site contribution to be agreed at reserved matters stage .
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30-year management.
- Management and Maintenance of all unadopted land, infrastructure and landscaping.

And the following conditions (changes from previous recommendation highlighted in bold text):

Condition no.	Description	Type
1	Standard Time Limit (approval of reserved matters).	Control
2	Approved Plan (Location Plan and phase 2 plan only)	Control
3	Site plan and access drawings indicative only	Control
4	Full access details showing connections to estate roads pursuant to the full planning application and connections to the canal towpath	Pre-commencement
5	Construction Method Statement including traffic management and protection of on-site infrastructure and compliance with policy DM30c	Pre-commencement
6	Construction Environmental Management Plan	Pre-commencement
7	Concurrent with the reserved matters application and prior to commencement of development a final detailed Flood Mitigation Scheme (based on the FRA Addendum) and informed by updated flood modelling to be submitted and agreed.	Pre-commencement/at submission of reserved matters

8	Surface Water Construction Method Statement	Pre-commencement
9	Foul and Surface Water Drainage Scheme	Pre-commencement
10	Site Investigation and Remediation Strategy	Pre-commencement
11	No development within 10m of the tow of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal to be submitted and agreed by the LPA	Pre-commencement
12	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA including buffer to canal.	Pre-commencement
13	Employment and Skills Plan	Pre-commencement
14	Submission of a Sustainable Design Statement including Energy and Carbon Statement to meet the requirements of policy DM30a and DM30b including the precise details of sustainable design measures/features	Pre-commencement
15	Commensurate with reserved matters, assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation	Pre-commencement/at submission of reserved matters
16	Commensurate with reserved matters, updated AIA to be provided with a scheme for tree and hedgerow protection and method statements.	Pre-commencement/at submission of reserved matters
17	Finished Floor Levels and Site Levels	Pre-commencement
18	Housing Mix	Pre-commencement
19	Details of internal estate roads Construction details of internal estate roads, private drives and driveways, including levels, retaining structures and any bridging details.	Pre-commencement
20	Details of external lighting	Pre-commencement
21	Sustainable drainage system operation and maintenance manual.	Pre-occupation
22	Verification report of constructed sustainable drainage system.	Pre-occupation
23	Travel Plan	Pre-occupation
24	Homeowner Pack (HRA mitigation)	Pre-occupation
25	NDSS and M4(2) standards	Control
26	No more than two dwellings within the IZ/IM of the pipeline	Control
27	No facilities for outdoor use to be provided in the IZ/IM of the pipeline	Control

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

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

Background Papers

Officer Report for 21/00899/HYB reported to 28 October 2024 Planning Committee

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

(i) **Procedural Matters**

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

1.0 Application Site and Setting

- 1.1 The proposed site is a 7.4 hectare greenfield site located on the periphery of the built-up area of Carnforth, located between existing residential development to the east (Whernside Grove and Browfoot Close) and the A6070, formerly the A601(M), to the west. The site includes Brewers Barn (dwelling) and its associated residential curtilage. To the north, the site borders North Road/Carnforth Brow and agricultural land extending up to Carnforth Brow and the Carnforth to Leeds railway line. Lancaster Canal borders the site to the south. Junction 35 of the M6 Motorway is situated southeast of the site beyond the canal. The site is located approximately 1km east of the town centre.
- 1.2 Except of the existing dwellinghouse and garden, the site comprises agricultural fields divided by mature hedgerows and individual trees. The site includes an area of hardstanding used for storing agricultural equipment. The remaining site boundaries are lined with mature hedgerows, individual trees and woodland. Back Lane/Kellet Road Watercourse (a Main River and tributary to the River Keer) traverses in a north-easterly direction through the site with another unnamed watercourse crossing the site from its south-eastern corner.

- 1.3 The site has an undulating topography with the site sloping towards the watercourses that cross the site. In the northern part of the site (phase 1), the levels range from 11.26m AOD in the northern section of the site to approximately 20.7m AOD along the western boundary. In the southern parcel of the site (phase 2) the levels range between 16.3m AOD in the northwestern areas to around 20.1m AOD along the eastern boundary. Lancaster Canal which runs along the southern boundary occupies an elevated position above the site, with the site levels sitting close to 19m Above Ordnance Datum (AOD). The levels broadly fall to around 16.5m AOD in the central part of the southern section of the site. The land then rises again towards Carnforth Brow and the rear gardens of Browfoot Close (between 16 – 18m AOD).
- 1.4 The site lies outside the defined urban boundary of the settlement within the designated 'Countryside Area'. A large portion of the site is allocated as Mineral Safeguarded Land. Within the site, a group of individual trees in the northern parcel are protected by a Tree Preservation Order (ref: 170(1989)). Lancaster Canal that borders the site is designated as a Biological Heritage Site and is also allocated as formal open space comprising part of an important recreational corridor through the district. The site is approximately 1.4km (at its closest point) east of Morecambe Bay and its conservation designations (Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and Site of Special Scientific Interest (SSSI)) and is also within a designated Nature Improvement Area. There are no public rights of way through the site or affected by the proposals.
- 1.5 The site straddles floodzones 1, 2 and 3 with most of the southern part of the site within floodzones 2 and 3. Parts of the site are also identified to be at risk of surface water flooding with some limited areas also at medium risk of groundwater flooding. A high-pressure gas pipeline runs along the eastern boundary of the site with high-transmission overhead powerline and pylon traversing the site in a southwest – northeast direction. Whilst not within the town's Air Quality Management Area (AQMA), the site falls within its zone of influence. The Leeds to Carnforth railway line is also situated approximately 36m north (at its closest point) of the site.

2.0 Proposal

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

2.2 Full Planning Application

- 2.3 The proposal relates to the construction of 71 dwellings (reduced from the initial 81 dwellings proposed) with an associated new vehicular access taken off the A6070, including pedestrian and cycle access points to Carnforth Brow/North Road, associated earthworks, roads, parking and drainage infrastructure and an equipped play area and amenity greenspace. The development proposed under the full planning application is considered the first phase of the wider development (full and outline combined). This equates to around 3.5 hectares of the whole site.
- 2.4 The proposed mix of housetypes includes apartments, semi-detached and detached dwellings and bungalows. Most of the residential units are two-storey buildings with some dormer features providing accommodation in the roof space. The proposed dwellings shall be constructed from a palette of materials including white render, natural stone elevations, slate-effect roofs and grey uPVC windows and doors.
- 2.5 The breakdown of the housing mix for the full application comprises:

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

3 BED DWELLINGS	30
4 BED DWELLINGS	13
Total:	71

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

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

- 2.6 Like the previous planning permission (see site history), the main vehicular access shall be taken from the A6070. The proposed access strategy includes a new signalised junction into the site opposed to the previously approved roundabout. The changes to the access strategy have evolved between the applicant and the local highway authority following the grant of the previous planning permission. The signalised junction is intended to provide safer and more efficient junction once the A601(M) (now A6070) had been decentralised and is then open to non-motorised users. However, the proposed access does not propose provision for pedestrians and/or cyclists and is only intended to provide a vehicular access/egress to the site. The access includes a new central reserve within the A6070 with right and left turning lanes into the site. At the mouth of the junction, the carriageway measures 17.2 metres before tapering to 7.5 metres (over c75m) and then 5.5 metres into the development.
- 2.7 For the full element of the scheme, an emergency vehicular access with a pedestrian and cycle route is proposed between the site and Carnforth Brow and Whernside Road via the existing driveway to Brewers Barn.
- 2.8 Due to the undulating nature of the site, earthworks are proposed across the site to create development platforms. To connect parts of the site from the main access, the internal estate road requires some culverting of the existing watercourse. The development proposed under the full application includes a series of retaining walls and features mainly in the rear gardens of the proposed plots. The banks to the main river, which crosses the site, requires some engineering works to retain the highways either side.
- 2.9 Five trees are proposed for removal due to the poor condition. The full element of the development will result in the loss of significant lengths of hedgerow (H1, H2, parts of H3 and H5).

Outline Planning Application

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

3.0 Site History

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

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

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

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council (CTC)	<p>Objection - CTC maintain their initial objections following further consultation. A summary of the main reasons for opposition include:</p> <ul style="list-style-type: none"> County Council proposes to connect the A601(M) to North Road as part of a separate project associated with the declassification of the A601(M). This will result in A601(M) traffic (as well the development traffic) using North Road. The potential increase in traffic along North Road will coincide with increased used by pedestrians as well, including pedestrian movements arising from the Scotland Road development. Recommends a new study be undertaken to model pedestrian movements in the area. Proposed pedestrian improvements along North Road will impact physically on the already constrained route. Existing on-street parking is also likely to be affected by such works, making the existing situation more problematic. CTC support the CART request for a contribution to upgrade the canal towpath. CTC question the need for an emergency access point to North Road, quoting examples of other larger development (Scotland Road) where they are served by single access points. CTC request the emergency access points are reviewed given safety concerns along North Road. CTC are in discussions with the highway authority about increasing number of road safety issues between the junction with Browfoot Close and the railway bridge to Netherbeck.

	<ul style="list-style-type: none"> • CTC concerned over out-dated reports used to support the application and lack of consideration of cumulative impacts from other developments. • Objects to the increase in housing density (compared to the approved scheme) and the ability to provide the proposed level of housing given the infrastructure on site, noting concerns that National Grid would go to the extent of moving the pipeline. • Requests a viability appraisal be undertaken to evidence deliverability. • Concerns over the derivability of the scheme in full and the proposed phasing (hybrid approach to the application). • CTC highlight the housing needs survey undertaken for the Neighbourhood Plan. • CTC maintains the site is disconnected from Carnforth and will add little benefit to the town. <p>Further comments (November 2022) received expressing concerns over the viability of the development and the likelihood of the delivery of an appropriate housing mix for the community. The Town Council questions the delivery of the outline element of the scheme given the presence of infrastructure.</p>
County Highways Local Highway Authority (LHA)	<p>Objection withdrawn. Following the submission of amended information (March 2023), the LHA now have no objection to the development, noting the previous layout concerns have been satisfactorily addressed by the amended Site Layout Plan (Rev Y). The LHA confirm the development would not have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe in accordance with the NPPF. However, this is subject to the following contributions and conditions to support sustainable travel and mitigate the impacts of the development:</p> <ul style="list-style-type: none"> • £12,000 Travel Plan Contribution • £15,000 Prow Right of Way Improvements to Footpaths 22,23 and 24. • Full construction access details including emergency access points and pedestrian access points • Scheme for off-site highway improvement works (North Road) • Phasing of access and off-site highway works • Internal roads to be construction to adoptable standards • Garage use restrictions • Travel Plan condition • Protection of visibility splays • Construction Method Statement • Arrangements and future management of proposed streets until roads are adopted.
National Highways	<p>No objection subject to the statutory procedures relating to the de-specialisation of the A601(M) declassification of the status of the A601(M). NH do recommend that LCC consider the effect of the proposed junction with the 4-arm roundabout with Netherbeck proposed as part of the declassification works to ensure both junctions can operate with each other without undue impacts on the network.</p> <p>No comments to latest amendments.</p>
Network Rail	<p>No objection to the proposals. Earlier comments from Network Rail indicate works adjacent to the railway line must be undertaken with the supervision of Network Rail to ensure works to do impact the safe operation, stability and integrity of the railway and its boundary. Network Rail advise the development to enter into a Build Asset Protection Agreement (BAPA). Network Rail indicate a need to understand how the traffic will be managed with respect to the nearby limited clearance bridge including construction traffic and operational traffic. The applicant should also ensure suitable noise and vibration measures are included as the railway line operations all year round, 24/7, that all surface water is directed away from the railway line and there is agreement concerning any vibro-impact works on site.</p>
Environment Agency (EA)	<p>Objection withdrawn - After formal objections from the EA to the initial FRA, in August 2023 the EA accepted the findings and conclusions of the amended FRA (dated 19.7.2023) and raised no objections on flood risk grounds. The EA did,</p>

	<p>however, continue to object to the layout and engineering proposals noting unacceptable impacts to the Back Lane/Kellet Road Watercourse.</p> <p>Following the submission of further amendments in February 2024, the EA has removed their objection but note the proposals are not ideal in terms of layout and relationship to the watercourse.</p> <p>The EA maintain that the proposed development including the culverting of the watercourse and landscaping will require a separate Flood Risk Activity Permit and that further details will be required to satisfy this process.</p> <p>The EA also note that the landscaping in the riparian corridor of the watercourse could inhibit future maintenance of the watercourse despite being much reduced. The continuous hedgerows will prevent access to the watercourse for maintenance purposes and pose a potential flood risk.</p> <p>The EA reminds the applicant that they are encouraged to provide BNG as part of their development proposals.</p>
United Utilities (UU)	<p>Objection withdrawn - Following the submission of amended information, UU has now withdrawn their objection. UU has confirmed that following review of the Phase 2 Drainage Network and reviewed drainage drawings for phase 1, UU are satisfied the proposals are acceptable in principle subject to further information to inform the final drainage design. Consequently, a final foul and surface water drainage scheme and maintenance plan is recommended by condition.</p>
Lead Local Flood Authority	<p>Objection withdrawn - Following the submission of a further revised FRA and Drainage Strategy (February 2024), the LLFA has now withdrawn their objection. Their initial objection was based on an inadequate FRA and surface water drainage strategy, noting several deficiencies and contradictions across the applicant's submission. The LLFA note the drainage strategy has been significantly amended following the applicant's engagement via their own Planning Advice Service. The LLFA recommend the following conditions:</p> <ul style="list-style-type: none"> • Final Surface Water Drainage Strategy based on FRA Rev 4 and indicative drainage strategy. • Construction Surface Water Management Plan • Sustainable Drainage System Operation and Maintenance • Verification report of Constructed Sustainable Drainage System
Cadent Gas	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The development has the potential to impact Cadent Gas's high-pressure gas apparatus. • Amended plans must be provided factoring in the required build proximity distance (8m) to the pipeline. <p>HSE Planning Advice to be undertaken.</p>
Health and Safety Executive	<p>Following the submission of amendments (2024), HSE comment as follows: -</p> <p>Does not advise, on safety grounds, against the granting of planning permission for the application for full planning permission.</p> <p>Does advise, on safety grounds, against the granting of planning permission for the outline planning application unless the following conditions are imposed: -</p> <ul style="list-style-type: none"> • No more than 2 dwelling units shall be located within the combined inner/middle zone of the Slyne/Whasset pipeline. • No facilities which involve outdoor use by the public such as play areas, shall be located within the combined inner/middle zone of the Slyne/Whasset pipeline.
HSE Planning Gateway One	<p>Commented the application does not meet the criteria for consultation.</p>

Electricity Northwest	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The layout of the development makes no attempt to mitigate the impacts of the 132kV overhead powerline across the site and in fact includes a greater number of properties below the line than the previous consent. • The Utilities statement is misleading. ENWL maintain the line should remain in situ and this position will be rigorously defended if settlements cannot be reached between ENWL and the applicant (as part of a separate, private and legal matter). • The number of dwellings proposed on the site is based on the applicant's incorrect assumption that the line will be diverted or undergrounded. <p>Additional comments have been received concerning the following matters:</p> <ul style="list-style-type: none"> • Flood risk - ENWL would need to be satisfied any flood risk mitigation measures for the site, which may be located under the 132kV line, would not compromise their infrastructure. • Highways and access – ENWL support the County's objection as they need to be satisfied the access does not compromise their infrastructure. <p>Request re-consultation on any amendments or before any determination given the strategic importance of the apparatus to electricity distribution across the wider region.</p> <p>ENWL have not commented to subsequent amended plans/supporting information following consultations.</p>
Natural England	<p>No objection - NE has considered the applicant's shadow Habitat Regulations Assessment (HRA) and the Council's HRA and Appropriate Assessment and raise no objection subject to appropriate mitigation being secured by condition. The mitigation includes:</p> <ul style="list-style-type: none"> • the provision of homeowner packs, • surface water management construction method statement, • surface water and foul water management schemes.
Arnsdale and Silverdale AONB Partnership	<p>Comments - Following the submission of amendments, the AONB Partnership (June 2023) recommend the Council to ensure that there are enough trees incorporated into the development and that trees are of sufficient size and height to mitigate impacts on visual amenity.</p> <p>Initial comments included the following points:</p> <ul style="list-style-type: none"> • The development is within the setting of the AONB and is visible from Warton Crag, a key viewpoint within the AONB. • An expansive urban development will have a negative impact on the rural landscape which forms part of the character and setting of the AONB. • Recommend a Landscape Visual Impact Assessment and viewpoint from Warton Crag. • Strongly recommend more tree planting, copses within the housing area and on the boundaries to reduce the visual impacts on the AONB and to break up the urban block when viewed from Warton Crag. • Clarify materials to include grey roof slates and limestone as the natural stone. • External lighting to be controlled to minimise light pollution to protect intrinsically dark landscapes and nature conservation. • If planning permission is granted, recommend areas of tree planting included as a condition.
GMEU	<p>No objection – comments and recommendations as follows:</p> <ul style="list-style-type: none"> • No further ecology surveys need to be carried out before deciding the application. • The Council could rely on the conclusions of the sHRA to undertake its own assessment. • Recommend a minimum of 8-10 metre buffer strip to the canal to avoid harm to the canal's designation as a Biological Heritage Site.

