



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 24 NOVEMBER 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 27th October 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 25/00913/FUL	Canal Quarter Central Site Land To The East Of Brewery Lane Lancaster Lancashire	Castle Ward	(Pages 5 - 15)
		Relevant demolition of existing buildings and associated vegetation clearance.		
6	A6 25/00912/FUL	Canal Quarter Central Site Land To The West Of Brewery Lane Lancaster Lancashire	Castle Ward	(Pages 16 - 25)
		Part retrospective application for relevant demolition of existing buildings and associated vegetation clearance.		
7	A7 25/00973/FUL	Canal Quarter Central Site Brewery Lane Lancaster Lancashire	Castle Ward	(Pages 26 - 32)
		Temporary change of use of vacant land to a car park with associated works.		
8	A8 21/00987/FUL	Land At Lawsons Bridge Scotforth Road Lancaster Lancashire	Scotforth West Ward	(Pages 33 - 60)
		Erection of a food store (Class E) with land regrading, access, cycle		

route, landscaping and swales and the provision of associated infrastructure, including car and cycle parking facilities, vehicle charging spaces, pedestrian access routes and servicing.

- 9 A9 [25/00887/VCN](#) **Land Adjacent Galgate Mill Chapel Lane Galgate Lancashire** **Ellel Ward** **(Pages 61 - 66)**

Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to the variation of condition 2 on planning permission 23/01353/FUL to amend previously approved plans).

- 10 A10 [25/00575/FUL](#) **1 Spring Garden Street Lancaster Lancashire LA1 1RQ** **Castle Ward** **(Pages 67 - 73)**

Erection of a single storey extension to the rear and a first floor extension above existing ground floor, conversion of existing property to mixed use comprising commercial units on ground floor and 4-bed student cluster flats on upper floors.

- 11 A11 [25/01039/LB](#) **Lancaster City Museum Market Street Lancaster Lancashire LA1 1HT** **Castle Ward** **(Pages 74 - 76)**

Listed building application for the installation of boarding on the stairwell walls and repainting of stairwell walls.

- 12 **Planning Performance Reports (Pages 77 - 86)**

- 13 **Delegated List (Pages 87 - 95)**

- 14 **Updates (Pages 96 – 103)**

Updates relevant to any application due to be considered at this meeting will be published on 20th November 2025 as an additional document to this agenda.

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 Wilson Colley (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 12th November 2025. Amendments published 20th November 2025.

Agenda Item	A5
Application Number	25/00913/FUL
Proposal	Relevant demolition of existing buildings and associated vegetation clearance
Application site	Canal Quarter Central Site Land To The East Of Brewery Lane Lancaster
Applicant	Russ Worthington, Lanmara Developments Ltd
Agent	Miss Rebecca Boston
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approve, subject to conditions.

(i) Procedural Matters

This category of development would typically be determined under the Council's Scheme of Delegation. However, the application was called in by Cllr Paul Stubbins referring the decision to the Planning Regulatory Committee to ensure that the comments of Lancaster Civic Vision are given full consideration by the Committee.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is located in Lancaster city within an area to the east of Brewery Lane. The eastern part of the site fronts Edward Street and is bound by Lodge Street to the north. The application relates specifically to two buildings within the site. Building A lies within the north of the site and is a portal framed former warehouse constructed in part masonry, natural stone and profile metal cladding with an adjacent yard space. The site is bound by white security hoarding behind metal railings. This building and associated external space is currently occupied by Kanteena, which provides a community events venue. Building B is a former bus depot which fronts Edward Street and is comprised brick walls under a steel frame roof structure. Although there is currently no roof covering, historic images show this to have previously been formed by corrugated sheeting.
- 1.2 The Mitchells Brewery/Malthouse building lies to the south of Building A and west of Building B. The southwest corner of the site is an area of derelict land which until recently was secured by hoarding and fronts Moor Lane and Brewery Lane. Edward Street car park is located to east of the site and Lodge Street car park lies to the north in addition to the Lancaster Music Co-op and the rear of the Grand Theatre. Nos. 3 and 5 Edward Street are sited to the south of Building B and Moor Space is located further south beyond these properties and fronts Moor Lane. To the west of Brewery Lane there is a range of other redundant buildings which are in a range of disrepair and dereliction. The

Golden Lion public house is located at the junction of Brewery Lane and Moor Lane to the south-west of the site. The Dukes Playhouse lies further to the west adjacent to the Golden Lion.

1.3 The site is located within the Lancaster Conservation Area. The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary. The Mitchells Brewery/Malthouse building is Grade II Listed as is the Grand Theatre and Dukes Playhouse. There are number of Non-Designated Heritage Assets (NDHAs) in the vicinity of the site including Nos. 3 and 5 Edward Street, Moor Space and the Golden Lion.

1.4 The site falls within areas identified as being as medium-high and high risk of groundwater flooding and part of the site is also identified as being at low-medium risk of surface water flooding. Lancaster Canal Biological Heritage site lies approximately 60 metres to the west of the site. Lancaster Canal is also identified as an environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4.

2.0 Proposal

2.1 The applicant seeks full planning permission for the relevant demolition of Buildings A and B. Planning permission is required for the demolition of the buildings given the location of the site within the Conservation Area. The submission sets out that the application has been submitted (along with application 25/00912/FUL) in advance of proposals for a comprehensive future masterplan for part of the wider allocation for regeneration, as well as to create the potential for temporary uses in the interim.

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
25/00973/FUL	Temporary change of use of vacant land to a car park with associated works	Pending consideration
25/00912/FUL	Part retrospective application for relevant demolition of existing buildings and associated vegetation clearance (Land west of Brewery Lane)	Pending consideration
19/00740/FUL	Temporary change of use of warehouse (B8) to community events venue (A3/A4/D1/D2/sui generis) for 5 years, the installation of enlarged door openings to the front and side and a new door opening to the front (Building A, Kanteena)	Permitted (5-year temporary consent)
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call In by SoS
07/00602/OUT	Outline application for the redevelopment of the site to provide a building for retail at ground floor level with offices above and associated car parking (at Land East Of Golden Lion)	Permitted
Other recent applications within the Canal Quarter area		

25/00615/FUL	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.	Permitted
25/00123/FUL	Change of use of land (formerly in use by Lancaster Homeless Action) to extend existing Edward Street public car park	Permitted
24/00531/FUL	Relevant demolition of existing outbuildings, removal of existing stone walls and the temporary installation of boundary hoarding	Permitted
24/00555/FUL	Relevant demolition of the Homeless Action Centre	Permitted