	<ul style="list-style-type: none"> • Site is dominated by species-poor agricultural land but includes notable local habitats including hedgerows and watercourses. • Open watercourses to be retained. • The hedgerows are particularly prominent landscape features and older than indicated in the ecology report. • The proposals indicate significant lengths of hedgerow to be removed with replacement planting limited and fragmented. • Recommends retained hedgerow are properly protected, new hedgerows are properly landscaping through the requirement of a Landscape Management Plan (by condition). • The development is considered unlikely to cause significant harm to any protected or notable species, except for small numbers of foraging bats and nesting birds. • Conditions recommended to avoid vegetation clearance during bird nesting season, Reasonable Avoidance Measures (RAMS) Method Statement in relation to Otters and a sensitive lighting scheme given habitat corridor associated with Lancaster Canal. • Accepts the results of the BNG assessment subject to final landscape plans and long-term management plans to be conditioned.
Arboricultural Officer	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The AIA should justify the tree and hedgerow losses. • The proposals should be designed around existing landscaping rather than the other way around in order to create a place for people and wildlife rather than for buildings. • There needs to be increased buffers between the existing woodland and canal rather than green infrastructure squeezed into small pockets of the site. • Lack of high-quality landscaping plan which show how the current character of the site will be retained/enhanced. • Following amendments (2022), concerns over hedgerow removal, hedgerow planting hemming in the watercourse and concerns over the tree species.
Lancashire County Council - School Planning Team	No objection - No education contribution required (March 2024). An updated assessment has been requested. If the position has changed, a verbal update will be provided.
Environmental Health Service	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> • EV charging to be provided to each dwelling (check air quality assessment) • Standard contaminated land condition • Noise mitigation including barrier fencing, ventilation and acoustic glazing to be agreed before occupation.
Lancashire Constabulary	Recommends the development should be designed to meet Secure by Design security standards. The response does not confirm whether the development would meet standards and provides a number of recommendations.
Lancashire Fire and Rescue Service	Standing advice received in relation to building regulations compliance concerning access and facilities for the fire service.
Waste and Recycling Team	Internal layout to be revisited to ensure waste collections are sustainable for both residents and waste crews.
Public Realm Team	<p>No objection subject to the following requirements (for the full application):</p> <ul style="list-style-type: none"> • Amenity Space on site. • Equipped Play area on site. • Young person's provision on site or a contribution off-site to support the Friends of Cragg Bank who are looking at installing outdoor gym equipment. • Contribution towards outdoor sports provision (3G pitch at Carnforth High School or alternative site in the town).
Canal & Rivers Trust	<p>No objection. The Trust recommend the following conditions/s106 requirements:</p> <ul style="list-style-type: none"> • Surface water drainage scheme including catchment modelling through culvert 64 and management and maintenance arrangements. • No development within 10m of the tow of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried

	<p>out adjacent to the canal to be submitted and agreed by the LPA (to ensure the development does not affect the stability of the canal embankment). See Trust comments for full details of RAMS.</p> <ul style="list-style-type: none"> Financial Contribution to fund the upgrading and re-surfacing of 300m of towpath adjacent to the site and a further 750m between the western boundary and Bridge 128 (market Street). CART has estimated this to be £337,173.90. Notes no tree planting should be provided within 5m of the canal embankment and recommends a detailed landscaping scheme. Construction Environment Management Plan (CEMP) required to prevent pollution of the canal during construction. Lack of detail of the canal access points - recommends a condition requiring full details of the access points to the towpath. <p>Additional advice has been provided in relation to the following matters:</p> <ul style="list-style-type: none"> BNG - the CART raises several queries with the applicant's amended BNG assessment and the implications of this dependent upon whether the Council apply mandatory BNG requirements or not. CART indicate a pre-commencement condition setting out how BNG units will be provided should be secured. Internal layout – the indicative proposals for phase two have frontage to the Canalside which in principle is welcomed. The design of development and parking areas, away from the edge of the canal, will require further details are reserved matters stage. Surface water drainage – the attenuation seems robust and of a size proportionate to the site. CART is keen to see a table of the current discharge flow rates into the stream course vs post development. This is so CART can be certain any culvert under the canal can take future flows. Landscaping – tree and planting species along the canal corridor are appropriate. BNG assessment states canal hedgerow to be retained but landscaping plans do not show this. CART wish to see canal hedgerow retained.
Lancaster Canal Trust	<p>Comments received as follows:</p> <p>Lancaster Canal Trust supports the comments made by the Canal and River Trust in relation to the following matters:</p> <ul style="list-style-type: none"> protecting the structural integrity of the canal, surfacing and upgrading of the towpath by the developer, high standards of design and landscaping, the preparation of a CEMP, the management to surface water drainage, limiting the number of access points to the towpath, landscaping, and BNG.
Planning Policy	<p>Comments as follows:</p> <ul style="list-style-type: none"> Recognises the site benefits from outline planning permission for 158 dwellings, therefore the principle is accepted. The setting of the AONB needs to be considered. Access Plans are confusing and unclear whether the new signalised junction is proposed for phase 1. Given the sites poor connectivity, ped/cycling links to the town and towpath should be maximised to enhance the sustainability of the site. The provision of affordable housing is welcomed. The housing mix does not align with the SHMA Inadequate energy / utility statement
Morecambe Bay Clinical Commissioning Group	<p>Following the submission of amendments, no objection subject to securing a contribution (broken down as follows) to the extension and reconfiguration at Ash Trees Surgery, Carnforth for additional clinical capacity.</p>

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

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

Early 2024
10 objections

Summer 2023
6 objections

Summer 2022
6 objections

Late 2021/early 2022
15 Objections

A summary of the main reasons for opposition and concern are set out below:

Principle and procedural issues -

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

Infrastructure and access issues –

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

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

Environmental concerns -

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

Design and amenity concerns -

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

5.0 Analysis

The key considerations in the assessment of this application are:

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

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

5.1.1 Principle of housing growth

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

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

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

5.1.4 Neighbourhood Plan

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

5.1.5 Loss of Agricultural Land

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

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

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

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

5.1.8 **Mineral Safeguarding Land**

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

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

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

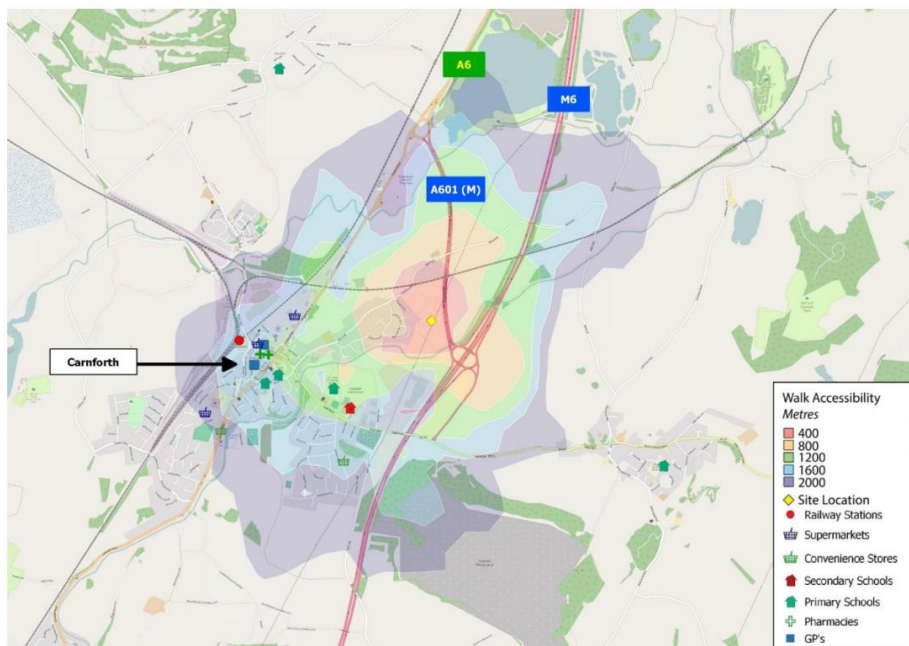
5.2 **Traffic impacts, access, parking and sustainable travel** NPPF Chapter 9 (Promoting Sustainable Transport) and Chapter 12 (Achieving Well-designed and Beautiful Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SP10 (Improving Transport Connectivity), T2 (Cycling and Walking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

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

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

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

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



© Copyright Data CC-BY-SA by OpenStreetMap 2016

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

5.2.4 Access Strategy

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

- 5.2.5 The Local Highway Authority's proposed works at Netherbeck formed part of the wider decentralisation programme of the former A601(M), as well as dealing with the overbridge that is life expired. Since the application was submitted, the Local Highway Authority's intended works have changed. Netherbeck Bridge is no longer to be removed and replaced with an at-grade junction and there are no plans to facilitate non-motorised users on the downgraded A601(M). Despite these wider changes, the proposed signalised junction will still be installed with MOVA intelligent signal controls to allow the proposed junction to cope effectively at busy times when the A6070 experiences excessive traffic. It will also be a more effective and safer junction for agricultural vehicles requiring access and egress into the site. The speed limit for the A6070 shall be reduced to 50mph (part of the wider decentralisation programme). Despite there no longer being an intention to allow non-motorised users onto the A6070, the signalised controlled junction will be significantly safer than a roundabout junction if this changes in the future.
- 5.2.6 The main vehicular access off the A6070 forms part of the application for full planning permission. This junction is intended to be the only access and egress into the site by vehicles. Additional emergency access points are proposed off Carnforth Brow and via the driveway to Brewers Barn onto Whernside. The emergency access points are for emergency vehicles only and will be controlled to prevent permanent use by other motorised vehicles. These access points will also provide permanent pedestrian and cycle access to connect with the existing built-up part of suburban Carnforth.
- 5.2.7 There has been significant concern expressed from the local community in respect of the emergency access points being misused or that is the event the main access is unable to be delivered, these emergency access points default to provide the vehicular access to the development. This would not be an acceptable situation given the highway constraints associated with North Road. For this reason, in the event of any approval, conditions would be imposed to ensure the main access is provided before commencement of the remaining elements of the development, and that this access would be provided for the construction phases of the development. To ensure the emergency routes remained restricted to provide only pedestrian/cycle access (except in the case of emergencies), a scheme for the provision of bollards (or similar) to prohibit general vehicular access, together with maintenance and management, would be required by condition.
- 5.2.8 The outline planning application includes access with all other matters reserved for subsequent approval. However, there are no formal vehicular access drawings forming part of the outline application. It can be assumed an access will be taken off the internal estate road forming part of the full application. The Local Highway Authority have not raised any objections to the access for the outline element of the development. Officers are satisfied a planning condition for full details of access can be controlled by planning condition for the outline application.
- 5.2.9 The overall access strategy and re-design of the proposed junction serving the development applied for in full is fully supported by the Local Highway Authority. The revised access design is deemed a more appropriate junction to serve the proposed development in comparison to the earlier roundabout junction, with the full details of such to be controlled by planning condition. National Highways are equally satisfied the junction will not impact the strategic road network and raise no objection to the development.
- 5.2.10 Whilst the access strategy is considered to be acceptable to serve the development and is safe from a highway perspective, it is inevitable there will be a reliance on the private car due to the access position off the A6070 (away from the main urban areas of the town). This is a weakness of the scheme but such that does not strictly conflict with policies DM60-DM63.
- 5.2.11 **Traffic Impacts**
The application is supported by an Addendum to the 2016 Transport Assessment. The addendum considers the changes to the junction design, traffic generation (based on 195 dwellings as originally applied for) and an assessment of junction capacity. In terms of trip generation, applying the 85th percentile trip rates from the TRSICS database (for more robust assessment), the development (195 dwellings) is anticipated to result in 141 two-way movements in the AM peak and 147 two-way movements in the PM peak. Now the scheme has been reduced back to 158 dwellings (maximum),

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

- 5.2.12 Given the proximity of the proposed access to Junction 36 of the M6 motorway, National Highways are a statutory consultee to the application. Their primary concern would be risks in traffic queuing back to the strategic road network (the motorway). National Highways has assessed the application and are content the reported trip rates remain valid and note that applying the 85TH percentile trip rate, provides a more robust assessment of the development impacts. National Highways has confirmed the trip rates, trip generation, trip distribution and assignment applied in the submitted transport Assessment are appropriate and acceptable. This is a position also shared by the local highway authority.
- 5.2.13 In addition to considering traffic generation, the applicant has undertaken a LinSIG model of the proposed Brewer's Barn traffic signalised junction to assess capacity and the potential for queuing between the proposed signalised junction and the M6 Junction 35. The model inputs are considered robust and accurate and have been agreed with both National Highways and the Local Highway Authority. The model indicates a maximum queue length between the junction and the M6 junction 35 of 25 metres (on the nearside ahead lane) accounting for growth factors plus the development. This would not impact the strategic road network as the predicted queuing from the proposed junction would not extend back to the M6 junction 25 which has a stacking capacity of around 590 metres, with the proposed junction operating with significant capacity. Both National Highways and the Local Highway Authority are, therefore, satisfied the proposed development would not result in severe traffic impacts on the strategic and local highway network. Furthermore, National Highways confirm the development would not cause a material reduction in the safety of the strategic road network either. The Local Highway Authority equally do not raise any concerns over in relation to highway safety in relation to the location and design of the proposed vehicular access. Acceptability of the access strategy and traffic impacts from the statutory consultees is based on the special status of the former A601(M) being revoked, which has now occurred.
- 5.2.14 **Connectivity and accessibility**
The site is located on the edge of the urban area and is some distance from local services within the town centre and the local schools. Due to the constraints on North Road limiting vehicular access and the access strategy to serve the development, the site does not result in a well-connected scheme. In an attempt to mitigated against this, the proposal incorporates cycle and pedestrian access to Whernside Road and Carnforth Brow as part of the full application and access to the canal towpath as part of the outline element. There is also a commitment to provide a financial contribution towards the upgrades to the surfacing between the site and Bridge 128 (Market Street). These measures will provide meaningful benefits to better integrate the development with the exiting urban area. The connections will also support good connection to existing pedestrian and cycle networks to maximise sustainable modes of travel. The Canal and Rivers Trust (CART) have no objections to the principle of the development provided these links are provided and a contribution is sought to secure the upgrades proposed.
- 5.2.15 The proposed emergency access and pedestrian/cycle link to Whernside Grove will be taken via the existing drive of Brewers Barn. The precise details of this will be conditioned, however, officers are satisfied that this route can be achieved. The link onto Carnforth Brow involves alterations to the highway and the incorporation of footway to connect to the existing footway to the west side of Browfoot Close. There will also be connections in this location to the development being undertaken by Rowland Homes on Scotland Road. This neighbouring development, once complete, will provide further opportunities for pedestrians and cyclists to access other parts of the town and other recreational facilities.
- 5.2.16 The proposal then includes an outline scheme for various off-site highway works to secure improvements to the existing footways and the provision of new footways where none are at present along North Road. The delivery of this scheme provides improved pedestrian provision and traffic calming along North Road to encourage and support pedestrian movements between the site and the town centre. The applicant is also committed to making contributions to improve existing public rights of way between Carnforth Brow and the town centre as well as developing a residential Travel Plan. The contributions are set out in the summary of the highway authority response. These initiatives collectively enable the proposal to comply with the principle of policies DM29, DM60 and DM61 of the Local Plan and policy CNDP AM1 of the Neighbourhood Plan.

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

5.2.18 **Internal Layout**

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

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

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

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

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

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

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

- 5.3.3 Officers have reviewed the Local Plan Strategic Flood Risk Assessment (SFRA) which confirms the site is at risk of flooding from the following sources:
- Flood Zones 2 and 3 (medium and high risk of fluvial or tidal flooding)
 - Medium and high risk of pluvial flooding (a depression in the centre of the southern parcel of land)
 - Medium risk of ground water flooding (this covers a very small part of the southern boundary and a small pocket in the northern eastern corner of the site)
 - Future Fluvial Flood Risk (Back Lane 2020 modelled outcomes). This area largely aligns with the up-to-date EA flood maps.
- 5.3.4 The applicant's FRA originally concluded a sequential test was not required on the grounds of the mitigation being proposed. Whilst this may have been the position in relation to the previous planning permission (16/00335/OUT), the applicant accepts the position that all sources of flood risk must be considered before mitigation is considered, and that where there are any risks (medium to high), a sequential test would be required. It is also accepted that the SFRA shall form the basis for the sequential test. This approach accords with the NPPF (§168-171) and the Planning Practice Guidance and policy DM33 of the DM DPD.
- 5.3.5 Paragraph 168 of the NPPF states: *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'*.
- 5.3.6 The PPG (023) makes it clear that the sequential approach must account for current and future flood risks from any source and that the sequential test applied at the local plan and decision-making stages is the most effective way of addressing flood risk, noting this places the least reliance on measures like flood defences, flood warnings and property level resilience features. The PPG makes is very clear that *"even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied"*. The PPG (024) equally reinforces the point that the presence of flood risk management infrastructure, such as sea defences/flood walls, should be ignored for the purposes of applying the sequential test. Whilst there are no such features directly affecting the application site, it is relevant when comparing the flood risks on alternative sites.
- 5.3.7 When considering the individual sources of flood risk, the PPG (023) states *'other forms of flooding need to be treated consistently with river and tidal flooding in terms of mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk'*. Again, this is relevant when assessing and comparing the flood risks on alternative sites.
- 5.3.8 The applicant has submitted and amended their flood risk sequential test and exception test in an attempt to address concerns raised by officers. In accordance with the PPG, the broad scope of the assessment was discussed and agreed with the local planning authority before submission. Given the collective scale of the development (full and outline) and the nature of the proposal (housing to meet a district need), it was agreed that the area of search to review alternative sites could be limited to the main urban areas and sites on the edge of the urban areas within Lancaster district (Lancaster, Morecambe, Heysham and Carnforth).
- 5.3.9 The purpose of the sequential test is to consider whether there are any reasonably available sites suitable to accommodate the proposed development that are at a lower risk of flooding than the application site. PPG (028) states *'reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development [our emphasis]. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'*.

- 5.3.10 A flood risk sequential test should identify alternative sites within the agreed catchment and suitable to accommodate the development applied for, applying a reasonable degree of flexibility relating to the scale and size of sites. It should then assess and compare the relative flood risks, and for those sites sequentially preferably, determine whether they are a 'reasonably available site' (i.e. suitable for the development and available within the time the proposed development is envisaged).
- 5.3.11 The applicant's sequential test is complex and lengthy, and it is clear significant effort has been put into the assessment to address the requirements of the sequential test. However, there remain several concerns with the sequential test which are summarised below:
- Quantifying the extent of flood risk from each source with a percentage is not considered to be a robust approach in isolation.
 - A percentage of the site covered by a particular source of flooding tells us nothing about where the risk is relative to the development. For example, you may have a greater percentage of high flood risk on an alternative site, but that risk is limited to the periphery of the development, opposed to a slightly lower percentage of high flood risk located in the centre of the site.
 - The applicant relies upon the Environment Agency flood maps for planning when the SFRA should form the basis for applying the sequential test.
 - Discrepancies relating to the sources of flood risk considered affecting the site and alternative sites.
- 5.3.12 The sites assessed within the applicant's sequential test range from those considered in the Strategic Housing and Economic Land Available Assessment (SHLEAA) (May 2018), to local plan allocations, considered and pending planning applications and any sites identified from other sources. Notwithstanding the deficiencies and concerns raised about the applicant's sequential test, the applicant has gone on to demonstrate that there are no sequentially preferable sites at a lower risk of flooding that would be reasonably available to accommodate the development in a timescale envisaged by the current proposal.
- 5.3.13 Many of the sites assessed are considered to be unavailable on the grounds the sites are allocated for alternative uses, such as employment allocations or development has already started. These conclusions are reasonable and accepted for those sites. For the larger sites in the district which could accommodate the development and could be sequentially preferable in flood risk terms, the applicant contends these too are not reasonably available. This is either a consequence of the sites not being available within the timescale envisaged for the development, such as the South Lancaster Broad Location for Growth (except the Gladman's site) or sites are not available to the applicant as they are not being marketed.
- 5.3.14 The PPG is silent on how to consider and assess what constitutes a reasonable available site. It is therefore a matter of professional judgement based on evidence before us, other decisions and reasonableness. The Highland Brow appeal case (APP/A2335/W/23/3326187) set some benchmark expectations which has guided our approach to addressing the flood risk sequential test. One expectation was for applicants to contact landowners/stakeholders of sites that could be sequentially preferable to be certain whether such sites could be reasonably available.
- 5.3.15 The applicant has contacted relevant stakeholders to enquire whether their sites could be available. This includes sites within the Lancaster North and East Strategic allocations as well as the Broad Location for Growth, including the Gladman's site (19/01135/OUT / SHLEAA reference 327) that is the subject of a current public inquiry planning appeal (and others). For these strategic sites, the applicant has confirmed they have received no response from landowners/stakeholders (after 42 days) save for one response which relates to a parcel of land not capable of supporting the proposed development as access would be required through land within the wider allocation, which is not available. In the absence of any evidence to indicate the land (sites) forming part of the strategic north and east sites and the Gladman's site would be available to the applicant for development, it is accepted at this time, that these sites can be discounted as not reasonably available sites.
- 5.3.16 Lundsfield Quarry is considered a sequentially preferable site to the application site in flood risk terms. The applicant recognises this but has concluded the site is not reasonably available. Lundsfield Quarry is owned by Homes England who have a pending planning application

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

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

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

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

5.3.20 **Exception Test**

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

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.3.21 The applicant contends that there are wider sustainability benefits to the community that outweigh the flood risk. A summary of these benefits (in relation to phase 1) include:

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

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

5.3.23 **FRA and Drainage Strategy**

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

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

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

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

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

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

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

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

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

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

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

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

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

- 5.4.5 The site is located within Landscape Character Type (LCT) 12 Low Coastal Drumlines and Landscape Character Area (LCA) 12a Carnforth-Galgate-Cockerham. Undulating topography with strong patterns of pastureland with trees and hedgerows traversing drumlins are typical characteristics of the LCT. This LCT is recognised for supporting an extremely high proportion of built development including the larger settlements of Lancaster and Morecambe and includes significant transport corridors.
- 5.4.6 The landscape character of the site itself is characterised by five undulating and irregular shaped agricultural fields defined by mature hedgerows (some unmanaged), open watercourses and drainage ditches, trees and stone walls. 132kV overhead powerlines cross the site supported by a large pylon close to the eastern boundary. A gas pipeline crosses the site underground.
- 5.4.7 The wider landscape surrounding the site accommodates significant built development and transport infrastructure. Lancaster canal and the towpath to the south of the site is a distinct landscape feature and therefore the development has the potential to affect the setting of this recreational corridor.
- 5.4.8 The site itself is rural in character with the landscape immediately surrounding the site subject to significant change through transport infrastructure or built development (housing and employment). The surrounding landscape is urban in character and forms the setting to the application site. The character of the canal corridor transitions from an open and rural character east of the A6070 before approaching the southern edge of urban Carnforth to the west. Here the canal corridor has a sense of enclosure due to the wooded vegetation either side of the canal. Immediately adjacent to the site, the canal corridor opens up to pastureland (the site) to the north and fields and employment land to the south. The employment development is highly visible in this location.
- 5.4.9 The proposed development will markedly change the landscape character of the site from pastureland to a residential estate. Landscape features, such as hedgerows will be lost to support the infrastructure and development platforms to provide the housing. This clearly results in adverse effects to the landscape character. Given the prevailing character of the surrounding landscape the site is not considered to represent a valued landscape in the context of the NPPF (§180). The NPPF does not define a valued landscape but TGN21 does. It states ‘valued landscapes’ are ‘*areas identified as having sufficient landscape qualities to elevate it above other more everyday landscapes*’. Despite the presence of the canal to the south of the site and its associated recreational, ecological and heritage interests, the application site is not considered to represent a landscape that is out of the ordinary and more than everyday countryside.
- 5.4.10 This is relevant as the overall level of effect the development has to the character of the landscape is influenced by the landscapes sensitivity to change and the magnitude of effects. The previous LVA concluded the sensitivity of this landscaping was medium/low. Since the last LVA, despite some shortcomings in the assessment, the local area has seen more development to the south and north and as such the conclusion the site would have a medium to low sensitivity to change remains relevant and reasonable. The magnitude of effect arising from the development was previously considered medium adverse. The scale, geographical extent and duration of the effect remains largely the same as the previous planning permission, albeit there are larger parts of the site now that are not capable of being developed for housing. The knock-on effect may mean higher density development in the developable areas but more land available to provide open space, landscaping and habitat enhancements. Overall, it remains relevant and reasonable to conclude there would be a medium adverse magnitude of effect. The overall effect of the development on the landscape character of the site itself and its setting would be considered to be moderate adverse. The level of effect on the landscape character of the surrounding areas and the LCA reduces as the development would be seen in the context of existing built development.
- 5.4.11 Turning to the visual effects, the most important visual receptors to the site will be neighbouring residents and walkers and cyclists using the canal towpath and walking/cycling along Carnforth Brow. Transient receptors (motorists) using the A6070, and Carnforth Brow are relevant, but the level of effect will not be significant. This is because views will be filtered by existing landscape features or other buildings and when the site is visible, the views will be fleeting and transient.
- 5.4.12 Views from neighbouring properties to the west will substantially change by the development. In the case of the full planning application, residents’ views over the site will change from a rural

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

- 5.4.13 Views from the canal and the towpath towards the site can vary dependant on the management of the hedgerow that separates the site from the canal. However, there are sections of the canal whereby the site as a whole can be viewed, despite the southern parcel of land being at a lower elevation. The previous LVA concluded the overall significance of impacts on receptors using the canal as negligible. This conclusion is not supported. The loss of the open and rural fields, which provide a setting to the National Landscape in the background, with housing development would lead to at least low / moderate adverse effects initially. With substantial landscaping and good design to the outline element of the development there is clear scope to reduce the level of effect to low adverse.
- 5.4.14 The setting of the National Landscape is a consideration, however whether viewing the site with the National Landscape in the background or viewing the site from the National Landscape, the development would be clearly seen in the context of the existing urban area of Carnforth therefore, it is agreed the effects would be negligible. Securing an appropriate design and use of high-quality materials will provide embedded mitigation to ensure the development suitably integrates with the surrounding landscape including the setting to the Arnside and Silverdale National Landscape.
- 5.4.15 Policy DM46 states that the outside protected landscapes the council will support development which is in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external materials and landscaping (most reserved matters). Policy CNDP EC1 requires new development to demonstrate they have responded to landscape character and green infrastructure and have designed development to incorporating areas of open space, trees and landscaping. Policy DM29 echoes the same.
- 5.4.16 The proposal will inevitably have a localised landscape and visual impact as a consequence of the loss of the pastureland, which currently provides a pleasant green lung between with existing development to the west and the A601(M). However, in a wider context, the landscape surrounding the site has already accommodated significant change and urbanisation. Despite being a large field in itself it does not form part of a wider open and rural landscape – it is bound by strong linear features which provide a natural edge to the urban fabric of the town, namely the A601(M) and the canal. For this reason, the proposed expansion of the urban area up to these linear features would not lead to significant adverse impacts and would not significantly harm the views from or across the nearby National Landscape on the basis the site would naturally form part of the existing built environment and would be viewed in this context. Subject to the reserved matters application in relation to the outline application, securing appropriate landscaping and open space to ensure the development integrates with its surrounding, in particular the canal, there are no landscape grounds to resist either the full or outline applications.
- 5.4.17 **Design**
In terms of design, despite some weaknesses in respect of the vehicular access being disconnected to the existing built environment, the proposed site sits alongside existing residential development and is bound to the east and south and to a lesser extent to the north by strong linear features (A601(M), Carnforth Brow and the Canal), which form natural boundaries to the urban fabric of the town. In this regard the site offers a natural extension of the settlement. The proposal provides several pedestrian/cycle connections to the existing built environment to ensure it is suitably integrated with it. The following design section will address the full and outline elements separately.
- 5.4.18 Full Application – Design Matters
Housetypes
The application proposes 15 different houses across the site consisting of a mix of bungalows, two storey dwellings (some with dormer windows and roof accommodation) and cottage style apartments (blocks of four each with their own entrance). There is a good mix of detached, semi-detached and short terraces to create variation to the ridgelines and adds interest to the design of

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

5.4.19 Layout

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

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

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

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

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

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

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

5.4.25 Outline Application – Desing Matters

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

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

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

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

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

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

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

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

5.4.31 **Open Space**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

				existing bungalow and poses no adverse impact on amenity.
--	--	--	--	---

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

5.5.6 **Amenity of proposed residents**

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

5.5.7 Noise

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

5.5.8 Overhead Electricity Lines and Pylon

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

- 5.5.9 There is limited guidance on the effects of noise from overhead lines and pylons. Noise from the powerlines will be greatest, albeit unlikely to be harmful, when it is raining. Inside the dwellings the noise is unlikely to be adverse, if at all audible. Externally, the noise would be audible but during wet conditions the external space will not be heavily used therefore unlikely to give rise to significant adverse effects. The Council's Environmental Protection Team has raised no concerns in relation to noise from this source.
- 5.6 **Infrastructure, Education and Health NPPF Chapter 8 (Promoting healthy and safe communities) and Chapter 15 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding).**
- 5.6.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. The latest position from the local education authority (Lancashire County Council) confirms no education contribution is required from this development. Despite concerns to the contrary, the education authority is satisfied there are sufficient school places to support the impacts of the development.
- 5.6.2 The response from the NHS sets out that the proposal will generate approximately 181 new patient registrations (for the full application), and 209 new patients (indicative for the outline application) based on average household size of 2.4 and that the needs of these new patients will have a direct impact on the delivery of general practice services, thus requiring mitigation. The site falls within the catchment area of Ash Tree Surgery. The NHS states this need, along with other new developments, can only be met through the extension and reconfiguration of the existing premises. The contribution requests equate to £45,494 (full application) and £52,532 (outline). The response goes on to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. Therefore, it is not clear how the contribution would be used to be considered directly related to the development. Furthermore, there remains doubt over the extent of the funding gap and whether the full patient yield from the development would have direct impacts on health provision to meet the tests of necessity under the CIL Regulations. This is an ongoing conversation the local planning authority are having with the NHS and will form discussions as part of the emerging Local Plan review as well. In the absence of a clear project and evidence there is a funding gap that must be met through developer contributions, the NHS contribution request cannot be accepted at this time and as it would not be considered CIL compliant. Consequently, the NHS would be objecting to this application.
- 5.6.3 In accordance with the NPPF (paragraph 194) the local planning authority has consulted with the appropriate statutory consultees in relation to nearby hazards and infrastructure, in particular the high-pressure gas pipeline that runs through the site. Cadent Gas is responsible for the gas pipeline. They initially informed us that the gas pipeline is laid in a legally negotiated easement to which certain conditions apply and it is therefore essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline. Legal easements associated with this infrastructure will involve separate agreements direct with the infrastructure provider. Nevertheless, it is a material consideration in the consideration of this application.
- 5.6.4 As part of the full application, the inner/middle zone of the gas pipeline has been factored into the layout of the development. Only the access road crosses the pipeline. A small section of the internal estate road encroaches into the combined inner/middle zone and some of the garden to plot 40. Amenity greenspace and planting lies within and close to the pipeline. There are no buildings over the pipeline itself or located in the BPD based on the evidence submitted.
- 5.6.5 The outline application is indicative at this stage with layout and landscaping reserved for subsequent approval. The indicative plans show an internal estate road over the pipeline and within the BPD.

- 5.6.6 Cadent Gas has maintained a formal objection to the proposal throughout the determination of this application on the grounds the development has the potential to impact their gas apparatus. Their latest position advises the local planning authority to consult with the Health and Safety Executive before proceeding with the application. Cadent Gas indicates the Build Proximity Distance (BPD) for the pipeline is 8 metres and advises that the plans are amended to factor in the BPD.
- 5.6.7 HSE have been consulted on the application at various stages. HSE do not advise against the granting of the full planning permission and do advise against the granting of the outline application, unless two conditions are imposed to limit no more than two dwellings within the combined inner/middle zone and no facilities which involve outdoor use by the public also in the inner/middle zone. Outdoor facilities would include play areas or facilities whereby the public could congregate for longer periods. Use of the land in the inner/middle zone can be amenity greenspace and or landscape areas.
- 5.6.8 Whilst there has not been the same level of discussion with this application, it is worth highlighting that as part of the previous planning application, there had been lengthy discussions with the applicant, the HSE and the NGGD (now Cadent Gas). Concerns related to the access arrangement as well as the residential development. Before previously accepting the principle of the access over the pipeline, NGGD at the time required the applicant to evidence that the proposed traffic flows over the pipeline would not be so high that it would constitute a 'high density traffic route' (defined as a motorway or all roads carrying a volume of traffic totally in both directions, 2000 vehicles per hour and above, for periods of at least 10 hours per week). The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads, which carry less than this number, consideration needs to be given to future growth. The applicant had evidenced the traffic flows factoring in future growth would fall under the definition of a 'high density traffic route,' which had been accepted by NGGD subject to impact protection over the pipelines. Cadent Gas, nor the HSE, have raised the access as a concern in their statutory responses. The traffic impacts remain the same with the access design rationalized from the previous roundabout design. Furthermore, given the legal easements associated with the pipeline, the applicant will clearly need to obtain separate agreements with the operator for any works within or close to the pipeline, including the formation of the access.
- 5.6.9 The application is affected by Electricity Northwest Limited (ENWL) operational land and electricity distribution assets (132kV overhead power lines and pylon). This infrastructure affects the southeastern boundary of the full application site and a large area in the centre of the phase 2 site (the outline application).
- 5.6.10 Like the gas infrastructure, the applicant as part of their previous planning application (16/00335/OUT) made assumptions this infrastructure could be diverted (under separate lift and shift legal provisions on the land). Since the last application there is no certainty this is the case, and it is clear from ENWL comments to the application it is highly unlikely to be supported from their perspective. Therefore, for the purposes of planning, the scheme has been designed with the pylon and overhead lines in their existing position.
- 5.6.11 Like the gas infrastructure, there are separate legal easements whereby the applicant will be responsible to consult and obtain appropriate consents from ENWL to undertake works within their operational land or affecting their operational apparatus.
- 5.6.12 ENWL has objected to the proposed development based on the original submission for a greater number of dwellings. Their objection raises concerns over the increase in dwellings numbers from the approved scheme (16/00335/OUT). This was considering the site constraints including their infrastructure being retained in situ along with other planning constraints and objections, such as food risk and transport matters. ENWL requested the local planning authority to reconsult them on further submissions to ensure the proposals are acceptable to ENWL.
- 5.6.13 The local planning authority has reconsulted ENWL formally each time there have been amendments to the scheme requiring further publicity and consultation. No further comments have been received from them. The purpose of planning is to establish land use principles and not duplicate other regulatory regimes or manage other legal processes. It remains the developer's responsibility to secure all necessary consent from ENWL to undertake any work around or under their assets. For the purposes of the full planning application, the applicant has shown proposed

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

- 5.6.14 In the absence of further comments from ENWL, a refusal against planning permission on the grounds of ENWL's original objection and the developments potential impact on electricity infrastructure cannot be substantiated. Advise notes will be included in any decision to remind the developer of their obligations to obtain consent from relevant statutory undertakers.
- 5.6.15 The application site is adjacent to the canal and construction work near the canal has the potential to adversely affect the structural integrity of the canal and the canal cutting. The NPPF (§190) makes it clear that sites affected by land stability issues and securing a safe development rests with the developer and/or landowner. The Canal and Rivers Trust (CART) has indicated that to ensure the proposal does not affect the structural integrity of the canal it is essential that a condition is imposed requiring no construction to take place within 10m of the toe of the embankment until details of the foundations have been provided and agreed. The imposition of this condition is considered reasonable and necessary as any failure of the canal could have significant impacts on the development itself but also residents of Whernside Grove. The CART also recognises that landscaping can implicate the structural integrity of the embankment too and so request conditions in relation to landscaping. The full planning application does not have any direct impact on the canal therefore conditions would be imposed as part of the outline planning application and any subsequent reserved matters.
- 5.6.16 Network Rail have commented on the application and indicate works adjacent to the railway line must be undertaken with the supervision of Network Rail to ensure works do not impact the safe operation, stability and integrity of the railway and its boundary. Network Rail advise the development to enter into a Build Asset Protection Agreement (BAPA).
- 5.6.17 The proposed site is in excess of 30m from the boundary with the railway line and is separated by North Road and other intervening development. It is not considered necessary to impose a planning condition relating to the protection of the railway line as part of this development.
- 5.6.18 Network Rail has indicated a need to understand how the traffic will be managed with respect to the nearby limited clearance bridge including construction traffic and operational traffic. This can be captured as part of the Construction method Statement required by planning condition. Comments received in relation to acoustic mitigation and drainage are equally matters controlled by planning condition.
- 5.7 **Affordable housing, housing standards and mix** NPPF Chapter 5 (Delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).
- 5.7.1 Policy DM3 sets out the requirements for affordable housing for all new residential development. For development proposals over 15 units on greenfield sites in Carnforth there is a 30% on-site affordable housing requirement. The applicant is fully committed to meeting their affordable housing obligations. The full planning application purposes 21 affordable housing units. This is just shy of the 30% requirement (at 29.5%). A 30% provision across the outline element would be secured by planning obligation.
- 5.7.2 Policy DM3 requires the size, type and tenure of the proposed affordable homes to accord with the most up to date Strategic Housing Market Assessment (SHMA) or an up-to-date village of parish housing needs assessment. The proposed affordable housing mix is considered broadly consistent with the SHMA. The provision of 1 and 3 bed affordable homes is slightly higher than the recommended district wide mix with a lower proportion of 2 beds. However, the mix is broadly consistent with the need identified for Carnforth and Millhead (table 5.5 of the SHMA), which suggests that there is a similar need for 1/2 bed homes as for 3 bed homes.
- 5.7.3 The Carnforth Neighbourhood Plan was adopted on 15th March 2023. The plan includes policy CNDP H2: Housing Mix, which supports residential development that maximises affordable homes

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

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

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

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

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

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

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

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

5.8.2 Habitat Regulations Assessment

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

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

5.8.4 Ecological Impacts

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

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

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

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

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

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

5.8.8 Trees

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

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

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

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

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

5.8.13 Biodiversity Net Gain (BNG)

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

- 5.8.14 The application has been supported by an updated Biodiversity Net Gain assessment (February 2024) and additional Assessment of BNG for River Units (February 2024). The site comprises a mix of area habitat (mainly modified grassland), linear habitat (native hedges and rows of trees) and river habitat (watercourses). The assessment indicates there will be substantial areas of habitat loss arising from the development. However, if the habitat enhancements and habitat creation as set out in the submitted BNG report can be provided, it is possible to achieve net gains in biodiversity over 10% for area habitat (13.74%) and linear habitat (10.27%).
- 5.8.15 The habitat creation and enhancement measures include creation of 0.8ha of neutral grassland (better quality grassland with seed mix of grass species and wildflower species), creation of mixed scrub of moderate condition (0.2ha) and the planting of an additional 0.41km of native hedgerow. It is recognised, these gains can only be realised with robust management and maintenance to secure the expected condition of the post intervention BNG.
- 5.8.16 In the case of the watercourses on site, a separate assessment concludes there will be losses (approx. -4%) in this habitat type due to culverting required on the site to provide access to different parts of the site. The assessment accepts that these losses cannot realistically be provided as part for the habitat enhancement and creation proposals. Recommendations are made to reduce the losses, such as ensuring terrestrial habitat within 10 metres of the watercourses are undeveloped and enhanced in terms of their ecology or the development redesign to avoid culverting. The outline element of the development may be able to incorporate some of these recommendations to inform the final BNG scheme at a later stage. However, the full application will inevitably lead to losses in watercourse habitat. The assessment concludes off-site habitat creation or BNG credits could mitigate these losses.
- 5.8.17 There are some limitations to this given the hybrid nature of the application. The submitted report considered the whole site. Considering this, it is recommended that there will separate requirements to demonstrate net gains in biodiversity are provided under the full and outline elements of the proposal. This will be secured by planning obligation including the long-term management and maintenance obligations.
- 5.8.18 Our ecology advisor, GMEU, has raised no objections to the proposal and accept the BNG report submitted which demonstrates the proposals could result in a net gain in biodiversity on site. However, more detailed landscape plans and long-term management plans are necessary to secure the BNG proposals put forward as well as final BNG schemes to address the losses in river habitat. It is anticipated there will be some off-site gains required to mitigate the losses associated with the watercourses. Subject to the imposing of planning conditions and obligation to secure net gains in biodiversity on this site, it is contended that proposals accord with the requirements of Neighbourhood Plan policy CNDP EC1 and the requirements of policy DM44.
- 5.9 **Sustainable Design and Renewable Energy NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation); Policy CNDP EC3: Sustainable Design of the Carnforth Neighbourhood Plan.**
- 5.9.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new and additional development in the district and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.9.2 Policy DM30 states the Council will encourage development to deliver high standards of sustainable design. This could include measures to reduce energy consumption and carbon dioxide emissions as well as opportunities for energy supply from on-site renewable or low carbon energy systems.
- 5.9.3 Policy CNDP DC3 of the Neighbourhood Plan also encourages new housing development to meet high standards of sustainability and accord with BREAM, Passivhaus or Home Quality Mark standards. It goes on to state housing proposals should show how resource efficiencies and climate