4.0 Consultation Responses

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

Consultee	Response
Historic England	Concerns over plans to clear large areas of the site with no details available of what will be replacing the current structures. Buildings A and B have limited heritage value in themselves; however, they provide context to the industrial nature of the site and the listed brewery buildings. Also concerned regarding the loss of historic stone boundary walls in the site (marked for clearance as 'remnant structures' in the Heritage Statement and on the demolition plans). Historic England is supportive of the desire to sensitively redevelop this site as part of the regeneration of the Canal Corridor North character area of the Lancaster Conservation Area and recognise that some site clearance will be necessary to redevelop the site in a way that enhances and better reveal significance of the conservation area and the listed brewery.
Conservation Team	Objection as the proposal would not preserve or enhance the character and appearance of the conservation area and cause harm to the significance of listed buildings due to its impact on their setting.
Lancaster Bid	No objection Lancaster BID welcomes work to tidy the site and begin the transformation that we hope will replace the current eyesore and make the site an asset for the city centre. With so many failed schemes, it is refreshing to see a developer willing to invest in the site to demonstrate a commitment to Lancaster. The site clearance is a welcome start and we look forward to inputting into long term plans for the site on behalf of city centre businesses
Regeneration Service Manager	It is accepted that some dangerous and low value buildings should be removed to open-up the development opportunity. Suggests that Kanteena (Building A) is retained for the meantime until an alternative venue can be found.
Lancaster Civic Vision	Objection to the wholesale demolition of this extensive inner city area, without any indication of the future use of the proposed cleared site. Support, in principle, for the regeneration of this area.
County Archaeology	Suggests that an Archaeological Desk Based Assessment with a visual inspection is carried out to fully assess the significance of the historic buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. Given the proposed vegetation clearance to accompany the proposed demolition it may be necessary to carry out at least some vegetation clearance to facilitate the assessment of the structures.
Heritage Action Zone	No comments received
Tree Protection Officer	No objections original concern with regards to the loss of trees along Edward Street has been resolved, with the street trees bordering Edward Street removed from the demolition plan.
Environmental Health	No objection subject to the submission of a Demolition management plan
County Highways	No objections but raise concerns that the site will be left with no secure perimeter wall or fencing. Brewery Lane is a 'Highway Maintained at Public Expense' and as such should remain open for the passage of vehicles and pedestrians unless it is

	temporarily closed by traffic order. Concerns also raised regarding potential damage to the surrounding highway during the demolition phase and drainage of the cleared site. Suggests conditions relating to a Highway Condition Survey, Demolition Management Plan, Demolition deliveries and Wheel washing.
Engineers	No objections subject to the imposition of drainage conditions for demolition phase and post demolition
Lead Local Flood Authority	No comments to make in respect of this application
Canal and Rivers Trust	The Trust has limited comments to offer given the visual separation and distance from the canal corridor. The Trust would seek the Local Planning Authority to satisfy itself that it has sufficient information to assess whether the proposed demolition would not harm the character and appearance of the Conservation Area in the absence of a replacement scheme, with particular regard to the canal which is identified as a positive asset in the Conservation Area.
Cadent Gas	No objection informative note required.
BNG Officer	Satisfied with baseline habitat

4.2 The proposal has generated a high level of public interest with 825 (including duplicates) items of comment received from members of the public. Of these comments 818 raised objection. A summary of the main issued are as follows:

- Loss of Kanteena as community/cultural asset, including impacts on local and nighttime economy, loss of viable business and loss of venue for musicians/bands
- Conflict with parking/sustainability policies and local plan policy DM60 – Vehicle Parking Provision,
- Conflict with national and local planning policy (NPPF paragraph 98 and local plan policy DM24)
- Conflict with Climate Emergency policy
- Land use and regeneration impacts
- Heritage implications on Conservation Area/Listed Buildings conflicting with local plan policy DM37 – Development Affecting Heritage Assets and NPPF paragraph 197
- Conflict with Canal Quarter Masterplan
- Unjust demolition without any detail of proposed future use
- Opposition to a proposed replacement car park/more parking areas

Four items support for the proposal are summarised as follows:

- Support closing of Kanteena venue due to opening hours/noise/licence issues.
- Sympathetic to the councils plan to regenerate the Canal Quarter
- Welcome the general plan to clear away ruined buildings and make new space for life, culture, and business to flourish.

A representation has also been made by Lancaster Footlights & Grand Theatre CIO who fully recognise the potential benefits to the city, residents, and visitors, that future redevelopment of the Canal Quarter area may offer. Concerned how demolition will impact theatre and building envelope and concerned that demolished buildings/derelict site will cause anti-social behaviour but fully recognised that the demolition works will likely facilitate future improvements that will eventually mitigate this hazard.

A representation has also been made by the Dukes Playhouse querying whether their building/parking/access/business will be impacted.

5.0 Analysis

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

- Principle of demolition
- Impact on Heritage Assets
- Impact on Biodiversity
- Highway Impacts

- Flood Risk and Drainage
- Residential Amenity and pollution

5.2 **Principle of demolition** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 7 (Ensuring the vitality of town centres) and Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SG5 (Canal Quarter, Central Lancaster); EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document (SPD); Canal Quarter Masterplan; Development Management (DM) DPD policies DM14 (Proposals Involving Employment Land & Premises) and DM24 (The Creation and Protection of Cultural Assets)

5.2.1 The application site sits within the Canal Quarter regeneration area, which is a partially derelict and underused 16 hectare site. The Councils objectives for redevelopment of this area with a more diverse mix of uses, including further housing and business opportunities are set out within the Canal Quarter Masterplan and the Canal Quarter SPD (CQ SPD). These documents set out a bold and imaginative vision for transforming the area into vibrant cultural hubs that celebrate Lancaster's heritage while encouraging contemporary urban life. The area is central to the regeneration strategy and seen as a catalyst for cultural enrichment, community engagement and economic vitality. This area of the Canal Quarter is seen as pivotal to the success of the entire regeneration effort. Councillors will be aware of the long term aims and ambitions for the Canal Quarter area which stretch back approximately two decades.