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

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

5.10 Other Matters

5.10.1 Socio-economic benefits

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

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

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

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

5.11 Planning Obligations

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

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

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

6.0 Conclusion and Planning Balance

- 6.1 The development strategy for the district, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The site is in the open countryside, although it does lie immediately adjacent to the existing built-up area of Carnforth and the services and facilities that it contains.
- 6.2 The proposed application has been subject to complicated technical constraints including the on-site infrastructure and flood risk, as well as the implications of the changes to the status of the former A601(M) to order to provide a suitable access to the site. It has equally been complicated by the nature of application submitted with phase 1 seeking full planning permission and phase 2 in outline. It is also recognised that the proposal has not been well received by the public or the Town Council and the long-standing determination has not been helpful to the community. Objections from the community relate largely to the impact of traffic and potential misuse of North Road, loss of countryside and impacts on wildlife, concerns relating to the infrastructure on site and the lack of community infrastructure to support growth, visual impacts and the effects on the amenity of existing residents. These are all valid concerns which have been carefully considered in the assessment of this proposal.
- 6.3 The proposed access strategy is fundamentally a consequence of the existing highway network along North Road being highly unsuitable to support additional traffic from this development. The access proposal is not a typical solution for residential development because the principal access is disconnected from the existing built environment. This is a weakness of the proposal; however, the applicant has demonstrated the access is safe and would not impact the efficient operation of the local and strategy highway network to the satisfaction of the local highway authority and National Highways. To mitigate the against the accessibility concerns, off-site highway improvements works along North Road are proposed to enhance pedestrian accessibility. This together with connections to Whernside Grove, Carnforth Brow, a contribution towards improvements to existing public rights of way and improvements to the canal towpath ensure the proposal complies with planning policy objectives in relation to active travel. These measures make the development acceptable in planning terms and provide wider public benefits. These benefits are given moderate weight in the planning balance.
- 6.4 The applicant has demonstrated that the development would be acceptable in terms of flood risk, ecological impacts, sustainable design and infrastructure/pollution matters and it is recognised the development will also make positive contributions towards open space provision on and off-site. The open space contributions provide wider public benefits and are afforded moderate weight. The other matters hold neutral weight as they are matters required to make the development acceptable in planning terms. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.
- 6.5 For the full application the development will provide 71 dwellings of which 21 dwellings shall be affordable. The outline application seeks up to 87 dwellings, though the final number is expected to be much lower, taking account of the design concerns set out earlier in the repot, of which 30% of the dwellings would be affordable. The housing benefits should be given significant weight in the planning balance.
- 6.6 Weighing against the proposal, is the loss of open countryside, localised moderate adverse landscape and visual effects and the design concerns. The design concerns associated with the full

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

- 6.7 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (April 2023) identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5 year supply requirement. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 6.8 In the context of the resumption in favour of sustainable development, the assessment of this proposal against the NPPF taken as a whole, concludes there are no clear reasons for refusing the application which would effectively disengage the tilted balance. Therefore, in applying the tilted balance, the test is whether any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal.
- 6.9 Given the significant undersupply of housing within the district, it is considered that the benefits of the proposal, in connection with both the full and outline application, do outweigh the harm caused through the loss of open countryside, the localised moderate adverse landscape and visual effects and the design and amenity concerns set out in this report. Accordingly, Members are recommended to support both the full and outline applications based on the recommendations set out below.

Recommendation

Full Planning Application:

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

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

And the following conditions:

Condition no.	Description	Type
---------------	-------------	------

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

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

Outline Planning Application

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

- PROW contribution (£15k figure to be split across full and outline elements)
- Travel Plan contributions (£12k figure to be split across full and outline elements)
- Provision of 30% affordable housing
- Provision of amenity space
- POS contribution towards outdoor sports facilities to be calculated at reserved matter stage
- Provision of Young persons play space on site or off-site contribution to be agreed at reserved matters stage
- £337, 173.90 Towpath contribution CART (figure to be apportioned across the full and outline elements with agreement from CART)
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30-year management
- Management and Maintenance of all unadopted land, infrastructure and landscaping

And the following conditions:

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

21	Travel Plan	Pre-occupation
22	Homeowner Pack (HRA mitigation)	Pre-occupation
23	NDSS and M4(2) standards	Control
24	Development to accord with the mitigation set out in the FRA including no dwellings houses located in floodzone 2 and 3	Control
25	No more than two dwellings within the IZ/IM of the pipeline	Control
26	No facilities for outdoor use to be provided in the IZ/IM of the pipeline	Control

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

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

Background Papers

None

Agenda Item	A6
Application Number	22/01542/OUT
Proposal	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
Application site	Land East of The Limeburner's Arms Main Road Nether Kellet Lancashire
Applicant	Oakmere Homes
Agent	Mr Dan Ratcliffe
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	Approve subject to conditions and completion of Section 106 Agreement. Delegate back to Chief Planning Officer to finalise legal agreement.

1.0 **Procedural Matters**

- 1.1 Following a committee site visit on the 18 November, this application was reported to Planning Committee on 25 November 2024. The Planning Committee resolved to approve the development subject to conditions and the completion of the legal agreement. The previous Officer Report is appended to this report as a background paper.
- 1.2 This application is being reported back to Planning Committee because the applicant's position in respect of affordable housing (for the purposes of the s106 drafting) varies from what Member's considered when deciding to grant planning permission.
- 1.3 Since the resolution, the Climate Emergency Review of the Local Plan (CERLP) has also been adopted.
- 1.4 This report will focus on the change in position in relation to the affordable housing provisions and changes to the sustainable design policies only. The background paper provides a full and complete account of the site and surroundings, site history and an assessment of proposal and other material planning considerations.
- 1.5 For completeness, the report will set out details of the proposal and our overall recommendation having regard to the changes.

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 Consultation Responses

- 3.1 A summary of all the consultation responses to this application are set out in section 4.0 of the background paper. Following the Committee's resolution and in response to the Council's Habitat Regulations Assessment (HRA), Natural England confirmed they have no objection to the development subject to securing appropriate mitigation.
- 3.2 Lancashire County Council's Historic Environment Team (HET) provided comments on the 22 November 2024 ahead of Planning Committee. This is not reported in the background paper but would have been verbally updated. Notwithstanding this and for the avoidance of doubt, the HET team confirmed the site had low-nil archaeological potential. No further comments or representations have been made to the application following the resolution.

4.0 Analysis

- 4.1 The main considerations in the re-assessment of this application are:
- Affordable Housing
 - Sustainable Design
- 4.1.1 **Affordable housing NPPF Chapter 5 (Delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), and DM3 (The Delivery of Affordable Housing).**
- 4.1.2 Paragraph 61 of the NPPF relates to the governments objective to significantly boost the supply of homes. It also states that the overall aim should be to meet an areas identified housing need, including an appropriate mix of housing types for the local community. Affordable housing is an important form of housing that contributes to meeting the needs of different groups in the community.
- 4.1.3 Paragraph 64 of the NPPF goes on to state '*where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (including the minimum proportion of Social Rent homes required), and expect it to be met on-site unless:*
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities'.*

- 4.1.4 Policy DM3 sets out the requirements for affordable housing for all new residential development in Lancaster District. 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.
- 4.1.5 When the application was previously reported to Planning Committee, the application indicated the development would provide policy-compliant affordable housing (40%). The affordable housing affordable was afforded significant weight in the planning balance and was to be secured by the planning obligation (s106 agreement).
- 4.1.6 Since the resolution to approve, the applicant and planning authority (under delegated authority) have been negotiating the terms of the planning obligation in respect of affordable housing and public open space. There have also been unfortunate delays caused as a consequence of legal titles and land ownership, but these issues have now been resolved.
- 4.1.7 The applicant contends their position to provide 40% affordable housing remains unchanged from when the proposal was submitted in late 2022 and reported to Planning Committee in November 2024. The issue of dispute relates to the applicant's request to include a "standard clause" in the s106 to review the affordable housing provided should viability be a consideration.
- 4.1.8 Viability is a material consideration. Paragraph 59 of the NPPF states:
- 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force....'*
- 4.1.9 Policy DM3 states:
- 'Where compelling and detailed evidence demonstrates that the provision of affordable housing in accordance with the above requirements would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may, in agreement with the Council, provide fewer affordable dwellings than would ordinarily be acceptable, review the tenure or mix of dwellings, or provide a financial contribution in lieu of onsite provision. Such evidence must include an open book financial viability appraisal which will need to accord with guidance in the emerging Viability Protocol SPD'.*
- 4.1.10 The applicant has provided no evidence to demonstrate the provision of affordable housing would have a disproportionate and unwarranted negative impact on the viability of the development. The applicant claims due to the outline nature of the proposal, it remains unclear what quantum of development can be accommodated on the site, and as such they reserve the right to consider development viability if and when the need arises. This would be at the reserved matters stage, similar to when other financial contributions are calculated.
- 4.1.11 It is accepted policy DM3 does allow viability to be considered when assessing the amount of affordable housing to be provided as part of development proposals. However, this is only in the case where compelling evidence, which would be independently assessed, has been provided. It is possible to provide legal clauses within a planning obligation to require policy-compliant affordable housing (in this case 40%) unless robust viability evidence demonstrates a lower percentage of affordable homes or nil can be justified. This is not a "standard clause" in legal agreement but has been used historically. Furthermore, we are seeing an increasing number of appeal cases whereby Section 73 applications have provided a mechanism to review viability where clauses in the Section 106 agreement do not exist.
- 4.1.12 Fundamentally, the local planning authority would not accept a lower level of affordable housing unless a viability position was robustly justified. This would involve having the viability assessment independently assessed by our appointed viability consultant with the costs for such an assessment recovered by the applicant. This process can be achieved within the planning obligation.

- 4.1.13 However, what the applicant has failed to consider is the effect of their proposal (to include provisions for viability to be considered) in the overall planning balance. Our previous recommendation and the Committee's resolution attached significant weight to the provision of 40% affordable housing in favour of the proposal. This combined with other benefits, including the provision of market housing, were considered to outweigh the identified harm.
- 4.1.14 With the inclusion of the viability clause in the Section 106 agreement, it is important to note the provision of affordable housing could be anywhere between 40% and nil, subject to justifying a reduction of affordable housing through viability evidence. Policy DM3 does allow for viability to be considered in respect of affordable housing, as does the NPPF, although the NPPF does state the weight given to viability evidence is a matter for the decision-maker. This is something the Planning Committee need to be live to in reaching their overall planning balance.
- 4.2 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation)
- 4.2.1 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 development in the district and the possible associated mitigation measures will be a significant consideration in the assessment of 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. The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 (after the earlier resolution) and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction.
- 4.2.2 An Energy Statement had been submitted with the application. This set out what renewable and low carbon options would be available and potentially viable for the development but did not provide a clear position on what will be provided as part of the development. The submitted Energy Statement pledges to adopt a 'fabric first' approach that would exceed minimum requirements of Part LA 2013 building regulations.
- 4.2.3 When the application was first reported and resolved to be approved, policy DM30 only sought to *encourage* high standards of sustainable design. Consequently, a planning condition was recommended requiring a statement setting out energy efficiency and sustainability measures to be incorporated into the final design of the dwellings.
- 4.2.4 The newly adopted sustainable design policies are more stringent and will require measures beyond that set out in the initial Energy Statement. The development must now accord with the new requirements (DM30a to DM30c), specifically securing a fabric first approach to reach a minimum of 75% reduction in carbon emissions against Part L of the Building Regulations 2013 (and 100% reduction for dwellings building on or after 01/01/2028), as well as achieving, as a minimum, the optional requirement set through Building Regulations G2: Water Efficiency (or any future successor requirement). DM30c requires development to be more environmentally conscious, including climate change mitigation and adaption. During construction, a Construction Management Plan would need to consider the requirements of DM30c having regard to lifecycle emissions and the management of waste, materials and soil resources.
- 4.2.5 Securing compliance with these new policies is necessary to make the development acceptable and can be secured by planning condition. This has been accepted by the applicant.

5.0 Conclusion and Planning Balance

- 5.1 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 up to 40% affordable dwellings, subject to viability evidence. The provision of market and affordable housing continues to attract 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.

- 5.2 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.
- 5.3 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.
- 5.4 Paragraph 61 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 (January 2025) identifies a housing land supply of only 2 years (reduced since the earlier resolution), 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, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular 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, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.
- 5.5 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 general market housing is afforded significant weight as would the provision of affordable housing. At this stage, and in the absence of any viability evidence it is assumed the policy-complaint level of affordable housing would be provided. Any reduction to that

would need to be robustly evidenced at the reserved matters stage. If robustly evidenced (in accordance with policy) a reduction in affordable homes would remain policy compliant and a benefit to the scheme. Should the viability lead to nil affordable homes, there would be no additional benefit above the significant benefits arising from the delivery of homes generally. Given the significant undersupply of housing within the district, it is considered that the benefits continue to 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

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 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 and concurrent with first reserved matters
4	Construction surface water management plan	Pre Commencement
5	Construction Environmental Management Plan To include ecology measures, amenity and highway matters and requirements to meet policy DM30c.	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 and enhancement	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	Submission for a Sustainable Design Statement including Energy and Carbon Statement addressing the requirements of policies DM30a to DM 30c	Pre commencement
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	Control
21	All dwellings to meet the Nationally Described Space Standards	Control
22	Provision of turning and parking	Control
23	Limit to maximum of 2 storey	Control
24	Development to meet as a minimal optional requirement of Building Regulations G2 (water Efficiency)	Control
24	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

Officer Report for 22/01542/OUT reported to 25 November 2024 Planning Committee

Agenda Item	(A6 Background Paper)
Application Number	22/01542/OUT
Proposal	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
Application site	Land East of The Limeburner's Arms Main Road Nether Kellet Lancashire
Applicant	Oakmere Homes
Agent	Mr Dan Ratcliffe
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	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 is the subject of a Mineral Safeguarding Area designation, which sweeps across much of the countries 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 serve 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>Objection - Following amendments, the Parish Council maintain their objection on the following grounds:</p> <ul style="list-style-type: none"> • 55 properties are too many and a figure around 30 would be more realistic and in keeping with the village surroundings. • 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. • 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. • Concerns regarding school places noting the village school is oversubscribed. • 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. • The nature of the development is unsuitable for an area of conservation. • The latest drainage strategy indicates exceedance flows to the existing highway, which already floods in storm conditions. The development would make this worse.

Local Highway Authority (LHA)	<p>No objection</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"> • Construction Management Plan • Wheel cleaning/road sweep facilities/provision • Full construction details of the proposed access • 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 • Protection of visibility splay condition 2.4m x 43m. <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 withdrawn their objection. 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"> • Final Surface Water Sustainable Drainage Strategy based on • Construction Surface Water Management Plan • Sustainable Drainage Systems Operation and Maintenance Manual • Verification Report of constructed Sustainable Drainage System
United Utilities (4.9.24)	<p>No objection, subject to the following conditions:</p> <ul style="list-style-type: none"> • 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. • Maintenance and management of approved SUDS scheme
Historic England	Responded and advised no need for HE to be consulted on the application.
Conservation	Objection 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.
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"> • 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. • The site is within 200m of Long Dales Grassland BHS and suggests the grassland survey undertaken may underplay its botanical interest as it was

	<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"> • Recommends reasonable avoidance measures for protected species to be covered by condition and informed by updated surveys (given the age of the report). • Recommends reasonable avoidance measures for mammals and amphibians. • Further bat surveys to be undertaken is the Ash trees are to be removed. <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	No objection. The education assessment dated 20 May 2024 determines no primary or secondary school places would be required.
Environmental Health Service	<p>No objection</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"> • 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. • 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. <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>Comments 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>No objection subject to the following requirements:</p> <p>Onsite Amenity Greenspace 928.2m2 based on 51 3-bedroom dwellings.</p> <p>Off-site contributions as follows:</p> <ul style="list-style-type: none"> • £56,288.70 towards outdoor sports provision at Nether Kellet School and Nether Kellet Village Green. • £66,300 towards the equipped play area on Nether Kellet Village Green • £26,520 towards young persons provision Nether Kellet Village Green • £15,912 towards Parks and gardens at Sparrow Park in Warton or Nether Kellet Village Green
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 comments are as follows:

	<ul style="list-style-type: none"> • Positive to see the extent of internal hedgerow removal reduced and retained within open space. However, the internal hedgerow will become fragmented. • 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. • There are some discrepancies between the AIA and the plans relating to some trees and hedgerows within the site.
Waste and Recycling Team	<p>No objection 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"> • 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. • 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. • 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.
Lancashire Constabulary	<p>No objection. 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>No objection, 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 site's 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 valued 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

Agenda Item	A7
Application Number	24/01395/FUL
Proposal	Change of use and conversion of an existing office building (Class E) into 4 self-contained flats (C3) with external alterations and change of use of part of adjacent car park to site bin store
Application site	87 King Street Lancaster Lancashire LA1 1RH
Applicant	Mrs Jo Wilkinson
Agent	Mason Gillibrand Architects
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval

(i) Procedural Matters

This form of development would normally be dealt with via the scheme of delegation. However, the landowner and applicant is Lancaster City Council, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The property that forms the subject of this application relates to a three-storey end terrace, which is a Grade II Listed Building located on King Street within the Lancaster Conservation Area. The building is adjacent to a City Council car park, located on the corner of Spring Garden Street. The property was most recently leased as offices until November 2021. The property is constructed of stone walls externally and timber stud walls with lath and plaster finish internally. The building has timber framed windows and doors, under a gable natural slate roof. The majority of buildings fronting Queen Square are Grade II Listed Buildings, whilst the nearby Ring O'Bells is Grade II* listed.

1.2 The site is located within the air quality management area for Lancaster gyratory road, in an area at risk of groundwater flooding to subsurface assets. The Lancaster gyratory road is a designated cycle network and public transport corridor. The site is within the impact risk zone for impact from residential development upon Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within Lancaster City Centre primary shopping area, but beyond the primary and secondary retail frontages, part of the wider central Lancaster regeneration priority area.

2.0 Proposal

2.1 This application seeks planning permission for the conversion of the office building (Use Class E) to 4x 1-bed apartments. The apartments are intended to be used as short-term supported housing for

single homeless persons across the district. The development is envisaged to provide the final stage supported accommodation, where support will eventually taper off and provide a more independent setting for the client group. The units form 1-bed single occupancy self-contained apartments, with some communal areas and bike storage within the building. The ground floor apartment will benefit from circa 15sq.m of external garden area, with the remaining circa 15sq.m of rear garden space communal amongst other occupants.

2.2 To facilitate the proposed change of use, internal and external alterations are proposed. New windows are to be installed in place of modern equivalents to the ground and second floor frontage. Historic windows at first floor, and second floor rear elevation, are to be repaired, retained and secondary glazing installed proud of the architrave. Rear elevation windows are to be repaired and restored with secondary glazing installed. To the side elevation, a new double glazed sash window and replacement windows are proposed to be installed to the side gable at third floor level. Two new heritage style rooflights are to be installed to the rear facing roof pitch, with roof vents to the front and rear pitches and new slate vents. A secondary doorway to the rear projection is proposed to provide direct access to the adjacent carpark and bin storage area.

2.3 Similar applications at this site have previously been approved through permissions 23/01441/FUL and 23/01442/LB, which were granted planning and listed building consent for use and development largely described above. In addition to the above developments, this application seeks renewable energy facilities that have not formed part of previous permissions at the site. An air source heat pump is to be installed within the walled rear yard area. 12x solar panels are proposed across the majority of the rear facing roof pitch, but avoiding the northern end towards the ridge of this roof slope. An air vent proposed to the lower side elevation, with two air vents to the rear elevation.

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
24/01396/LB	Listed building application for a replacement roof with solar panels and rooflights, alterations/replacements to window/doors and openings, installation of vents/ducts, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and new ceilings	Concurrent
23/01441/FUL	Change of use of an existing office building (Class E) into 4 self-contained flats (C3), installation of roof lights, alterations to window/door openings and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and the roof, new rainwater goods and change of use of part of adjacent car park to site bin store	Approved
23/01442/LB	Listed building application for alterations to window/door openings, installation of two upper floor windows to the side elevation and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and to roof, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and installation of new ceiling to basement and drop ceilings to ground, first and second floor	Approved
22/01043/PRETWO	Conversion of existing vacant office building to 4no. residential 1bed self contained flats, to include a communal support office, kitchen and provision of external bin store	Advice provided
14/00351/LB	Listed Building application for internal alterations to create new partition to form lobby and wheelchair accessible toilet facilities	Approved

11/00264/LB	Erection of a non-illuminated fascia sign	Approved
11/00101/LB	Internal alterations to create accessible toilet facilities	Approved
92/0528/LB	Construction of a ramp access	Approved

4.0 Consultation Responses

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

Consultee	Response
Lancaster Civic Vision	No observation received
Conservation Team	No objection to amended proposal
County Highways	No objection , subject to planning conditions regarding a construction management plan
Environmental Health	No objection , subject to planning conditions regarding acoustic level glazing and mechanical extract ventilation details
Property Service	No observation received
Fire Safety	No observation received
Waste Management	No objection , advice regarding bin store facilities and sufficient space for collection
Lancashire Constabulary	No adverse comment, advice regarding secure by design

4.2 **Three objections** have been received from public to the site notice, newspaper publication or neighbour letters, raising concerns regarding the proposed bin store, alterations to the carpark, and potential impact upon access to adjacent properties.

5.0 Analysis

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

- Principle of development
- Sustainable design, scale and streetscene impact upon heritage assets
- Residential amenity, noise and pollution
- Accessibility, transport and waste
- Ecology, flood risk and drainage

5.2 **Principle of development** Development Management DPD Policies Policy DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM8 (Accommodation for Older People and Vulnerable Communities), DM13 (Residential Conversions), DM14 (Proposals involving Employment Land and Premises), DM16 (Town Centre Development) and DM56 (Protection of Local Services and Community Facilities), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP6 (The Delivery of New Homes), SG4 (Lancaster City Centre), EC5 (Regeneration Priority Areas) and TC2 (Town Centre Designations), National Planning Policy Framework Section 2. (Achieving sustainable development), Section 4. (Decision-making), Section 5. (Delivering a sufficient supply of homes), Section 6. (Building a strong, competitive economy), Section 7. (Ensuring the vitality of town centres), Section 11. (Making effective use of land)

5.2.1 The application site is within the long-standing regeneration priority area of central Lancaster, and seeks reuse from offices to form 4x 1-bed apartments. In certain circumstance, such a change of use would benefit from General Permitted Development Order Schedule 2 Part 3 Class MA for change of use of commercial buildings to dwellinghouses. However, this is not applicable for Listed Buildings such as this. More pertinently, the proposed use and a number of developments and works to facilitate this have recently been approved by Planning Committee through permissions 23/01441/FUL and 23/01442/LB, which provides an extant fallback position for these approved developments.

5.2.2 The previous office use of the site was Citizens Advice Bureau, which vacated this premises over

three years ago, moving to an alternative site nearby on George Street, continuing to operate this service more centrally within Lancaster City Centre. In planning terms, the site is an office use, within Use Class E, not a local community use in Use Class F.2 or defined in the local plan as such. Whilst the regenerations priorities for the area focus on other areas of the city centre and local economy, the proposal meets a genuine and acute housing need for the intended occupants, well located to services, in accordance with DM DPD Policy DM8.

5.2.3 DM DPD Policy DM16 supports residential development within city centre locations, although this is when they are above ground floor, and maintain an active street frontage, and this applies particularly to designated retail frontages. The application site is beyond any designated retail frontage. Whilst just within the primary shopping area and Lancaster gyratory road, the character of the area is clearly mixed, with the opposite side of King Street having a number of apartments, and Queen Street just beyond becoming primarily residential. Furthermore, the long-standing office use of the building did not present an active frontage, with obscure glazing of domestic scale and viewed beyond an access ramp, presenting an inactive frontage. The proposed replacement windows with clear glazing would be more active, albeit domestic rather than commercial, and historically more sympathetic than existing.

5.2.4 City centres have evolved, from places of work and retail, to having more mixed and complimentary uses. These now include the nighttime economic, leisure and dining enterprises, alongside residential uses within the centre. This diversification of uses helps create longer periods of activity, and greater variety of activities in the city centre, which benefits the vibrancy and vitality of such centres. This evolution has been reflected in national general permitted development rights, and the flexibility to change use from commercial to residential to boost the supply of much needed residential properties. This need is even more acute for this proposed, with a pressing need to increase the number of bedspaces available to bring all rough sleepers indoors. This is despite the current lack of suitable move on accommodation becoming available within the existing social housing stock, resulting in people being placed in bed and breakfast accommodation within the district.

5.2.5 The proposal would provide more suitable and much needed supported housing stock to help address the current capacity issues, with all existing schemes at capacity and further individuals currently awaiting placement. This demand is anticipated to remain in the medium to long term. As such, whilst the proposed would result in the loss of currently unused office space, this would meet an acute need for supported housing. The proposal is considered to be policy compliant, outside of a retail frontage designation and having no adverse impact upon active frontages through the proposal. The development is considered to be acceptable in principle, and the provision of 4x accommodation units for a genuine housing need for intended occupants weighs in favour of the proposal.

5.3 **Sustainable design, scale and streetscene impact upon heritage assets** Development Management DPD Policies DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DMCCCH1 (Retrofit of Buildings of Traditional Construction for Energy Efficiency), DMCCCH2 (Micro-Renewables in The Setting of Heritage Assets), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations DPD Policies CC1 (Responding To Climate Change and Creating Environmental Sustainability) and SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework Section 12. (Achieving well-designed places) and Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,

- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

- 5.3.2 The application site forms a national heritage asset Grade II Listed Building, making a strong positive contribution to the city scape and Conservation Area. This is particularly when viewed in the context of other Grade II Listed Buildings fronting Queen Square, which is identified as a positive space of the Conservation Area. The site is a late 18th century house with 19th century alterations, with significance derived from its aesthetic, illustrative and evidential values as a house of its era, of typically classical design and locally characteristic material palette.
- 5.3.3 The proposal seeks the installation of an upper floor side facing windows, a side doorway and access, plus two rooflights to the rear facing roof pitch. Vents are proposed to the roof, rear elevation and lower side elevation. A bound bin store within the adjacent carpark is to be provided, with existing modern windows replaced with new slimline double glazed timber framed units to match existing design. The ground floor front facing windows are proposed to be modified to form 2x new double-glazed sash 4 over 4 design either side of a new central mullion. Existing historic windows will be repaired and secondary glazing installed to those units.
- 5.3.4 The proposed installation of two rooflights to the rear elevation would be harmful, as it would reduce the aesthetic value of the building. This will be mitigated to some degree through the conservation style rooflights proposed, located to the less prominent rear roof slope. As such, this harm, and the addition of a sympathetically designed window to the side elevation, would be cumulatively limited. The replacement windows to the front elevation are considered to be a limited heritage benefit, introducing narrower sash windows, mullion and raised cill to the ground floor windows. This is subject to planning conditions regarding precise details and samples for developments and works.
- 5.3.5 The proposal includes low carbon heating and energy improvements to the existing buildings, in the form of internal heat recovery cylinders, an air source heat pump (ASHP) and 12x solar panels. Whilst the rear yard location of the ASHP creates a detachment from the Listed Building and visual containment from the Conservation Area to avoid heritage harm, unfortunately the same cannot be said for the proposed solar panels, which undoubtable cause harm to these national heritage assets.
- 5.3.6 The degree of heritage harm originally raised objection from the Conservation Team consultee, when panels were proposed across the entire rear facing roof pitch. Whilst these were sought to the least prominent of the two viable roof pitches, this rear pitch is elevated and visible from Spring Garden Street, particularly from the southern pavement, and upper floor of frequently passing double decker buses. These are visible within the context of other Listed Buildings, in particular the front pitch of Grade II* Listed Building, the Ring O'Bells, all within the Lancaster Conservation Area.
- 5.3.7 Amendments have proposed a compromise position, reducing the heritage harm by remove the 4x most prominent solar panels, and replacing these with an uncontentious ASHP. This achieves the Council property aim of EPC C for such premises, but more importantly would result in lower energy bills for future occupants, a key target of DM DPD Policy DM8 in ensuring such accommodation remains affordable. The amendments reduce the level of heritage harm, albeit this remains uncomfortable, and a moderate degree of harm, in addition to limit harm from other interventions.
- 5.3.8 The proposal continues to include an uncomfortable degree of harm from adverse impact to historic fabric that forms the existing rear slate roof slope in particular. However, this has been reduced through compromises within the proposed amendments. Any further reductions in renewable energy measures could jeopardise the scheme and broader conversion proposed and would increase energy bills for future occupants, whilst reducing the sustainability credentials of the scheme. Combined with justification provided to facilitate the much-needed accommodation, it is considered that in this instance the public benefits of supported housing for single homeless persons outweighs the harm identified.
- 5.3.9 The proposed would return the property to the optimal viable heritage use of residential for this historic house, albeit through smaller apartments rather than a single dwelling. The development would ensure a suitable use of the vacant property, providing a scheme for the refurbishment and

long-term use and maintenance of this national heritage asset. Such heritage and previously described public benefits are considered to mitigate and outweigh the cumulative harm caused by other justified alterations proposed to facilitate this use and sustainable energy interventions. This is subject to details of high quality sympathetic solar panels and ASHP to be controlled through planning condition, along with other external developments proposed. The amended proposal has no objection from the Conservation Officer.

5.4 **Residential amenity, noise and pollution** Development Management DPD Policies DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land, Strategic Policies), Appendix G (Purpose Built Student Accommodation), Strategic Policies and Land Allocations DPD Policy EN9: (Air Quality Management Areas), and National Planning Policy Framework Section 8. Promoting healthy and safe communities

5.4.1 All proposed apartments are one-bedroom units covering a floor each, with additional amenity benefits of some modest external space, individual ground floor storage within the existing single storey outrigger, and some communal/office area to the first floor as part of support to future occupants. Three of these apartments comfortably achieve and exceed Nationally Described Space Standards (NDSS), benefitting from good levels of outlooked and natural light from improved (repaired or upgraded) window openings.

5.4.2 The top floor attic room apartment provides circa 39sq.m of floorspace, but some of this is forms entrance ways, a water cylinder, and almost half is space with under 2.3 metre headroom, and other areas under 1.5 metre headroom is not habitable space. Excluding the entrance areas and low height areas (less than 1.5-metre-tall ceiling), the proposal provides circa 32 sq.m. This is beneath the 37sq.m minimum for such unfettered residential occupation within Nationally Described Space Standards (NDSS) and DM DPD Policy DM2.

5.4.3 Whilst this top floor apartment is beneath minimum standards for unfettered occupation, the proposal is not unfettered, but for short-term supported housing for single homeless people across the district. This occupation is envisaged to provide the final stage supported accommodation with greater independence. It is understood that the maximum period of occupancy would be 2 years, but hopefully even shorter term to facilitate moving on into permanent housing. The top floor apartment has good levels of natural light, in addition to outlook from a new window and rooflights. The apartment far exceeds the amenity accepted for student studios, albeit the occupancy of these is often less than a year.

5.4.4 Subject to the top floor apartment being controlled for single occupancy for no more than two years continuous occupation, the proposal is considered to offer suitable amenity for this duration for the intended end user group. This should be controlled through planning condition for the top floor flat only, as the larger three apartments offer ample provision and amenity for unfettered occupation. There would be no planning justification to restrict occupation of these larger apartments, despite the intention for the other three apartments to also be occupied in this fashion.

5.4.5 The ground floor apartment is accessible via an existing ramped front entrance, leading to a wide hallway, and suitable 1-metre-wide corridor within the ground floor apartment. Unfortunately, due to limited space (circa 44sq.m ground floor apartment), number of fire doors between rooms, and the layouts inability to accommodate a wheelchair accessible scale wet room bathroom, this is unlikely to be accessible to all. Furthermore, upper floor apartments are only accessible via an existing historic stairwell. However, given the existing constraints of the existing building, the ground floor apartment could at least accommodate people with a range of accessibility requirements, even if unfortunately falling short of accessibility for all due to the constraints of the site.

5.4.6 The application site fronts the Lancaster gyratory road in Lancaster city centre, located within the noise and air quality environment of this trafficked and active area of Lancaster. In terms of air quality, concentrations of NO2 and PM10 are likely to be below their respective long and short-term objectives at the proposed development site, which is considered suitable for residential use with regards to air quality. Noise levels within the current building exceed those required to be considered habitable, and therefore mitigation is required

5.4.7 The proposal includes noise mitigation measures, in the form of secondary glazing, double and triple glazing, plus ventilation to ensure windows do not need to be open to ventilate rooms. Sympathetic

trickle vents could be incorporated into new double/triple glazed sliding sash windows. However, given the retention of historic windows to the front first floor, mechanical ventilation to these rooms at least is anticipated, as trickle vents to historic windows would likely cause unjustifiable harm. The details and implementation of glazing and ventilation can be controlled through planning condition. Subject to such details being agreeable through planning condition, along with occupancy restriction to the top floor apartment, it is considered that the proposal would offer suitable residential amenity for the intended future occupants.

5.5 **Accessibility, transport and waste** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations DPD T2: Cycling and Walking Network, T4 (Public Transport Corridors), PAN08 (Cycling and Walking), National Planning Policy Framework Section 9. (Promoting sustainable transport)

5.5.1 Waste and recycling bins for the proposed accommodation are to be stored externally within the far corner of the carpark adjacent towards the rear of the building. Whilst this area is visible within the Conservation Area, and would conceal an area of tall natural sandstone wall, this would be inconspicuously located in a shadowed corner at the far end of the carpark. Subject to suitable dark painted timber materials, this would cause no undue harm to the Conservation Area.

5.5.2 This provision provides suitable and accessible waste and recycling services for future residents and for collections, which is considered to be acceptable provision in the absence of externally accessible curtilage within the existing site. The Waste Management consultee raises no adverse comment to the proposal, subject to suitable design, and maintenance of the appropriate access width shown on-plan. Three public objections have been received, focussing on this bin store element of the proposal and the location within the carpark and near a neighbouring access point. The proposal maintains a circa 1.7-metre-wide access to this access point, which is considered sufficient given the existing parking areas narrower accessibility to circa 0.9 metres wide when cars are parked close to this area as existing. Furthermore, this bin store was approved as proposed within the preceding permissions at the site, issued last year, which provides an active fallback position to this element of the application.

5.5.3 The application site is within the city centre, with no access to private off nor on-street parking in the vicinity. However, the site is extremely well served by public transport, with Common Garden Street bus stops and the train station short walks away. Private transport arrangements are to be provided within the rear outrigger, with individual storage spaces for bicycles for each apartment. This is considered to be very good provision to encourage sustainable and individual transport, not solely reliant on public transport in the absence of private car parking.

5.5.4 The provision of this secure cycle storage will encourage uptake in cycle travel amongst future occupants and those that may visit the site. County Highways have no objection to the proposal, but have requested a construction management plan. However, given the proposed physical developments relates just boundary treatment to a bin area, new openings, works to the roof and internal works, it is considered that such a planning condition cannot be justified as necessary and reasonable in this instance. Planning conditions should be kept to a minimum.

5.5 **Ecology, flood risk and drainage** Development Management (DM) DPD Policies DM7 (Purpose Built Accommodation for Students), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 (Protecting the Natural Environment), EN7 (Environmentally Important Areas), and EC5 (Regeneration Priority Areas); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change) and Section 15. (Conserving and enhancing the natural environment)

5.5.1 With regards to ecology and biodiversity, the vast majority of the site is developed land and sealed surfaces. The ecological value of the site is negligible, and de minimis from a Biodiversity Net Gain perspective.

5.5.2 Morecambe Bay is very important for many species of birds. The application site is within the impact risk buffer zone of the Morecambe Bay and its environmental designations. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds

associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required.

- 5.5.3 This assessment is contained within a separate document. It concludes that, with the implementation and retention of mitigation, the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation for the proposal is homeowner packs for future occupants, including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure. Subject to the implementation of this mitigation measure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites.
- 5.5.4 The site falls within Flood Zone 1, over 200 metres from Flood Zone 2 and at a higher topography than the northern section of the city centre that is more liable to flooding. Whilst surface water flooding impacts surrounding streets, this is not a flood risk within the site itself. The site is at risk of groundwater flooding to subsurface assets. The only subsurface assets proposed is heat recovery cylinder, heat exchanger equipment and ventilation ducting, in addition to fire rating works within an existing basement. The proposal seeks a change of use within the existing built form, with no extensions to this, and as such is exempt from the flood risk sequential and exception tests.
- 5.5.5 Whilst no specific flood risk mitigation is proposed, given the proposal is impacted by subterranean groundwater flooding only, and the basement is inaccessible to future occupants' accommodation confined to floor levels elevated above the external land, this is considered to be suitable in this instance. The proposal will use existing drainage arrangements unchanged, and will therefore not exacerbate any flood risk beyond the site. As such, the proposal is considered to be acceptable in terms of flood risk.

6.0 Conclusion and Planning Balance

- 6.1 The proposal would facilitate a change of use from a commercial office space to residential apartments within the city centre. This would return this national heritage asset back to the optimal viable use of residential for this historic residential end terrace house. The change of use sought would have no adverse impact upon activity street frontages, whilst providing 4x units of supported housing to address homelessness in the district. The development will provide suitable provisions and amenity for the future occupants, subject to occupancy restriction to the top floor apartment, and noise mitigation. This is considered a social benefit of significant weight, albeit limited by the modest scale of the proposal.
- 6.2 The proposal includes developments and alterations that cause a moderate degree of harm to national heritage assets, namely through the loss of historic fabric to the existing slate roof for rooflights and solar panels. Subject to conditions to ensure harm is minimised to this level, the public benefits to facilitate the specific housing need sought, and reduce energy bills for previously homeless occupants, is considered sufficient to outweigh this harm. With public benefits of addressing an acute and specific local housing need, the proposal is considered to weigh in favour of approval, subject to planning conditions.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Precise details and samples external materials	Prior to exterior development,

		implement prior to first use
4	Details of ventilation and secondary, double and triple glazing	Prior to installation and first use
5	Details of solar panels, including mounting method, and ASHP	Prior to installation
6	Implementation of bike and bin stores, including details of the enclosure	Prior to first use
7	Ecological homeowner pack – HRA mitigation	Prior to first use
8	Single occupation for up-to 2 years top floor apartment only	Control

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

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

Background Papers

None

Agenda Item	A8
Application Number	24/01396/LB
Proposal	Listed building application for a replacement roof with solar panels and rooflights, alterations/replacements to window/doors and openings, installation of vents/ducts, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and new ceilings
Application site	87 King Street Lancaster Lancashire LA1 1RH
Applicant	Mrs Jo Wilkinson
Agent	Mason Gillibrand Architects
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval

(i) Procedural Matters

This form of works would normally be dealt with via the scheme of delegation. However, the landowner and applicant is Lancaster City Council, therefore the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

- 1.1 The property that forms the subject of this application relates to a three-storey end terrace, which is a Grade II Listed Building located on King Street within the Lancaster Conservation Area. The building is adjacent to a City Council car park, located on the corner of Spring Garden Street. The property was most recently leased as offices until November 2021. The property is constructed of stone walls externally and timber stud walls with lath and plaster finish internally. The building has timber framed windows and doors, under a gable natural slate roof. The majority of buildings fronting Queen Square are Grade II Listed Buildings, whilst the nearby Ring O'Bells is Grade II* listed, part of the wider central Lancaster regeneration priority area.