5.2.2 The CQ SPD sets out the Councils commitment to the regeneration of the Canal Quarter in partnership with landowners, to realise the full potential of the area. The SPD acknowledges that a sensitive, phased approach to delivery will encourage incremental growth over time, ensuring that the Canal Quarter is embedded into the fabric of the city. The CQ SPD recommends that development proposals must first consider the retention and reuse of existing buildings and advises that the reuse of buildings from the different periods represented across the site will preserve the evolved townscape and its uses, which is distinctive from the rest of the city centre. That being said, the CQ SPD identifies Buildings A and B within the site as "Derelict/Unused" and the subject buildings are highlighted as "New Development Plots".

5.2.3 Building A - Although highlighted as "Derelict/Unused", the Kanteena building (Building A) is currently operating as a highly popular community venue which offers a range of food and drink events, performance and live music. The venue has also been used as a community hub for a variety of Canal Quarter consultation events. The Kanteena building was granted a temporary 5 year planning permission for a community events venue in 2019. The proposal was considered acceptable as an interim use (for the then vacant warehouse building) to allow wider regeneration ambitions for the Canal Quarter area to progress without being prejudiced. However, the 2019 consent expired in October 2024 and the use is currently operating without the benefit of planning permission. The operator of Kanteena has not applied for a further temporary consent, sought to regularise their unauthorised use of the property or relocated elsewhere since their permission expired.

5.2.4 Policy DM24 sets out that the Council will seek the protection of existing cultural assets in the district that are considered to be of value to the local and / or wider community. The policy goes on to state that any proposals that involve the re-use of existing cultural facilities for alternative uses will be required to demonstrate that the previous use of the premises is no longer viable through a robust marketing exercise of no less than 12 months, and that the facility is no longer of value either economically or to the local and / or wider community. Paragraph 98 of the NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

5.2.5 It is clear that Kanteena is a highly popular venue which is demonstrated by the significant number of public objections to its loss. However, the current use of this building was granted temporary planning permission in 2019 to preclude long term harm or adverse impacts on any potential future development proposals for the Canal Quarter area. It is noted that a number of public comments object to the loss of this building on the grounds that it is to be replaced by a car park. However, although the applicant has submitted plans for a temporary car park (25/00973/FUL) this does not include the site of the Kanteena building (Building A). In the absence of planning permission for the

current use only limited weight can be attributed to policy DM24. Notwithstanding this, the community value of this venue is acknowledged, and it is noted that the applicant has now extended the lease (which was due to end on 31st December 2025) with the operators of Kanteena while they explore the potential for creating a permanent cultural venue as part of the developers masterplan for the wider Canal Quarter area. The lease arrangements are strictly between the applicant and Kanteena and lie outside the planning remit. Notwithstanding this, the applicants have also suggested a condition in relation to the timing of the demolition of this building, to ensure its loss is within the later phases of the demolition across the applicant's land interests.

- 5.2.6 With regard to the fallback position of the previous warehouse use (B8), policy DM14 would be applicable and refers to the loss of employment land and premises. This was considered as part of the 2019 application with the associated officer report noting that the warehouse use ceased operation in 2016 and subsequently remained vacant. Criteria VII of DM14 allows for the loss of employment use where the location has such exceptionally severe site restrictions, due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate. Criteria VIII of DM14 allows for the re-use of employment land where it meets the wider regeneration objectives set out in policy EC5 of the Strategic Policies and Land Allocations DPD and where it is clearly demonstrated that the benefits of the proposal outweighs the loss of the site for employment purposes. It is considered that existing traffic and highway limitations in this area of Lancaster significantly reduces the appeal of the premises to be used as warehousing in the future and the site is geographically central within the planned regeneration of the Canal Quarter area. In this regard, the proposal is considered not to conflict with policy DM14.
- 5.2.7 Building B - With regard to Building B, this is understood to have been a former bus depot and dates from the first half of the 20th century. This building consists of brick walls and a steel frame roof structure which is currently uncovered and unoccupied.
- 5.2.8 Both Buildings A and B are earmarked as "New Development Plots" in the CQ SPD. The submission states that the applicant is firmly committed to bringing forward a comprehensive masterplan for its landholdings to the east and west of Brewery Lane and have briefed Council Officers in respect of this plan and vision for the area. It is understood that the applicant will imminently be releasing further information on this as well as preparing for meaningful public consultation ahead of a planning application in early 2026. Although it would have been preferable for the proposed demolition of these buildings to have come forward as part of a comprehensive redevelopment plan, the local planning authority acknowledges the applicant's positive engagement with regard to forthcoming plans which align with the Councils long standing ambitions for the regeneration of this site. As such the principle of the loss of these buildings is acceptable, subject to other material considerations discussed in the forthcoming sections of this report.
- 5.3 **Impact on Heritage Assets** NPPF Chapter 12 (Achieving well-designed and beautiful places) and Chapter 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) DPD policy: SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets) and DM42 (Archaeology)
- 5.3.1 The Listed Building and Conservation Area Act 1990 sets out that when considering development proposals within Conservation Areas, the Local Planning Authority has a statutory duty under the Act to pay special regard to the desirability of preserving the setting of a listed building and special attention and a presumption in favour of preserving the character and appearance of the conservation area. This is reflected within Section 16 of the NPPF This is reiterated in policy DM38 states that proposals should conserve and where appropriate enhance character and appearance of conservation areas.
- 5.3.2 The site lies within Lancaster Conservation Area Character Area 5: Canal Corridor North. The buildings do not positively contribute to the special characteristics of the conservation area and are identified as "Low Grade Environment" within the Conservation Area Appraisal (2013). The proposed demolition works will not result in any direct impact on the listed Mitchells Brewery/Malthouse building but consideration is required in respect of indirect impacts on the setting of this building as well as other nearby listed buildings, in particular the Grand Theatre and Dukes Playhouse. The Mitchells Brewery/Malthouse building is highly visible along Brewery Lane and is of considerable

historic significance, both as a rare surviving example of a multi-floored maltings, built on an industrial rather than domestic scale, and as a relatively rare building typology in the north-west. The Brewery is a landmark in the local area, with the taller northern wing towering over surrounding development also has considerable architectural presence.