2.0 Proposal

- 2.1 This application seeks listed building consent for works to facilitate the conversion of the office building (Use Class E) to 4x 1-bed apartments. The apartments are intended to be used as short-term supported housing for single homeless persons across the district. The units form 1-bed single occupancy self-contained apartments, with some communal areas and bike storage within the building. The ground floor apartment will benefit from circa 15sq.m of external garden area, with the remaining circa 15sq.m of rear garden space communal amongst other occupants.

- 2.2 To facilitate the proposed change of use, internal and external alterations are proposed. New windows are to be installed in place of modern equivalents to the ground and second floor frontage. Historic windows at first floor, and second floor rear elevation, are to be repaired, retained and secondary glazing installed proud of the architrave. Rear elevation windows are to be repaired and restored with secondary glazing installed. To the side elevation, a new double glazed sash window and replacement windows are proposed to be installed to the side gable at third floor level. Two new heritage style rooflights are to be installed to the rear facing roof pitch, with roof vents to the front and rear pitches and new slate vents. A secondary doorway to the rear projection is proposed to provide direct access to the adjacent carpark and bin storage area.
- 2.3 Similar applications at this site have previously been approved through permissions 23/01441/FUL and 23/01442/LB, which were granted planning and listed building consent for use and development largely described above. Internally, fireproofing and noise mitigation is to be provided with intumescent paint and floorboard lifting, and ground floor cycle storage to be provided within the existing rear outrigger. Heat recovery cylinders are to be installed to multiple floors internally, and a heat exchanger for a detached air source heat pump outside the Listed Building. Insulation lining is proposed to the internal face of the front elevation wall inside the property at ground floor, first floor apartment rear inside wall, and to front, rear and gable side walls of the second floor apartment. The third floor apartment seeks internal insulation lining to internal face of walls and internal stud walls.
- 2.4 In addition to the above works, this application seeks renewable energy facilities that have not formed part of previous permissions at the site. These include heat recovery cylinders to the basement, first, second and third floors. 12x solar panels are proposed across the majority of the rear facing roof pitch, but avoiding the northern end towards the ridge of this roof slope. An air vent proposed to the lower side elevation, with two air vents to the rear elevation.

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
24/01395/FUL	Change of use and conversion of an existing office building (Class E) into 4 self-contained flats (C3) with external alterations and change of use of part of adjacent car park to site bin store	Concurrent
23/01441/FUL	Change of use of an existing office building (Class E) into 4 self-contained flats (C3), installation of roof lights, alterations to window/door openings and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and the roof, new rainwater goods and change of use of part of adjacent car park to site bin store	Approved
23/01442/LB	Listed building application for alterations to window/door openings, installation of two upper floor windows to the side elevation and replacement windows to all elevations, a new stone window head to the front elevation, installation of vents to the side and to roof, new rainwater goods, fixing of timber boarding to boundary wall, removal and construction of internal partition walls and installation of new ceiling to basement and drop ceilings to ground, first and second floor	Approved
22/01043/PRETWO	Conversion of existing vacant office building to 4no. residential 1bed self contained flats, to include a communal support office, kitchen and provision of external bin store	Advice provided
14/00351/LB	Listed Building application for internal alterations to create new partition to form lobby and wheelchair accessible toilet facilities	Approved

11/00264/LB	Erection of a non-illuminated fascia sign	Approved
11/00101/LB	Internal alterations to create accessible toilet facilities	Approved
92/0528/LB	Construction of a ramp access	Approved

4.0 Consultation Responses

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

Consultee	Response
Lancaster Civic Vision	No observation received
Conservation Team	No objection to amended proposal

4.2 No responses have been received from members of the public to the site notice, newspaper publication or neighbour letters.

5.0 Analysis

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

- Sustainable design, scale and streetscene impact upon heritage assets

5.2 **Sustainable design, scale and streetscene impact upon heritage assets** Development Management DPD Policies DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DMCCCH1 (Retrofit of Buildings of Traditional Construction for Energy Efficiency), DMCCCH2 (Micro-Renewables in The Setting of Heritage Assets), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations DPD Policies CC1 (Responding To Climate Change and Creating Environmental Sustainability) and SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework Section 12. (Achieving well-designed places) and Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

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

5.3.2 The application site forms a national heritage asset Grade II Listed Buildings, making a strong positive contribution to the city scape and Conservation Area. This is particularly when viewed in the context of other Grade II Listed Buildings fronting Queen Square, which is identified as a positive space of the Conservation Area. The site is a late 18th century house with 19th century alterations, with significance derived from its aesthetic, illustrative and evidential values as a house of its era, of typically classical design and locally characteristic material palette.

5.3.3 The proposal seeks the installation of an upper floor side facing windows, a side doorway and access, plus two rooflights to the rear facing roof pitch. Vents are proposed to the roof, rear elevation and lower side elevation. Existing modern windows are to be replaced with new slimline double

glazed timber framed units to match existing design. The ground floor front facing windows are proposed to be modified to form 2x new double-glazed sash 4 over 4 design either side of a new central mullion. Existing historic windows will be repaired and secondary glazing installed to those units.

- 5.3.4 The proposed installation of two rooflights to the rear elevation would be harmful, as it would reduce the aesthetic value of the building. This will be mitigated to some degree through the conservation style rooflights proposed, located to the less prominent rear roof slope. As such, this harm, and the addition of a sympathetically designed window to the side elevation, would be cumulatively limited. The replacement windows to the front elevation are considered to be a limited heritage benefit, introducing narrower sash windows, mullion and raised cill to the ground floor windows. This is subject to planning conditions regarding precise details and samples for developments and works.
- 5.3.5 Internally the proposal seeks fire measures, designed to avoid impact upon historic cornices. Precise details of internal works will be required through planning condition, including precisely how these will avoid historic fabric such as window architraves. Plans have been provided showing proposed new openings, secondary glazing and showing retention of existing alcoves, corning and skirting. Sympathetic insulation has also been proposed to specific walls and internal floors, which are considered appropriate. The amended scheme is considered sympathetic to the historic features of the Listed Building, and avoids harm from this regard.
- 5.3.6 The proposal includes low carbon heating and energy improvements to the existing buildings, in the form of internal heat recovery cylinders, an air source heat pump (ASHP) and 12x solar panels. Whilst the rear yard location of the ASHP creates a detachment from the Listed Building and visual containment from the Conservation Area to avoid heritage harm, unfortunately the same cannot be said for the proposed solar panels, which undoubtable cause harm to these national heritage assets.
- 5.3.7 The degree of heritage harm originally raised objection from the Conservation Team consultee, when panels were proposed across the entire rear facing roof pitch. Whilst these were sought to the least prominent of the two viable roof pitches, this rear pitch is elevated and visible from Spring Garden Street, particularly from the southern pavement, and upper floor of frequently passing double decker buses. These are visible within the context of other Listed Buildings, in particular the front pitch of Grade II* Listed Building, the Ring O'Bells, all within the Lancaster Conservation Area.
- 5.3.8 Amendments have proposed a compromise position, reducing the heritage harm by remove the 4x most prominent solar panels, and replacing these with an uncontentious ASHP. This achieves the Council property aim of EPC C for such premises, but more importantly would result in lower energy bills for future occupants. The amendments reduce the level of heritage harm, albeit this remains uncomfortable, and a moderate degree of harm, in addition to limit harm from other interventions.
- 5.3.9 The proposal continues to include an uncomfortable degree of harm from adverse impact to historic fabric that forms the existing rear slate roof slope in particular. However, this has been reduced through compromises within the proposed amendments. Any further reductions in renewable energy measures could jeopardise the scheme and broader conversion proposed and would increase energy bills for future occupants, whilst reducing the sustainability credentials of the scheme. Combined with justification provided to facilitate the much-needed accommodation, it is considered that in this instance the public benefits of supported housing for single homeless persons outweighs the harm identified.
- 5.3.10 The proposed would return the property to the optimal viable heritage use of residential for this historic house, albeit through smaller apartments rather than a single dwelling. The development would ensure a suitable use of the vacant property, providing a scheme for the refurbishment and long-term use and maintenance of this national heritage asset. Such heritage and previously described public benefits are considered to mitigate and outweigh the cumulative harm caused by other justified alterations proposed to facilitate this use and sustainable energy interventions. This is subject to details of high quality sympathetic solar panels to be controlled through planning condition, along with works proposed. The amended proposal has no objection from the Conservation Officer.

6.0 Conclusion and Planning Balance

- 6.1 The proposal would facilitate the use of the existing commercial office space to form residential apartments within the city centre. This would return this national heritage asset back to the optimal viable use of residential for this historic residential end terrace house. Redevelopment of the site as proposed would bring renovations and a future use and maintenance of the site. Importantly, through sympathetic alterations and details to be controlled through planning condition, the amended proposal can minimise harm to heritage assets, subject to ensuring suitably high-quality details and samples. The proposed rooflight and solar panel works to the rear roof pitch would cause a moderate degree of harm to national heritage assets, to which great weight must be attached. Subject to conditions, the public benefits to facilitate the specific housing need sought, and reduce energy bills for previously homeless occupants, this is considered sufficient to outweigh this harm.

Recommendation

That Listed Building Consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Precise details and samples external materials and internal works	Prior to works above ground
4	Details of solar panels, including mounting method	Prior to installation

Background Papers

None

Agenda Item	A9
Application Number	25/00637/FUL
Proposal	Erection of single storey extension to the front
Application site	Lancaster City FC The Giant Axe West Road Lancaster
Applicant	Lancaster City FC
Agent	Mr Miles Manley
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval subject to conditions

(i) Procedural Matters

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

1.0 Application Site and Setting

1.1 The site which forms the subject of this application is land within the Lancaster FC football ground, The Giant Axe which lies on West Road in Lancaster. The site lies adjacent to residential properties to the north, south and west whilst playing fields and the west coast mainline lie to the east of the site.

1.2 The site is designated as open space within the local plan whilst the Strategic Flood Risk Assessment identifies the site being at a medium risk of groundwater flooding.

2.0 Proposal

2.1 This application seeks consent for the erection of a single storey extension to the existing club house/facilities section of the building. The extension measures approximately 3.1m x 9.3m features a flat roof design and is finished in pebble dashing to match the existing building.

3.0 Site History

3.1 There are no relevant planning applications relating to this site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Property Services	No response
Sport England	No objection

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

5.0 Analysis

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

- Principle of development
- Design
- Residential amenity
- Flood risk and drainage
- Open space

5.2 **Principle of development** (NPPF Sections 2 & 8; Strategic Policies and Land Allocations Development Plan Climate Emergency Review (SPLA DPD) policy SC3; and the Review of the Development Management Development Plan Document Climate Emergency Review (DM DPD) policy DM27)

5.2.1 The presumption in favour of sustainable development is at the core of the NPPF and requires the decision takers to approve development that accord with an up-to-date development plan without delay.

5.2.2 The proposal is to provide for an extension to the existing clubhouse facilities providing an improved kitchen and accessible toilet area helping the club to comply with the regulations for the football league. As the proposal is to serve and provide improved facilities for an existing sporting use across the site, the development is supported in broad principle terms.

5.3 **Design** (NPPF Section 12; and DM DPD policies DM29 and DM30a)

5.3.1 Policy DM29 states that the Council will expect development to “*Contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale*”.

5.3.2 The extension will appear as modest and subservient addition to the existing football stadium finished in matching materials that will help blend into the existing built form. The inclusion of a flat roof differs from the existing roof arrangement but given the different roof types of the existing building, incorporating a pitched roof would not be possible. In any case given the modest scale, siting within the football ground and limited viewpoints from public areas, the proposal will not result in any adverse visual impacts on the wider area.

5.3.4 Policy DM30a states that “*The design of buildings must facilitate climate adaptation and mitigation measures, as well as ensuring that the structure and fabric can be retrofitted throughout the lifetime of the building*”.

5.3.5 The application has been accompanied with a brief sustainable design statement outlining that the building will incorporate energy-efficient insulation materials, high performance glazing and doors, energy-efficient and LED lighting. The extension could also provide for solar panels in the future if required. Considering the small scale of the extension, these measures are considered proportionate and sufficient in this instance.

5.4 **Residential amenity** (NPPF Section 12; and DM DPD policy DM29)

5.4.1 The extension will face towards the existing playing pitch and is approximately 12m from the nearest shared residential boundary located to the north which is comprised of an established hedge. Given the separation distance and single storey height of the extensions, the proposal will not result in any adverse impacts on the amenity of neighbouring properties.

5.5 **Flood risk** (NPPF Section 14; and DM DPD policies DM33 & DM34)

5.5.1 Policy DM33 states *“Proposals will be required to minimise the risk of flooding to people and property by taking a sequential approach which directs development to the areas at the lowest risk of flooding. Consideration must be given to all sources of flood risk”*.

5.5.2 The site is subject to a medium risk of groundwater flooding and is sited on existing hardstanding. The design and construction of the extension indicates that the floor level will be 150mm above the external ground level and will match the existing internal levels of the building. The design will also see damp-proofing and appropriate tanking systems to be used at floor slab level. This will help to minimise the risk of flood.

5.5.3 As the extension is considered to be ‘minor development’ in the context the NPPF, a sequential test is not required. In any case, as the extension is to serve an existing use of the site and the entire site is affected by a medium risk of groundwater flooding, there is no sequentially preferable site to place the extension.

5.6 **Open space** (NPPF Section 8; SPLA DPD policy SG3 and DM DPD policy DM27)

5.6.1 Policy DM27 seeks to protect and enhance existing designated open spaces and prevent the loss of designated open space, sports and recreational facilities unless a certain set of criteria is met.

5.6.2 As outlined above, the extension will provide an upgrade on the existing facilities for the football club providing an improved kitchen and WC area in association with both the day to day running of the club and match day events.

5.6.3 Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field. However, there are five exceptions to the rule, the relevant one in this instance is exception 2 and relates to where the proposed development is for ancillary facilities supporting the principle use of the site as a football pitch, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

5.6.4 Sport England have considered the application and have raised no objection due to this exception being met. Consequently, the proposal is considered to meet the requirements of policy DM27.

6.0 **Conclusion and Planning Balance**

6.1 Due to the relatively small nature of the development involved, the proposal is considered appropriate to both the site and existing building. The design is in keeping with the built form and does not occupy a prominent position within the area nor does it have a detrimental impact upon the residential amenity of the neighbouring properties. The proposal will improve upon the existing facilities of the football club without impacting on the useability of the playing field. As such, the proposal is considered to comply with the local and national policies outlined above and is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

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

3	Materials to match	Control/compliance
4	Development to accord with FRA	Control/compliance
5	Development to accord with sustainable statement	Control/compliance

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

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

Background Papers

None

Agenda Item	A10
Application Number	25/00130/FUL
Proposal	Retrospective application for the change of use of land to domestic garden in association with 21 The Drive with landscaping and erection of a shed
Application site	21 The Drive Carnforth Lancashire LA5 9JD
Applicant	Mrs Lucy Owen
Agent	N/A
Case Officer	Ms Sophie Taylor
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This form of development would normally be determined under the Councils Scheme of Delegation. However, the application was called in for determination at the Planning and Regulatory Committee by Councillor Stubbs.

1.0 Application Site and Setting

1.1 The site which forms the subject of this application is 21 The Drive located in Carnforth, to the southwest of the town centre. The site is an end terraced property located on a residential estate and it is finished in white render with white uPVC windows. Prior to the works being completed, parking was available on street, to the front of the property and the property benefited from a small yard to the rear. An access track was located to the side of the property, providing pedestrian access to the rear of the row of terraces.

1.2 The site is located within an area covered by the Carnforth Neighbourhood Plan.

2.0 Proposal

2.1 This application seeks retrospective planning permission for the change of use of land to domestic garden in association with 21 The Drive with landscaping and erection of a shed. The access track located to the side and rear of the property has been converted into domestic garden in association with the dwelling. The access track is within the ownership of the applicant as shown on the Land Registry Plan submitted with the application. A gravelled area for car parking has been created to the side of the property with a wooden fence and gate (approx. 2m in height) installed to access the private amenity space to the rear. A shed is situated to the side of the property, measuring approx. 4.3m in length, 2.4m in width, with a total height of 2.3m and an eaves height of 1.7m. It is finished in wood with Perspex windows to the southern elevation.

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
00/00964/FUL	Change of use from access way to private garden area	Refused
00/01167/CU	Relocation of boundary wall and extension of garden over part access/driveway and erection of dog-pen	Permitted
06/01157/FUL	Retention of conservatory to the front	Permitted

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response.
County Highways	No objection. There are no highway grounds to support an objection as set out by the NPPF.
Fire Safety Officer	No comments. No access for fire appliances prior to development.
Waste Management	No objections. Proposal would not affect waste collections.

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

2 objections have been received from members of the public raising the following material planning concerns:

- Relates to land which is a public access road.
- Access should be open to allow vehicular access, so vehicles do not have to reverse onto the highway.
- Previous application in 2000 was refused for similar development.
- Access required for fire brigade.

These issues have been addressed in the subsequent report.

5.0 Analysis

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

- Principal Matters
- Design
- Residential Amenity
- Highways
- Biodiversity Net Gain

5.2 **Principal Matters** (NPPF Section 2. Achieving sustainable development, Section 4. Decision-making.)

5.2.1 The change of use and siting of a shed is on land within the ownership of the applicant which is corroborated by the title deeds obtained from HM Land Registry. In addition, the access road is not an adopted highway and County Highways have raised no objection in relation to the ownership of the land.

5.2.2 Comments have been received indicating that other parties may have rights to access over the land concerned. This is covered by separate legislation to the Town and Country Planning Act and as

such, these issues are not given material weight in the planning assessment. An advice note is recommended to advise the applicant to investigate the legal position.

5.3 **Design** (NPPF Section 12. Achieving well-designed places; Development Management DPD Policy DM29 Key Design Principles.)

5.3.1 Prior to the works being undertaken, the access track was small and overgrown with bushes and shrubs. The site is not located in a prominent location, between 21 The Drive and a large garage. It is not considered that the site significantly contributed to the character of the streetscene.