- 5.3.3 Historically the area comprised a mix of larger scale industrial buildings and uses, including the Mitchells Brewery/Malthouse itself, a rope-walk and chemical works, with the canal embankment and Moor Lane Mills forming the backdrop. A chapel, a school and Sunday school and workers housing, all now largely demolished, sat between these industrial uses. The areas of land surrounding the site to the north and east is now formed largely of cleared plots containing areas of surface car parking following largescale slum clearances during the 1960s. The Conservation Area Appraisal (2013) acknowledges that buildings within Canal Corridor North are falling into neglect, and the area is clearly in need of a new role and new development that will enhance the significance of the area. It is considered that this neglect has a negative impact on the character and appearance of the Conservation Area.
- 5.3.4 Building A dates from the 1970s and with its associated boundary in the form of white hoardings behind metal railings does not contribute positively to the significance of the Conservation Area or the setting of the listed building. It is the view of Historic England that the loss of this building would not enhance or better reveal significance of the Conservation Area and raises concerns that the impact of demolition, with no firm plans for what will be replacing the current structures, would risk harming the significance of the Conservation Area and the setting of the listed brewery. The Council's Conservation Team have raised objections to the demolition of this building as it would result in the loss of enclosure to the listed Mitchells Brewery/Malthouse in the absence of proposals for the future re-development of the wider site as required by national and local policies. Building B dates from the 1940s and is in a very poor state of repair and is currently not contributing positively to the Conservation Area or the listed building.
- 5.3.5 The Conservation Team have highlighted the requirements of NPPF paragraph 217 which states that Local Authorities should not grant permission for the loss of heritage assets without taking reasonable steps to ensure new development will proceed thereafter. However, it is important to note that neither of the buildings in question are designated or non- designated heritage assets.
- 5.3.6 There is a presumption in favour of preserving the character and appearance of the conservation area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph of the NPPF 213 sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 215 goes on to say that the level of harm should be weighed against the public benefits of the proposal. This is reiterated in policy DM38 which states that development in Conservation Areas should preserve or enhance the character and appearance of the area and policy DM39 has regard to the setting of designated heritage assets which includes listed buildings.
- 5.3.7 Impact on Conservation Area – Paragraph 219 of the NPPF sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Historic England Planning Note 3- The Setting of Heritage Assets advises that conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed, change may be positive, for instance where the setting has been compromised by poor development. This document also acknowledges that the setting of a heritage asset is subject to some degree of change over time. It is clear that the loss of the buildings will result in change to views into and through the Conservation Area. It is considered that this change would equate to a low level of less than substantial harm. As set out within paragraph 215 of the NPPF where a development proposal will lead 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 including, where appropriate, securing its optimum viable use. It is regrettable that the current submission is being considered in absence of redevelopment plans as part of this application.
- 5.3.8 The Heritage Statement and Supporting letter submitted with the application set out that the demolition is a first step to developing sensitive regeneration plans for the area. The Supporting letter puts forward that the clearance and demolition will create an accessible, development-ready site while providing the opportunity for temporary uses that can provide early benefits whilst the comprehensive mixed-use masterplan is worked up. The long term ambitions of the applicant are

commendable and welcomed by the Local Planning Authority. Officers recognise such plans would undoubtedly provide public benefits by unlocking regeneration opportunities of the wider site. However, the details of those plans are not currently before the Local Planning Authority for determining and could change. Therefore, only limited weight can be given to any benefits that could arise from their potential regeneration proposals at this stage. However, demolition is considered to provide a catalysis for development opportunity, which on this stalled site, is considered to be beneficial.

- 5.3.9 Impact on the setting of listed buildings - Buildings A and B have no heritage value in themselves, however they provide context to the industrial nature of the site and the listed brewery buildings. Paragraph 219 of the NPPF sets out that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals which better reveal its significance should be treated favourably. It is considered that the demolition would result in a low level of less than substantial harm to the setting of the listed building, by the loss of enclosure which is provided by the proposed buildings. However, on the other hand, the removal of the buildings, which are of little heritage value, could also serve to better reveal the existing Mitchells Brewery/Malthouse building once demolition has occurred. In addition, the demolition also acts as a potential catalyst for future development opportunities across the Canal Quarter regeneration allocation. Whilst acknowledging the concerns raised by the Conservation team, on balance, officers are of the view the demolition proposed by this application would have a neutral impact to the setting of the listed building.
- 5.3.10 It is considered that neither Building A or B materially affect the setting of the Grand Theatre or the Dukes Playhouse and their demolition will have a neutral impact on the setting of these listed buildings.
- 5.3.11 The County Archaeologist consultee has advised that initial demolition and vegetation clearance proposed should not have significant impact on potential below ground remains. The consultee has recommended an Archaeological Desk Based Assessment with a visual inspection carried out to fully assess the significance of the buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. As set out above, the buildings do not hold historic significance, but it is considered reasonable to include reference to the methodology of demolition within a condition in order to ensure that any requirement for below surface level works would trigger the expectation for below ground archaeological recording.
- 5.3.12 The Council is supportive of the desire to sensitively redevelop this site as part of the regeneration of the Canal Corridor North character area of the Lancaster Conservation Area, and it is acknowledged that site clearance is necessary to redevelop the site in a way that enhances and better reveals significance of the Conservation Area and the listed Mitchells Brewery/Malthouse. It is also notable that the subject buildings are identified for removal within the Canal Quarter SPD (CQ SPD). The identified low level of less than substantial harm to the Conservation Area and setting of the listed Mitchells Brewery/Malthouse is weighed against the wider masterplan objectives of the Canal Quarter SPD and those aspired to by the applicant, which will undoubtedly bring public benefits. Notwithstanding the concerns raised by Historic England and the Council's Conservation Officer, on balance, the proposal is considered to be acceptable in terms of its impact on designated and non-designated heritage assets, and would comply with policies DM29, DM38, DM39 and DM42, in addition to the aims and objectives of section 16 of the NPPF.
- 5.4 **Highway impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).
- 5.4.1 The Local Highway Authority (Lancashire County Council) has reviewed the proposal and has confirmed that they have no objection to the development. Concerns were raised that the site will be left with no secure perimeter wall or fencing which may allow random vehicle access to the site across footway that is not suitable constructed, nor would there be any indication to pedestrians that there may be vehicle movement across the footway. However, this application relates to the demolition of the buildings and does not seek permission for a change of use of the land. A condition is proposed to ensure details of site boundaries are submitted and agreed. The County Highways consultee has also raised concerns about the potential damage to the surrounding highway during the demolition phase and suggests that a pre commencement highway survey should be conditioned

and any damage attributed to the demolition will need to be suitably repaired. However, it is considered that the imposition of such a condition would not be reasonable and potentially unenforceable.

5.4.2 The Highways Authority has recommended conditions to secure a Demolition Management Plan and to restrict delivery hours to the site. Given the site's location along a busy road with high pedestrian activity and its proximity to junctions with Moor Lane, Brewery Lane, Lodge Street and Edward Street, it is considered reasonable to require such a plan to ensure the safe operation of the highway network and pedestrian environment. Due to the scale of the buildings to be demolished, it is highly likely that the demolition process will affect the functioning of the road network during this phase.

5.4.3 An advice note is also recommended highlighting the possible requirement for relevant permits to be obtained from the Highways Authority for works on, or immediately adjacent to, the adopted highway network. Overall, it is considered that the proposal will not have a detrimental impact on highway safety, and the proposal would accord with policy DM60 and section 9 of the NPPF.

5.5 **Impact on Biodiversity** NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment; Development Management (DM) DPD policy DM44 (Protection and Enhancement of Biodiversity)

5.5.1 A Preliminary Bat Roost Assessment in respect of each building has been provided with the application. Building A is a steel portal-framed structure and the construction materials, design, condition and use of the building are not typically associated with roosting bats due to the absence of cavities/crevices and suitable roof voids. Building B comprised a large, disused warehouse structure. No potential roost features for bats were observed on any building. The structures were of a construction type or condition which are not associated with supporting bats roosts. Consequently, the Preliminary Bat Roost Assessment concludes that no further detailed assessment (i.e., dusk emergence survey) or mitigation measures are required, and bats do not present a potential constraint to the demolition proposals. A condition would be imposed in the event of an approval to ensure the demolition is carried out in accordance with the recommendations of the Preliminary Bat Roost Assessment in the unexpected event that a bat is discovered during the works.

5.5.2 Building B and associated vegetation, and to a lesser extent Buildings A, present suitable habitats for nesting birds. Consequently, the submitted assessment recommends that any works which will potentially impact bird nests should be undertaken outside of the main nesting bird season of March to August (inclusive). If this is not possible, any works potentially affecting bird's nests must be preceded by a nesting bird check, undertaken by a suitability qualified ecologist. If an active nest is found, it must be left in-situ until no longer in use. These recommendations will be conditioned.

5.5.3 There are a number of trees within the red edge boundary along the northern end of Edward Street. Although these trees were originally proposed for removal, revised plans have been received to confirm that they are to be retained to the satisfaction of the Councils Tree Protection Officer. It is considered reasonable to impose a condition regarding the submission of a Tree Protection Plan to safeguard these trees during the demolition process. With these measures, the proposal is considered to comply with policy DM44 and section 15 of the NPPF.

5.6 **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) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM36 (Protecting Water Resources and Infrastructure).

5.6.1 Within our Strategic Flood Risk Assessment and updated EA maps, the site falls within areas identified as being as medium-high and high risk of groundwater flooding and part of the site is also identified as being at low-medium risk of surface water flooding. Consequently, the application is supported by a Flood Risk Statement. This is relatively brief but considered proportionate given the proposed scale and nature of development. Ultimately, the development involves the demolition of existing buildings and would not include the creation of any additional hardstanding. However, to

minimise any flood risk or impacts on water quality a during demolition, a condition relating to a surface water management is considered necessary. With the imposition of this condition, the development would not conflict with the relevant local and national flood risk and drainage policies.

5.7 Residential Amenity and pollution NPPF sections: 12 (Achieving well-designed and beautiful places) and 15 (Conserving and enhancing the natural environment); Development Management (DM) DPD policy DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution and DM32 (Contaminated Land)

- 5.7.1 There are some residential properties in the vicinity of the site. As suggested by the Environmental Health consultee, it is considered reasonable and necessary to condition measures within a demolition method statement and management plan to ensure residential amenity is protected during the demolition of the buildings. Such measures include hours of working and measures to minimise dust. As such, it is considered that detrimental impacts on residential amenity or pollution of the environment can be avoided in accordance with policies DM29, DM31 and DM32 in addition to sections 12 and 15 of the NPPF.

6.0 Conclusion and Planning Balance

- 6.1 The demolition of the buildings would result in a low level of less than substantial harm to the Conservation area and setting of a grade II listed building. However, is considered that the proposal will provide a catalyst for the redevelopment of an existing brownfield site and unlock the wider regeneration opportunities set out within the Canal Quarter Masterplan. The strength of public feelings in respect of the loss of a cultural venue is acknowledged. However, notwithstanding the lack of planning permission for the use of this building, it will continue to operate in the short term with phasing for demolition to be incorporated into the demolition method statement and management plan.
- 6.2 The proposal is considered to be acceptable in terms of its impact on highway safety, drainage, biodiversity, the environment and residential amenity subject to the imposition of appropriate conditions. It is therefore considered to comply with the Development Plan and the aims and objectives of the NPPF, as discussed above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Submission of a desk based assessment of the sites archaeological potential	Prior to commencement
4	Demolition method statement and management plan including phasing of Building A demolition and inclusion of archaeological recording in the event of any subsurface activity.	Prior to commencement
5	Remediation plan including surfacing	Prior to commencement
6	Demolition Phase Surface Water Management Plan	Prior to commencement
7	Tree Protection Plan	Prior to commencement
8	Details of site boundaries/security	Prior to commencement
9	Ecology	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	A6
Application Number	25/00912/FUL
Proposal	Relevant demolition of existing buildings and associated vegetation clearance
Application site	Canal Quarter Central Site Land To The West Of Brewery Lane Lancaster
Applicant	Russ Worthington, Lanmara Developments Ltd
Agent	Miss Rebecca Boston
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approve, subject to conditions

(i) Procedural Matters

This category of development would typically be determined under the Council's Scheme of Delegation. However, the application was called in by Cllr Paul Stubbins referring the decision to the Planning Regulatory Committee to ensure that the comments of Lancaster Civic Vision are given full consideration by the Committee.