5.3.2 The change of use of this section of track into domestic garden and its enclosure by a timber fence has already been undertaken. Prior to the development, the garden space was below the minimum 50 square meters specified within DM29, measuring approx. 42 square metres. The garden space following the development has been increased to 104 square metres including the car parking area to the side and is considered to be an appropriate size for a three bed dwelling. The timber boundary fence is not considered to be an obtrusive addition as it is set back from the road and there are other instances of similar boundary treatments in the locality. The shed located to the western boundary is not highly visible as it is partially screened by the fencing and is finished in timber, similar to the fencing. The remainder of the works are not within view from the wider streetscene. As such, the proposal is considered acceptable in terms of design and impact upon the streetscene.

5.4 **Residential Amenity** (NPPF Section 12. Achieving well-designed places; Development Management DPD Policy DM29 Key Design Principles.)

5.4.1 The change of use of a small area of the alleyway to domestic garden will not impact upon the amenity of neighbouring residential dwellings. Furthermore, the installation of fencing as a boundary treatment to the front will ensure the private garden of 21 The Drive will still benefit from adequate levels of privacy.

5.4.2 The shed is adjacent to a large garage located to the north, which will screen the shed from the boundary with 23 The Drive. To the south, the host dwelling will screen the shed from the neighbouring property and its private amenity space. As such, the proposal is not considered to cause significant overlooking, overshadowing or overbearing.

5.5 **Highways** (NPPF Section 9. Promoting sustainable transport, Section 12. Achieving well-designed places; Development Management DPD Policies DM29 Key Design Principles, DM62 Vehicle Parking Provision.)

5.5.1 The previously approved application (00/01167/CU) has meant that the access track has been narrowed to 2.5m in width. It is therefore not possible for the access track to be used for vehicle access as it is too narrow. The current application, whilst it will prevent use from pedestrians, bicycles and horse, is not considered to introduce significant highway safety concerns and County Highways have raised no objections.

The proposal will have a marginal benefit in terms of highways by providing an additional off-road car parking space.

5.6 **Biodiversity Net Gain** (NPPF Section 15. Conserving and enhancing the natural environment; Development Management DPD Policy DM44 The Protection and Enhancement of Biodiversity; Strategic Policies and Land Allocations DPD Policy SP8 Protecting the Natural Environment.)

5.6.1 The development is not required to provide mandatory Biodiversity Net Gain as the proposal is retrospective and the application has been made under section 73A.

5.7 **Other Matters**

5.7.1 Concerns have been raised regarding the access being required for fire equipment. The access width prior to the works was approx. 2.5m in width (as approved under 00/01167/CU) and was therefore not wide enough for a fire engine to get through. Gates have been installed to allow access through the site into the alleyway to the rear of the terraces and the rear of the terraces can also be accessed via the other end of the alleyway and from the road at the rear which leads to Craig Holme

Residential Park. Lancashire Fire and Rescue have not raised any concerns as there was no access for fire appliances prior to the development.

6.0 Conclusion and Planning Balance

- 6.1 The proposed retrospective change of use to domestic garden is not considered to have a significant adverse impact on the character and appearance of the streetscene nor on highway safety. It is deemed to be acceptable with respect to residential amenity, ecology and fire safety. 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	Approved plans	Control

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

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

Background Papers

None

Agenda Item	A11
Application Number	25/00677/VCN
Proposal	Variation of condition 7 on approved application 95/00530/FUL to extend the opening hours of restaurant
Application site	Former Frankie And Benny's Hilmore Way Morecambe Lancashire
Applicant	McDonald's Restaurants Ltd
Agent	Mr Henry Mackenzie
Case Officer	Mr Patrick Hopwood
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the landowner is Lancaster City Council, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site to which this application relates is the former Frankie & Benny's building off Central Drive, Morecambe. The building was originally constructed in the mid-1990s as a drive through Burger King takeaway, until Frankie & Benny's took over the site in 2008, removing the drive through and extending into the former drive through lanes. Frankie and Benny's vacated the site in 2020, and it has remained disused since then. The building is located on the corner of Hilmore Way and Central Drive, and shares an access point on Hilmore Way and car park with a gym and pizza takeaway which co-habit the former Blockbuster video shop. Hilmore Way also leads to Morrisons, Morrisons Petrol Station, B&M, The Range and Next and their associated car parks, coach parking, and service areas.

1.2 The site is located within the Morecambe Area Action Plan (MAAP) and a Regeneration Priority Area. The cycle path to the west and south forms part of National Cycle Routes 69, 700, and the Way of the Roses, and is also designated as an existing cycle route under Policy T2.

1.3 Condition 7 of the operative planning permission (95/00530/FUL) controls the business hours of the restaurant unit to 07:00 to midnight daily.

2.0 Proposal

2.1 This Section 73 application seeks to vary Condition 7 on approved planning application

95/00530/FUL to extend the opening hours by one additional hour in the morning, so that the opening hours are 06:00am to midnight. The submitted covering letter sets out that the Applicant wishes to extend trading hours to meet its operational requirements and reflect its other stores.

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
95/00530/FUL	Erection of a drive through takeaway restaurant and video shop	Approved
08/00836/FUL	Alterations and extensions to existing Burger King restaurant to form Frankie & Benny's restaurant with ancillary bar	Approved
22/01452/FUL	Change of use of existing restaurant (Class E) to mixed use unit comprising of restaurant and drive thru takeaway (sui generis), demolition of existing single storey extensions to side and rear, installation of external cladding and panelling and 2 new windows to the side, reconfiguration of car park to create drive-thru lane and associated landscaping	Withdrawn
23/00502/FUL	Change of use of existing restaurant (Class E) to mixed use unit comprising of restaurant and drive thru takeaway (sui generis), demolition of existing single storey extensions to side and rear, installation of external cladding and panelling and 2 new windows to the side, reconfiguration of car park to create drive-thru lane and associated landscaping	Approved
25/00314/FUL	External alterations including replacement doors and glazing, installation of plant and equipment, demolition of existing bin store, creation of bin store corral area, erection of fencing, changes to car parking layout, landscaping, and associated works	Approved
25/00316/FUL	Erection of single storey extensions, external alterations including replacement doors and glazing, installation of plant and equipment, demolition of existing bin store, creation of bin store corral area, erection of fencing, changes to car parking layout, landscaping, and associated works	Approved
25/00390/ADV	Advertisement application for 4 internally illuminated signs and 2 non-illuminated banner frame signs	Approved
25/00392/ADV	Advertisement application for 4 internally illuminated signs and 2 non-illuminated banner frame signs	Approved
25/00391/ADV	Advertisement application for an internally illuminated totem sign	Approved

4.0 Consultation Responses

4.1 At the time of writing this report, the following responses have been received from statutory and internal consultees:

Consultee	Response
Morecambe Town Council	No response received.
County Highways	No objection.
Network Rail	No objection.

Environmental Health	Comments. In general agreement with the recommendations of the report. Recommends that the proposed mitigation measures are conditioned. Recommends that deliveries are restricted between the hours of 07:00 and 21:00 to avoid adverse impacts at the nearest residential property.
Property Services	No response received.

4.2 At the time of writing this report, 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:

- Noise and Residential Amenity

5.2 **Noise and Residential Amenity** (NPPF Chapters 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment); Policy DM29 (Key Design Principles))

5.2.1 The reason given on planning permission 95/00530/FUL for imposing the opening hours condition is “in the interest of the amenity of nearby residents”. The nearest residential property is on Aldingham Walk, with a distance of approx. 40m between building facades, or approx. 20m between site boundaries. The residential properties are separated from the application site by a railway siding and the Lancaster-Morecambe Greenway cycle path.

5.2.2 The application has been submitted with a noise report, which includes a survey of background noise levels, and assessment of plant, patron and delivery vehicle noise from the restaurant use. The report concludes that with the recommended mitigation for the plant equipment, there would be no adverse impact on residential neighbours from plant and patrons from an additional hour of trading at 6am. In terms of logistical and supplier deliveries, in order to prevent any adverse impacts from delivery vehicles and movements, the report recommends that delivery hours should be limited to 07:00 to 23:00.

5.2.3 The Council’s Environmental Health Officer is in general agreement with the report, and recommends that the proposed mitigation measures are conditioned to prevent adverse noise impacts. However, having had regard to the relatively quiet background noise levels post-9pm and louder nature of the delivery activities, the Environmental Health Officer recommends that delivery hours are further restricted to between the hours of 07:00 and 21:00 to avoid adverse impacts at the nearest residential property.

5.2.4 Based on the findings of the submitted noise report and the comments from the Environmental Health Officer, the opening hours can be extended by an additional hour in the morning, to be 06:00 to midnight daily, without causing harm to the nearest noise sensitive receptors. Whilst the previous condition did not specifically reference delivery hours, it was a more general hours condition, and it is reasonable to specify particular opening and delivery hours through the amended planning condition having had regard to the noise survey and planning policy requirements to secure a high level of amenity and living conditions for neighbouring occupiers.

6.0 **Conclusion and Planning Balance**

6.1 For the reasons set out above, the amended opening hours of 06:00 to midnight and delivery hours of 07:00 to 21:00 are acceptable in terms of noise impacts on residential amenity, and compliant with local and national planning policy requirements.

6.2 As the original development has been completed, conditions controlling the development timescale, and requiring the provision of car parking before first occupation, can be removed. The condition for the original five-year landscaping plan can also be removed as this time period has now lapsed and the condition is no longer enforceable. The ventilation/plant details condition can be updated to reference the latest plans and recommended mitigation scheme. Other conditions can be retained.

Recommendation

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

Condition no.	Description	Type
1	Amended Plans and Details (retained from 95/00530/FUL)	Control
2	Approved Materials (retained from 95/00530/FUL)	Control
3	Separate Drainage Systems (retained from 95/00530/FUL)	Control
4	No Building Within 3m of Public Sewers (retained from 95/00530/FUL)	Control
5	Restaurant Opening Hours (06:00 to Midnight) and Delivery Hours (07:00 to 21:00)	Control
6	Ventilation/Plant Details	Control
7	Site Levels (retained from 95/00530/FUL)	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

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
22/01203/FUL	McCarthy Caravan Parks, Castle View Park, Borwick Road Change of use of open space for the siting of 9 caravans with associated internal road, parking spaces, hardstanding and drainage and construction of a pond for Mr John McCarthy (Kellet Ward 2015)	Application Permitted
22/01443/ELDC	102A Sefton Road, Heysham, Morecambe Existing lawful development certificate for use as commercial garage (B2) for Mr Jordan Chinery (Heysham North Ward)	Lawful Development Certificate Refused
23/00872/FUL	3 - 7 New Street, Carnforth, Lancashire Change of use of cafe/restaurant (Class E) and hot food takeaway (Sui generis) and living accommodation (class C3) to restaurant at ground floor and hotel (class C1) at first and second floors. for Mr O Ozmicco (Carnforth And Millhead Ward)	Application Permitted
24/00172/DIS	Moor End, Lodge Lane, Melling Discharge of condition 3 on approved application 22/00357/FUL for Mr & Mrs Bayes (Upper Lune Valley Ward)	Application Permitted
24/00210/DIS	1 Electric Drive, Carnforth, Lancashire Discharge of conditions 9, 10 and Partial Discharge of condition 22 on approved application 22/00562/VCN for Ms Tracy Clavell-Bate (Halton-with-Aughton And Kellet Ward)	Split Decision
24/00266/FUL	11A Dallam Avenue, Morecambe, Lancashire Change of use of top floor flat into a short term rental unit for Miss Emma Nelson (Poulton Ward)	Application Refused
24/00410/FUL	Sparkles Hand Car Wash, Aldrens Lane, Lancaster Retrospective application for the change of use of garage to car wash and valeting and erection of canopy for Mr M Marouf (Skerton Ward)	Application Permitted
24/00591/FUL	Addington Lodge, Addington Road, Nether Kellet Demolition of existing agricultural barn, erection of a new dwelling and domestic outbuilding and associated landscaping for Adrian Gott (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00668/FUL	McCarthy Caravan Parks, Castle View Caravan Park, Borwick Road Change of use of land for the siting of 16 static caravans, including excavation of land, associated access and landscaping for Mr John McCarthy (Halton-with-Aughton And Kellet Ward)	Application Permitted
24/00725/FUL	46 - 48 Knowlys Road, Heysham, Morecambe Demolition of rear outrigger and erection of two-storey extension comprising 4 self-contained flat units to be used in conjunction with existing sheltered home for Mr C Bradley (Heysham Central Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

24/01116/CU	250 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Change of use of land to domestic garden with driveway and construction of wall in association with 250 Oxcliffe Road for Mr W Howard (Westgate Ward)	Application Refused
24/01181/LB	Whittington Farm, Main Street, Whittington Listed building application for the replacement of existing timber windows with new hardwood slimline double glazed windows for Mr & Mrs Mackareth (Upper Lune Valley Ward)	Application Permitted
24/01249/FUL	262 Marine Road Central, Morecambe, Lancashire Conversion of bank (E) into two separate commercial units (E) including replacement of ground floor window with a door for Mr Kandasamy (Poulton Ward)	Application Permitted
24/01251/FUL	Rear Of, 34 Wennington Road, Wray Erection of a dwelling with associated landscaping, access, parking and creation of pond for Mr & Mrs Garrod (Lower Lune Valley Ward)	Application Permitted
24/01308/RCN	Mill Bank, Mill Lane, Whittington Removal of condition 3 on planning permission 01/78/922 relating to occupancy by an agricultural worker for Mrs Christina Altham (Upper Lune Valley Ward)	Application Permitted
24/01314/FUL	Entwistle House, Park Lane, Tatham Change of use and conversion of an old school house to a residential dwelling (C3) with associated access and vehicular parking for Mr Frank Towers (Lower Lune Valley Ward)	Application Permitted
24/01334/LB	Abbeystone Barn, Clarksons Farm, Moss Lane Listed building application to remove existing timber posts and infill existing open porch, with installation of cavity wall, inner leaf blockwork, outer leaf stone, new windows/door, and raising of porch floor for Mr Harold Alan Fleming (Ellel Ward)	Application Permitted
25/00013/DIS	Addington Lodge, Addington Road, Nether Kellet Discharge of conditions 2,3 and 4 on approved application 21/00116/VCN for Adrian Gott (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00024/DIS	Land At Grid Reference E341283 N458126, Natterjack Lane, Middleton Discharge of conditions 7,9 and 10 on approved application 23/00398/FUL for Mr D Petty (Overton Ward)	Application Permitted
25/00034/DIS	Field 3225, Arna Wood Lane, Aldcliffe Discharge of conditions 3,4,5 and 7 on approved application 23/01140/FUL for Mr Edward Jenkins (Scotforth West Ward)	Split Decision
25/00036/DIS	Dragons Head Hotel, Main Street, Whittington Discharge of conditions 3,7,8,11 and 16 on approved application number 23/00093/VCN for Mr Bernard Sampson (Upper Lune Valley Ward)	Split Decision
25/00047/DIS	Forest Hills , Hazelrigg Lane, Scotforth Submission of Biodiversity Gain Plan on approved application 24/01051/FUL for Mr Ian Sturzaker (Ellel Ward)	Application Permitted
25/00059/DIS	Middleton Clean Energy Plant, Middleton Road, Heysham Discharge of condition 3 on approved application 24/01364/VCN for Mr Andrew Garner (Overton Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

25/00061/FUL	Ghyll House, Aughton Brow, Aughton Rebuilding of columns, replacement boundary walls/entrance gate, new boundary fencing and landscaping works to include construction of a pergola and patio area for Jack Johnson (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00062/DIS	Church Of St John With St Anne, North Road, Lancaster Discharge of conditions 3,4 and 5 on approved application 24/00154/LB for Ms Helen Mulholland (Castle Ward)	Application Permitted
25/00062/LB	Ghyll House, Aughton Brow, Aughton Listed building application for the rebuilding of columns and replacement boundary walls/entrance gate, for Jack Johnson (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00063/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Part discharge of condition 9 on approved application 22/00423/VCN for Mrs Hannah Jackson (Scotforth West Ward)	Application Refused
25/00064/DIS	Site Of Former Lancaster Moor Hospital Cricket Ground, Campbell Drive, Lancaster Discharge of condition 3 on approved application 16/00298/REM for Mr Damian Ashbrook (Bulk Ward)	Application Refused
25/00067/DIS	23 St Georges Quay, Lancaster, Lancashire Discharge of condition 3 on approved application 25/00082/LB for Mrs Claire Bleazey (Castle Ward)	Application Permitted
25/00068/DIS	2 Bronte Cottages, Long Level, Cowan Bridge Discharge of conditions 5,6 and 7 on split decision application 15/00147/FUL for Professor Malik G Salameh (Upper Lune Valley Ward)	Split Decision
25/00069/DIS	2 Bronte Cottages, Long Level, Cowan Bridge Discharge of conditions 5,6,7 and 8 on split decision application 15/00148/LB for Professor Malik G Salameh (Upper Lune Valley Ward)	Split Decision
25/00071/DIS	Beaumont Cote Manor, Strellas Lane, Slyne Discharge of condition 3 on approved application 25/00157/LB for Mr Rupert & Feleena Bayfield & Taylor (Bolton And Slyne Ward)	Application Permitted
25/00073/DIS	Land To The South Of Lawsons Bridge Site, Scotforth Road, Lancaster Discharge of condition 23 and 25 on approved application 22/00423/VCN for Hannah Jackson (Scotforth West Ward)	Application Permitted
25/00073/FUL	3 - 12 Gage Street, Lancaster, Lancashire Change of use and conversion of the first, second and third floors of existing commercial building into 30 student studios including dormer extensions, a third floor extension and alterations to the roof and erection of a bin store to the rear, alterations to windows/external finishes and construction of a new entrance for 47-51 North Road Limited (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00074/DIS	54 Lythe Fell Avenue, Halton, Lancaster Discharge of condition 3 on approved application 23/00368/FUL for Mr Adam Faraday (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00078/DIS	23 Second Terrace, Sunderland Point, Morecambe Discharge of condition 3 on approved application 24/00769/FUL for Mr & Ms L. Gilchrist & M. Sanderson (Overton Ward)	Application Permitted
25/00079/DIS	Land At OS Grid Reference E346439 N452093, Marsh Lane, Cockerham Discharge of conditions 15 and 18 on approved application 21/01134/VCN for Mrs Kailey Purcell (Ellel Ward)	Application Refused
25/00080/DIS	Contact One, 43B Princes Crescent, Morecambe Discharge of conditions 3 and 4 on approved application 25/00078/FUL for Mr David Riley (Bare Ward)	Application Permitted
25/00081/DIS	Land West Of Castle O Trim Farmhouse, Procter Moss Road, Abbeystead Discharge of condition 5 on approved application 20/01312/FUL for Mr J Miller (Ellel Ward)	Application Permitted
25/00084/DIS	5 Derby Street, Morecambe, Lancashire Discharge of condition 3 on approved application 23/00382/FUL for John Bates (Poulton Ward)	Application Permitted
25/00085/DIS	Morecambe Winter Gardens, 209 Marine Road Central, Morecambe Discharge of condition 3 on approved application 24/00845/LB for Morecambe Winter Gardens Preservation Trust (Poulton Ward)	Split Decision
25/00086/DIS	Morecambe Winter Gardens, 209 Marine Road Central, Morecambe Discharge of condition 3 and 4 on approved application 24/00844/FUL for Morecambe Winter Gardens Preservation Trust (Poulton Ward)	Split Decision
25/00088/DIS	Global Link, 29 Queen Street, Lancaster Discharge of condition 3 on approved application 25/00355/LB for Mr Gisela Renolds (Castle Ward)	Application Permitted
25/00091/DIS	36 Lancaster Road, Carnforth, Lancashire Discharge of condition 3 on approved application 24/01217/FUL for Mr And Mrs Ruscoe (Carnforth And Millhead Ward)	Application Permitted
25/00092/DIS	Banks Lyon Shoes, 42 - 44 Church Street, Lancaster Discharge of condition 3 on approved application 25/00214/LB for Mr Rodney Banks-Lyon (Castle Ward)	Application Permitted
25/00093/DIS	Land East Of, Scotland Road, Carnforth Discharge of condition 14 on approved application 20/00607/VCN for Mrs Vicky Beeton (Carnforth And Millhead Ward)	Application Permitted
25/00107/DIS	Land North Of Bulk Road And East Of Parliament Street, Lancaster, Lancashire, Discharge of condition 3 on approved application 22/00332/FUL for PPG Lancaster (Bulk)	Application Permitted
25/00140/FUL	17 Chelsea Mews, Lancaster, Lancashire Retrospective application for the conversion of garage into living accommodation for Mr Adam Seth (Skerton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00162/EIR	Crook O Lune Holiday Park, Lancaster Road, Quernmore Screening opinion for the siting of 7 holiday chalets and construction of associated access road/hardstanding and alterations to land levels, extension of existing bases to plots 5 & 41 and construction of a retaining wall for Mr G Hoey (Lower Lune Valley Ward)	ES Not Required
25/00199/FUL	Middle Crag Farm, Starbank, Dolphinhholme Change of use of agricultural building into one dwelling (Class C3) and associated works for Mr K Drinkwater (Ellel Ward)	Application Permitted
25/00229/LB	31 Elms Road, Morecambe, Lancashire Listed building application for replacement windows and door for Alison Goodwin (Bare Ward)	Application Permitted
25/00234/FUL	15 Marsh Crescent, Morecambe, Lancashire Partial demolition of existing garage and erection of a single storey rear and side extension for Mr and Mrs Woodcock (Torrisholme Ward)	Application Permitted
25/00244/PLDC	Wennington Hall, Lodge Lane, Wennington Proposed lawful development certificate for the use of existing outbuildings for ancillary hotel accommodation and guest leisure facilities following commencement of planning permission 23/00576/FUL for Mr. Warren Bennett (Upper Lune Valley Ward)	Lawful Development Certificate Granted
25/00251/ELDC	294 Oxcliffe Road, Heaton With Oxcliffe, Morecambe Existing lawful development certificate for use of the site as a residential caravan park for 4 residential caravans in breach of condition 5 of 07/01036/FUL for Mr. T. Hanley (Westgate Ward)	Lawful Development Certificate Refused
25/00271/FUL	Booths , Hala Road, Lancaster Installation of external lighting in car park for Jonathan Metcalfe (Scotforth East Ward)	Application Permitted
25/00283/FUL	Lunesdale View, Old Moor Road, Wennington Erection of single storey side extension and change of use of agricultural land into domestic for Mr And Mrs Poulton (Lower Lune Valley Ward)	Application Permitted
25/00298/CU	Look Fantastic, 17 Dalton Square, Lancaster Change of use from class E retail to sui generis dance studio for Clara Moriarty (Castle Ward)	Application Permitted
25/00321/FUL	Sellerley Farm, Conder Green Road, Galgate Retrospective application for the change of use of agricultural land for siting of four glamping pods and associated welfare facilities for Mr Eddie Newsham (Ellel Ward)	Application Permitted
25/00324/FUL	294 Bowerham Road, Lancaster, Lancashire Demolition of existing car port and erection of a single storey attached garage to the side elevation for Mr Wayne Holmes (Scotforth East Ward)	Application Permitted
25/00327/FUL	100 Coulston Road, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs Edmondson (Bowerham Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00336/FUL	37 Strickland Drive, Morecambe, Lancashire Demolition of existing conservatory and erection of a single storey rear extension with flat roof for Mr James Farley (Bare Ward)	Application Permitted
25/00348/FUL	3 The Old Police Station, Lancaster Road, Hornby Erection of a single storey side extension, widening of existing opening and associated landscaping. for Mr & Mrs Barnett (Upper Lune Valley Ward)	Application Permitted
25/00349/LB	3 The Old Police Station, Lancaster Road, Hornby listed building application for the erection of a single storey side extension and the widening of existing opening for Mr & Mrs Barnett (Upper Lune Valley Ward)	Application Permitted
25/00350/FUL	9 Bentham Road, Lancaster, Lancashire Construction of side dormer extensions for Mr and Mrs Alex Peill (Scotforth East Ward)	Application Refused
25/00352/FUL	21A Chapel Lane, Overton, Morecambe Demolition of existing garage and erection of a detached double domestic garage/gym and office for Mr and Mrs Nigel Travis (Overton Ward)	Application Refused
25/00354/FUL	6A Lindeth Road, Silverdale, Carnforth Erection of a single storey side extension for Mr Dave Snow (Silverdale Ward)	Application Permitted
25/00363/FUL	Total Tots Nursery, Langridge Way, Morecambe Installation of replacement shutters and relocation of path for Mr K Hansson (Westgate Ward)	Application Permitted
25/00368/FUL	47 Barley Cop Lane, Lancaster, Lancashire Erection of a front porch, single storey rear extension, and two storey side extension for Mr Andrew Ideson (Skerton Ward)	Application Permitted
25/00369/FUL	3 Morecambe Road, Morecambe, Lancashire Part retrospective application for the erection of a single storey rear extension for Ms Karolin Ramesh Masilamany (Torrisholme Ward)	Application Permitted
25/00373/FUL	Lighthouse Cottage, Slack Lane, Thurnham Erection of a two storey side extension and erection of a porch for Mrs M Gerrard (Ellel Ward)	Application Refused
25/00407/LB	Ripley St Thomas Church Of England Academy , Ashton Road, Lancaster Listed building application for the underpinning of the modern technology block for Ripley St Thomas Church Of England Academy (Scotforth West Ward)	Application Permitted
25/00418/FUL	Aldcliffe Heights, Aldcliffe Hall Drive, Aldcliffe Retrospective application for the construction of external raised decking for Mr Jeff Bellamy (Scotforth West Ward)	Application Permitted
25/00419/FUL	30 Yealand Drive, Lancaster, Lancashire Erection of a single storey outbuilding/garden room to the rear for Mr Anthony Yates (Scotforth East Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00434/VCN	Croftlands, Cantsfield Road, Cantsfield Demolition of existing dwelling, change of use of agricultural land to domestic garden and erection of a replacement 2 storey dwelling with alterations to land levels and installation of a package treatment plant (pursuant to the variation of condition 2 on planning permission 22/01483/FUL to amend previously approved plans) for Mr & Mrs Gary Atkinson (Upper Lune Valley Ward)	Application Permitted
25/00438/ELDC	1 Balmoral Road, Lancaster, Lancashire Existing lawful development certificate for use as house in multiple occupation for Mrs Cathy Pickles (John O'Gaunt Ward)	Lawful Development Certificate Granted
25/00444/FUL	Restarigg Farm, Kirkby Lonsdale Road, Over Kellet Erection of roof structures over existing manure store, elevator and open yard areas for Mr & Mrs Edward Fox (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00448/EIR	Land To The North West Of, Caw House, Abbeystead Road Screening request for the construction of a pond for Mr Declan Hoare (Ellel Ward)	ES Not Required
25/00450/FUL	52 Market Street, Lancaster, Lancashire Change of use from retail unit to a cocktail bar for Mr Antonio Martinez (Castle Ward)	Application Permitted
25/00455/PLDC	13 Manor Crescent, Slyne, Lancaster Proposed lawful development certificate for the erection of a part single storey, part two storey rear extension, erection of a replacement front porch and alterations to windows/doors for Mr Daniel Hunt (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/00456/FUL	Hazelwood Lodge, Hollins Lane, Silverdale Demolition of existing shed and erection of a replacement mono-pitched timber shed for Mr R. & Mrs. N. Walton (Silverdale Ward)	Application Permitted
25/00457/LB	Keepers Cottage, Chipping Lane, Dolphinholme Listed building application for the installation of cast iron gutters to the lower section of the building for Mrs Lydia Richards (Ellel Ward)	Application Permitted
25/00463/ELDC	Corney Hill Farm, Postern Gate Road, Quernmore Existing lawful development certificate for the use of the property as a dwellinghouse (C3) for Mrs Lynn Lund (Lower Lune Valley Ward)	Lawful Development Certificate Refused
25/00467/LB	St Marys Presbytery, 59 Main Street, Hornby Listed building consent for repairs and refurbishment to include upgraded bathrooms, new ensuite, mechanical ventilation fans, installation of timber floor supports, lintel repairs, alterations to finishes and fixtures, internal and external redecoration and creation of an area of hardstanding for Mr Ken Dennis (Upper Lune Valley Ward)	Application Permitted
25/00477/FUL	Croftbank, Silverdale Road, Yealand Redmayne Installation of replacement external doors and window to the east elevation for Mr Dent (Silverdale Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00487/PLDC	28 Sizergh Road, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr M Bennett (Bare Ward)	Lawful Development Certificate Granted
25/00488/LB	52 Market Street, Lancaster, Lancashire Listed building application for internal alterations comprising of removal of internal walls, construction of internal walls and painting of shopfront for Mr Antonio Martinez (Castle Ward)	Application Permitted
25/00494/FUL	Rose Bank, Caton Green Road, Caton Green Erection of a two storey side extension for Mr And Mrs Leon White (Lower Lune Valley Ward)	Application Permitted
25/00496/VCN	33 Pinewood Avenue, Brookhouse, Lancaster Demolition of existing porch and conservatory and erection of a two storey rear extension and single storey side extension, alterations to roof including dormer extension and to window openings/external finishes and installation of external wall insulation (pursuant to the variation of condition 2 on planning permission 24/01377/FUL to amend previously approved plans) for Mr Andrew Hill (Lower Lune Valley Ward)	Application Permitted
25/00500/FUL	1 Meadow Lane, Lancaster, Lancashire Erection of a pergola and garden shed to the rear for Mr Kris Rawlinson (Scotforth West Ward)	Application Permitted
25/00502/CU	Gowan View And, The Shippon Gowan Hall Farm, Kirkby Lonsdale Road Change of use of holiday lets into 2no. dwellinghouses for Mr & Mrs Archer (Halton-with-Aughton And Kellet Ward)	Application Refused
25/00503/FUL	Burton House, Aughton Brow, Aughton Change of use of land adjacent to the property boundary from agricultural land to private residential garden land for Tim Keeler (Halton-with-Aughton And Kellet Ward)	Application Refused
25/00506/FUL	Agricultural Buildings, Honeystones, Melling Road Erection of roof over existing yard for Mr John Clarke (Upper Lune Valley Ward)	Application Permitted
25/00508/ADV	Alexandra Square, Lancaster University, Bigforth Drive Advertisement application for the display of non-illuminated ATM surround for Rachel Halls (University Ward)	Application Permitted
25/00509/PLDC	78 Scotforth Road, Lancaster, Lancashire Proposed lawful development certificate for construction of dormer to the rear elevation and rooflights to front elevation for Mr & Mrs Johnstone (Scotforth West Ward)	Lawful Development Certificate Granted
25/00510/PIP	14 Lucy Street And Land Adjacent , Lancaster, Lancashire Permission in principle application for conversion and extension to create between 2 and 6 dwellings for Mr M Diggle (Castle Ward)	Application Refused
25/00528/FUL	20 Tithebarn Hill, Glasson Dock, Lancaster Installation of air source heat pump to rear yard for Ms Maxine Chambers (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00531/FUL	31 Sea View Drive, Hest Bank, Lancaster Construction of a dormer extension to the rear, installation of rooflights to the front and rear elevation and loft conversion for Mr Neil Gorrill (Bolton And Slyne Ward)	Application Permitted
25/00533/FUL	90 Morecambe Road, Lancaster, Lancashire Demolition of existing garage and erection of detached garden room/garage to the rear for Mr J Chinery (Scale Hall Ward)	Application Permitted
25/00534/PLDC	14 Endsleigh Grove, Lancaster, Lancashire Proposed lawful development certificate for construction of hip to gable roof extension and dormer to rear elevation for Mr And Mrs Harman (Scale Hall Ward)	Lawful Development Certificate Granted
25/00535/FUL	13 Second Terrace, Sunderland Point, Morecambe Installation of rooflight window and external pipe to West elevation for Ms L Gilchrist (Overton Ward)	Application Permitted
25/00536/LB	13 Second Terrace, Sunderland Point, Morecambe Listed building application for installation of rooflight window and external pipe to West elevation and internal alterations to second floor layout to create a shower room for Ms L Gilchrist (Overton Ward)	Application Permitted
25/00548/ELDC	38 Dallas Road, Lancaster, Lancashire Existing lawful development certificate for use of property as house in multiple occupation for Mr Gulam Hassan (Castle Ward)	Lawful Development Certificate Granted
25/00551/NMA	10 Gaskell Close, Silverdale, Carnforth Non material amendment on approved application 24/00519/FUL to change windows and doors for Mr and Mrs Rob Bolton (Silverdale Ward)	Application Permitted
25/00557/PLDC	13 Dumbarton Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the construction of a dormer extension to the rear elevation for Mr And Mrs S Ismail (John O'Gaunt Ward)	Lawful Development Certificate Granted
25/00560/FUL	Green Lea, The Green, Over Kellet Erection of garden room/home office for Williams (Halton-with-Aughton And Kellet Ward)	Application Refused
25/00563/HLDC	302 South Wing The Residence, Kershaw Drive, Lancaster Certificate of lawfulness for proposed works to a Listed Building for the replacement roof for Glide Property Managament (Bulk Ward)	Lawful Development Certificate Granted
25/00564/LB	Lancaster Castle, Castle Park, Lancaster Listed building application for internal removals and investigations of The Governors House including removal of modern ceilings, walls, floors, lighting and heating for Mr Adam Brooks (Castle Ward)	Application Permitted
25/00565/AD	Greenlot Farm, Postern Gate Road, Quernmore Agricultural determination for the erection of a steel portal frame building for Mr James Burr (Lower Lune Valley Ward)	Prior Approval Refused

LIST OF DELEGATED PLANNING DECISIONS

25/00567/FUL	9 Marine Drive, Hest Bank, Lancaster Construction of an upwards extension over existing house to create first floor accommodation, erection of a single storey side and rear extension and alterations to access/parking for Mr J Metcalf (Bolton And Slyne Ward)	Application Permitted
25/00569/NMA	Land East Of, Dene Cottage, Main Street Non-material amendment to planning permission 24/00263/VCN for alterations to the openings on the east elevation for John Stephenson (Upper Lune Valley Ward)	Application Permitted
25/00572/AD	Tatham Hall, Wennington Road, Tatham Agricultural determination for the erection of a storage building for Mr Frank Towers (Lower Lune Valley Ward)	Prior Approval Refused
25/00577/VCN	Lancaster Castle , Castle Park, Lancaster Listed building application for replacement of lead roof covering, lead flashing and installation of roof vents to Well Tower (pursuant to the variation of condition 2 on listed building consent 25/00091/LB to amend previously approved plans) for Vicki Mathews (Castle Ward)	Application Permitted
25/00583/FUL	1 Braides Bungalow, Sandside, Cockerham Construction of two pitched-roof front-facing dormers and installation of two rear rooflights for Mr Callum Brindley (Ellel Ward)	Application Permitted
25/00584/AD	Perry Moor, Old Moor Road, Wennington Agricultural determination for erection of storage building for Mr Jim McKinstry (Lower Lune Valley Ward)	Prior Approval Refused
25/00586/FUL	9 Sylvan Place, Heysham, Morecambe Erection of a single storey extension to the rear for Mr and Mrs Wroot (Heysham South Ward)	Application Permitted
25/00587/PLDC	33 Beech Road, Halton, Lancaster Proposed lawful development certificate for construction of dormer extension to rear elevation for Kerry Fenton (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
25/00589/FUL	267 Willow Lane, Lancaster, Lancashire Erection of a single storey side and rear extension for Toghill-Adamsoon (Marsh Ward)	Application Permitted
25/00598/FUL	1 Ferncliffe Drive, Heysham, Morecambe Erection of a single storey side extension for Mr Paul Butterfield (Heysham Central Ward)	Application Permitted
25/00604/EIR	Caton Baptist Church, Artlebeck Road, Caton Screening request for the erection of a single storey extension for Mr S Talbot (Lower Lune Valley Ward)	ES Not Required
25/00608/FUL	19 Sand Lane, Warton, Carnforth Erection of a single storey rear extension for Mrs A Watson (Warton Ward)	Application Permitted
25/00609/FUL	23 Coleman Drive, Lancaster, Lancashire Installation of air source heat pump to the side elevation for Madhusudhana Chavali (Bulk Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00613/FUL	10 Hornbeam Road, Lancaster, Lancashire Installation of a satellite dish for Tesco Stores Ltd (Marsh Ward)	Application Permitted
25/00619/AD	Barrow Greaves Farm, Barrow Greaves, Ellel Agricultural determination for the erection of a machinery workshop for Mr Robert Rhodes (Ellel Ward)	Prior Approval Not Required
25/00620/FUL	1A Pringle Bank, Warton, Carnforth Erection of a single storey extension to the front and rear for Mr Mitchell Harrison (Warton Ward)	Application Permitted
25/00623/NMA	30 Cleveleys Avenue, Lancaster, Lancashire Non-material amendment to planning permission 24/01079/FUL to alter extension footprint/design for Mr Graeme Westworth (Scale Hall Ward)	Application Permitted
25/00634/NMA	Silverdale Cricket Club, Cove Road, Silverdale Non-material amendment to planning permission 24/01263/FUL to change colour of roofing sheets from green to grey and addition of 30 solar panels to the pavilion roof for Mr Simon Waterhouse (Silverdale Ward)	Application Permitted
25/00648/AD	Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Agricultural determination for the erection of a slurry storage tank with canopy for Mr William Drinkall (Ellel Ward)	Prior Approval Refused
25/00651/EIR	Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Screening opinion for the erection of a slurry storage tank with canopy for Mr William Drinkall (Ellel Ward)	ES Not Required
25/00652/AD	Higher Lee, Rakehouse Brow, Abbeystead Agricultural determination for alterations to existing track to create machinery passing/parking place for Mr Declan Hoare (Ellel Ward)	Prior Approval Refused
25/00655/AD	Ouzel Thorne, Flintron Brow, Over Wyresdale Agricultural determination for alterations to existing access for Mr Declan Hoare (Ellel Ward)	Prior Approval Refused
25/00657/EIR	Higher Lee, Rakehouse Brow, Abbeystead Screening request for alterations to existing track to create machinery passing place for Mr Declan Hoare (Ellel Ward)	ES Not Required
25/00660/EIR	Ouzel Thorne, Flintron Brow, Over Wyresdale Screening request for alterations to existing access for Mr Declan Hoare (Ellel Ward)	ES Not Required
25/00663/EIR	Tatham Hall, Wennington Road, Tatham Screening opinion for the erection of a storage building for Mr Frank Towers (Lower Lune Valley Ward)	ES Not Required
25/00664/NMA	104 Euston Road, Morecambe, Lancashire Non material amendment on approved application 24/01349/FUL to amend the 3 storey bay window to a 2 storey bay window for Mr A Hussain (Poulton Ward)	Application Permitted
25/00681/EIR	Perry Moor, Old Moor Road, Wennington Screening opinion for the erection of storage building for Mr Jim McKinstry (Lower Lune Valley Ward)	ES Not Required