1.0 Application Site and Setting

- 1.1 The site relates to a group of buildings, which predominantly date from the early 19 century through to the early 20 century as well as some later 20th century buildings. The site is largely bound by Brewery Lane, Lodge Street, Stonewell, Moor Lane and St Leonards Gate and contains a number of Non-Designated Heritage Assets (NDHs) - Swan Court, former Timber Yard buildings, the rear of 11 Moor Lane, Thompson and Jackson in St Anne's Court and D C Wilson garage and workshop on Brewery Lane. The site also contains a more modern large warehouse building and 20th century extensions. The buildings are in a deteriorated state and all but one of the structures is subject to a s.77 notice issued by the Councils Building Control department. This notice requires the applicant to demolish the buildings as they are structurally unsafe.
- 1.2 There are several Grade II Listed buildings in proximity to the site, these are: the Grand Theatre, the Tramway Hotel (127 St Leonard's Gate), 129 and 131 St Leonard's Gate, 11 Moor Lane, 17 and 19 Moor Lane, Duke's Playhouse, and the Mitchell's Brewery/ Malthouse at the former Mitchell's Brewery complex to the west.
- 1.3 The site is located within the Lancaster Conservation Area. The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary.

- 1.4 The site falls within areas identified as being as medium-high and high risk of groundwater flooding and parts of the site are also identified as being at low, medium and high risk of surface water flooding. Lancaster Canal Biological Heritage site lies approximately 110 metres to the west of the site. Lancaster Canal is also identified as an environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4.

2.0 Proposal

- 2.1 Planning permission is sought, part retrospectively, for the relevant demolition of a number of buildings in order to address urgent health and safety concerns associated with a number of dangerous structures on the site. Planning permission is required for the demolition given the location of the site within the Conservation Area. The submission sets out that the application has been submitted (along with 25/00913/FUL which relates to land to the east of Brewery Lane) in advance of proposals for a comprehensive future masterplan as well as to create the potential for temporary uses in the interim.
- 2.2 The submission sets out that after decades of abandonment, the current buildings on the site have fallen into a severely dilapidated condition. The submission highlights that the structural integrity of the buildings has been significantly compromised, with a number of dangerous defects identified. The vacant nature of the site has also led to ongoing security concerns, including frequent unauthorised access and break-ins, which have contributed to incidents of anti-social behaviour impacting the surrounding community. These issues further underline the need for prompt demolition to remove the danger to the public and prevent further deterioration.

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
25/00973/FUL	Temporary change of use of vacant land to a car park with associated works	Pending consideration
25/00913/FUL	Relevant demolition of existing buildings and associated vegetation clearance (Land east of Brewery Lane)	Pending consideration
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call In by SoS
07/00671/CON	Application for Conservation Area Consent to demolish 1 - 2 St Annes Place and associated structures 1 -2 St Annes Place	Refused following Call In by SoS
Other recent applications within the Canal Quarter area		
25/00615/FUL	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.	Permitted
25/00123/FUL	Change of use of land (formerly in use by Lancaster Homeless Action) to extend existing Edward Street public car park	Permitted

24/00531/FUL	Relevant demolition of existing outbuildings, removal of existing stone walls and the temporary installation of boundary hoarding	Permitted
24/00555/FUL	Relevant demolition of the Homeless Action Centre	Permitted
19/00740/FUL	Temporary change of use of warehouse (B8) to community events venue (A3/A4/D1/D2/sui generis) for 5 years, the installation of enlarged door openings to the front and side and a new door opening to the front	Permitted (5-year temporary consent)

4.0 Consultation Responses

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

Consultee	Response
Historic England	Concerns that the demolition of Swan Court (H), the former timber yard (J1A, J1 and J2), the former offices of Thompson and Jackson in St Anne's Court (F1A and F1B), would cause harm to the significance of the conservation area. It is regrettable that the historic buildings on the site have been left to deteriorate to such a condition over the last decade, resulting in a situation where many are now beyond saving. Their loss would be harmful to both the Canal Corridor North character area and to the overall Lancaster City Centre Conservation Area. This harm would result from the loss of key buildings which have immense historical and evidential value, and the resulting loss of the fossilised medieval pattern of property boundaries and alleyways. Concerns that the Condition Inspection report does not provide adequate justification for the demolition of all 'F' buildings. Welcomes the removal of the former D C Wilson garage and workshop from the demolition plan.
Conservation Team	Objection the loss of buildings at this site would constitute substantial harm given the scale of demolition, the significance of the buildings affected and the contribution they make to the understanding of Lancaster's Conservation Area.
Lancaster Bid	No objection Lancaster BID welcomes work to tidy the site and begin the transformation that we hope will replace the current eyesore and make the site an asset for the city centre. With so many failed schemes, it is refreshing to see a developer willing to invest in the site to demonstrate a commitment to Lancaster. The site clearance is a welcome start and we look forward to inputting into long term plans for the site on behalf of city centre businesses.
Regeneration Service Manager	In the context of regeneration ambitions it is considered there is no current reasoned justification for the wholesale loss of non-designated heritage assets particularly to the west of Brewery Lane, although - pragmatically - it is accepted that loss of some dangerous and low value buildings should be removed to open-up the development opportunity.
Lancaster Civic Vision	Objection to the wholesale demolition of this extensive inner city area, without any indication of the future use of the proposed cleared site. Support, in principle, for the regeneration of this area.
County Archaeology	Suggests that an Archaeological Desk Based Assessment with a visual inspection is carried out to fully assess the significance of the historic buildings on the site and to assess the potential for below ground archaeological structures, features and deposits.
Heritage Action Zone	No comments received
Tree Protection Officer	No comments received
Environmental Health	No objection subject to the submission of a Demolition management plan
County Highways	No objections but raise concerns that the site will be left with no secure perimeter wall or fencing. Brewery Lane is a 'Highway Maintained at Public Expense' and as such should remain open for the passage of vehicles and pedestrians unless it is temporarily closed by traffic order. Concerns also raised regarding potential damage to the surrounding highway during the demolition phase and drainage of the cleared site. Suggests conditions relating to a Highway Condition Survey, Demolition Management Plan, Demolition deliveries and Wheel washing.

Engineers	No objections subject to the imposition of drainage condition post demolition
Lead Local Flood Authority	No comments to make in respect of this application
Cadent Gas	No objection informative note required.
BNG Officer	Satisfied with baseline habitat

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

Two representations have been received in respect of this application:

- Lancaster Footlights & Grand Theatre CIO fully recognise the potential benefits to the city, residents, and visitors, that future redevelopment of the Canal Quarter area may offer. Concerned how demolition will impact theatre and building envelope and concerned that demolished buildings/derelict site will cause anti-social behaviour but fully recognised that the demolition works will likely facilitate future improvements that will eventually mitigate this hazard.
- The Dukes Playhouse query whether their building/parking/access/business will be impacted.

In addition to the above the case officer has been contacted by a Planning Consultant representing the owner of 127, 129 ad 131 St Leonardsgate querying boundary treatments following demolition.

5.0 Analysis

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

- Principle of demolition
- Impact on Heritage Assets
- Highway Impacts
- Impact on Biodiversity
- Flood Risk and Drainage
- Residential Amenity and Pollution

5.2 **Principle of demolition** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 7 (Ensuring the vitality of town centres) and Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SG5 (Canal Quarter, Central Lancaster) and EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan

5.2.1 The application site sits within the Canal Quarter regeneration area, which is a partially derelict and underused 16 hectare site. The Councils objectives for redevelopment of this area with a more diverse mix of uses, including further housing and business opportunities are set out within the Canal Quarter Masterplan and the Canal Quarter SPD (CQ SPD). These documents set out a bold and imaginative vision for transforming the area into vibrant cultural hubs that celebrate Lancaster's heritage while encouraging contemporary urban life. The area is central to the regeneration strategy and seen as a catalyst for cultural enrichment, community engagement and economic vitality. This area of the Canal Quarter is seen as pivotal to the success of the entire regeneration effort. Councillors will be aware of the long term aims and ambitions for the Canal Quarter area which stretch back approximately two decades.

5.2.2 The CQ SPD sets out the Councils commitment to the regeneration of the Canal Quarter in partnership with landowners, to realise the full potential of the area. The SPD acknowledges that a sensitive, phased approach to delivery will encourage incremental growth over time, ensuring that the Canal Quarter is embedded into the fabric of the city. The CQ SPD acknowledges that the area contains an abundance of derelict buildings, some of which are of heritage significance. The SPD also recommends that development proposals must first consider the retention and re-use of existing buildings and advises that the re-use of buildings from the different periods represented across the site will preserve the evolved townscape and its uses, which is distinctive from the rest of the city centre. The CQ SPD identifies an aspiration to retain a number of existing buildings within the site but also highlights some areas as 'New Development Plots'.

- 5.2.3 Although it would have been preferable for the proposals for demolition to have come forward as part of a comprehensive redevelopment plan, with the retention of buildings of historic interest where possible, a section 77 (s.77) notice under the Building Act has been served by the Council in respect of the majority of the buildings on site. As Councillors will be aware, the Building Act is a regulatory regime which is separate to planning. As part of the Building Regulation process, a Building Condition Inspection report (by Fairhurst) has been prepared on behalf of the applicant and the findings of this assessment have been verified by the Councils independently appointed surveyor who confirmed that it was clear that deterioration of the buildings were accelerating at an alarming rate, to the point where he considered that collapse was inevitable. This resulted in the issuing of the s.77 notice by the Councils Building Control department. This notice requires that the buildings are demolished due to their dangerous condition. The s.77 notice is a significant material consideration in the determination of this application.
- 5.2.4 The application as originally submitted also included the demolition of the DC Wilson garage and workshop (Building D) and an outrigger to the rear of 13 Moor Lane (part of Building I). These structures are not covered by the s.77 notice and as they are considered to have some historic value they have been removed from the demolition proposals at this stage by officers. A small part of Building I remains within the proposed demolition plans and this element is a two-storey brick built extension to a traditional outrigger which the CQ SPD identifies as “Low Value”.
- 5.2.5 The Canal Quarter SPD (CQ SPD) acknowledges that existing architecture and heritage is considered to be one of the defining characteristics of the Canal Quarter area and highlights a strong desire for this character to be retained. The CQ SPD encourages the sensitive retrofitting and reuse of heritage assets with consideration given to the reuse of existing buildings. The CQ SPD also acknowledges the abundance of derelict buildings within the area. The application site has been subject of a series of landowners over the last 20 years and despite the Councils aspirations for the redevelopment and regeneration of this area preceding plans have not come to fruition. The applicants have recently acquired the site, and the issuing of the s.77 notice confirms its derelict and dangerous condition. At the time of writing this report, demolition of buildings covered by the s.77 is underway under the supervision of the Council’s Building Control Team.
- 5.2.6 While the Regeneration Service Manager is broadly supportive of the urgent need to demolish dangerous structures, as well as the rationale for some wider demolition, it is considered that preserving more elements of the existing built form on this site would contribute positively to the character, grain, and punctuation of any future development. To address this, the Canal Quarter Masterplan sets out that decisions on retention or demolition are made based on rational analysis including consideration of:
- Viability assessments - including market demand and deliverability.
 - Strategic priorities - such as cultural provision, housing delivery, and public realm improvements.
 - Funding availability - particularly from public sources and developing schemes which could attract such interest.

Although the above points would need to be fully considered and assessed as part of a comprehensive scheme for redevelopment of the site, such proposals do not form part of this application. The submission states that the applicant is firmly committed to bringing forward a comprehensive masterplan for its landholdings to the east and west of Brewery Lane and have briefed Council Officers in respect of this plan and vision for the area. It is understood that the applicant will imminently be releasing further information on this as well as preparing for meaningful public consultation ahead of a planning application in early 2026. The local planning authority acknowledges the applicant’s positive engagement with regard to forthcoming plans which align with the Councils long standing ambitions for the regeneration of this site.

- 5.2.7 While it is regrettable that these buildings are to be lost, their deterioration is understandable given their long term neglect by differing landowners. There is clearly an element of conflict with the heritage led ambitions of the Canal Quarter Masterplan and the Canal Quarter SPD and the extent of demolition proposed (and currently underway under the Building Regulation regime). However, as set out above, the s.77 notice is a material consideration in this case and requires the majority of the buildings subject of this application to be demolished for safety reasons. The remaining element proposed for demolition (Building I) is a minor feature and not considered key to the Canal Quarter

aspirations. As such the principle of the loss of these buildings is reluctantly accepted, subject to other material considerations discussed in the forthcoming sections of this report.

- 5.3 **Impact on Heritage Assets** NPPF sections: 12 (Achieving well-designed and beautiful places) and 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations DPD policy: SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (development Affecting Non-Designated Heritage or Their Settings) and DM42 (Archaeology)
- 5.3.1 The Listed Building and Conservation Area Act 1990 sets out that when considering development proposals within Conservation Areas, the Local Planning Authority has a statutory duty under the Act to pay special regard to the desirability of preserving the setting of a listed building and special attention and a presumption in favour of preserving the character and appearance of the conservation area. Paragraph of the NPPF 213 sets out that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 215 goes on to say that the level of harm should be weighed against the public benefits of the proposal. This is reiterated in policy DM38, which states that development in Conservation Areas should preserve or enhance the character and appearance of the area and policy DM39, which has regard to the setting of designated heritage assets, including listed buildings.
- 5.3.2 The site lies within Lancaster Conservation Area Character Area 5: Canal Corridor North. Swan Court (H), the former timber yard (J1A, J1 and J2), the former offices of Thompson and Jackson in St Anne's Court (F1A and F1B) are Non-Designated Heritage Assets and identified as "Positive Buildings" within the Conservation Area Appraisal (2013). Other areas within the site are identified as "Low Grade Environment".
- 5.3.3 The area behind the main highway frontages of Moor Lane, St Leonards Gate and Stonewell grew during the 18th and 19th Century, with a fine-grained character of lanes, courtyard housing and small-scale industry. While of lower status than the grander buildings to the street frontage, these buildings are of equal importance as evidence of Lancaster's historic development and in reflecting the poor conditions and overcrowding experienced by workers and inhabitants. The courtyard housing of Swan Court which is accessed via a passage between buildings fronting St Leonards Gate, is a rare survival, a building typology which has all but disappeared from many northern cities. The building has long been acknowledged as being of high significance, including by Historic England. Nearby, the survival of former industrial buildings in the area, such as the Timber Yard and Thompson and Jackson offices, is no less important in its illustrative and evidential value. The Conservation Area Appraisal (2013) acknowledges that buildings within Canal Corridor North are falling into neglect, and the area is clearly in need of a new role and new development that will enhance the significance of the area.
- 5.3.4 Impact on Conservation Area and loss of Non-Designated Heritage Assets – Paragraph 217 of the NPPF states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. The demolition will result in a large open area to the rear of properties on Moor Lane and St Leonard's Gate, resulting in a stark change to the townscape and harm to the significance of the Conservation Area. Proposals for how the site will be redeveloped have not been submitted with this application. Paragraph 219 of the NPPF sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Historic England Planning Note 3- The Setting of Heritage Assets advises that conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed, change may be positive, for instance where the setting has been compromised by poor development. This document also acknowledges that the setting of a heritage asset is subject to some degree of change over time. It is clear that the loss of the buildings will result in a significant change to views into and through the Conservation Area. It is considered that this change would equate to less than substantial harm at a moderate level. Less than substantial harm includes alterations that have a noticeable impact but do not fundamentally change our ability to appreciate its significance. As set out within paragraph 215 of the NPPF where a development would lead to less than substantial harm to a heritage asset the proposal may be justified if the public benefits of the proposal significantly outweigh the harm.

- 5.3.5 The Heritage Statement and supporting letter submitted with the application highlights that the proposal for demolitions on the site is underpinned by significant and urgent health and safety concerns, which has resulted in the Council serving the s.77 notice. The supporting letter also indicates the applicant's intention for the submission of a comprehensive mixed-use masterplan for the site. The submission includes the Condition Inspection report (by Fairhurst) which was provided to and considered by the Council's Building Control department. Fairhurst first visited the site in 2018 with subsequent visits in November 2024 and February 2025. Fairhurst have also reviewed similar building condition reports prepared by Ian J Potts Associates in 2012 and by Graham Schofield Associates assessing the structural condition of the buildings in 2021. The condition is reviewed against previous inspections, and the buildings were all noted as being in poor condition in 2021 and have deteriorated further since. This is evidenced by the collapse of part of the roof and floors of Buildings J by 2024, the collapse of the canopy of Building F3 and the large sag in the roof of Building E3 indicative of imminent collapse. All the buildings are overgrown with trees, ivy and other plants. The roots of these are causing damage to masonry walls and most likely foundations. Timber elements are exposed to weather and are succumbing to rot and decay. The Fairhurst report finds that the buildings are structurally unsafe and should not be entered. Clearing the growth to expose the structure was thought likely to cause structural collapse of parts of the structures.
- 5.3.6 As set out within paragraph 5.2.3 of this report, the applicants Condition Inspection report has been verified by an independent surveyor instructed by the Council. This independent verification confirms that the damage observed has reached a point where trying to repair or salvage the structures would be extremely dangerous for a contractor to undertake, as any attempt to enter the structures would be hazardous due to the possibility of collapse. The independent verification confirms the recommendations of the Condition Inspection report that the buildings should be demolished to ground level and advises that this should be carried out as a matter of urgency and public safety.
- 5.3.7 Where development results in harm to heritage assets, the harm must be justified and outweighed by public benefits. Unfortunately, the wider regeneration proposals for the site are not before the local planning authority, and as such it is not possible to ascertain whether there would be wider regeneration benefits that would outweigh the harm arising from the loss of a significant number of buildings in the conservation area. However, the applicant has sufficiently evidenced that the buildings proposed for demolition are dangerous and on the whole in a very poor condition. The condition of the buildings are such that the Council (in its building regulation capacity) has served a notice requiring their demolition in the interests of public safety. The removal of the buildings will give way to development opportunities, but regrettably the extent of demolition is such that the site would no longer support the integration of as many NDHAs as initially hoped for when the CQ masterplan was evolving. This is an unfortunate consequence of years of lack of investment and the delays in the regeneration of the CQ regeneration site. It is anticipated that the proposals will act as a catalyst for redevelopment, but nevertheless, the demolition is not strictly justified in the context of heritage policy.
- 5.3.8 Impact on the setting of listed buildings - The proposed demolition works will not result in any direct impact on the nearby listed buildings but consideration is required in respect of indirect impacts on the setting of these buildings. The site is surrounded by a number of Grade II Listed Buildings: the Grand Theatre, 129 – 131 St Leonards Gate, 11, Moor Lane, Dukes Playhouse, Mitchells Brewery/Malthouse, 17 -19, Moor Lane and 127 St Leonards Gate. The proposed demolitions will undoubtedly have negative impact on the setting of nearby listed buildings with the loss of historic grain which provides context to this setting. Officers consider this harm to be less than substantial. As set out within paragraph 215 of the NPPF where a development proposal will lead 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.
- 5.3.9 It is considered that the demolition would result in less than substantial harm to the setting of the listed buildings. Like the impacts on the conservation area, the harm is not strictly justified in the context of heritage policy, i.e. we cannot ascertain the public benefits arising from any redevelopment of the site as this is not before the local planning authority. But the applicant has justified and evidenced that the buildings are in a very poor condition and have been deemed dangerous by the Council's Building Regulations team.
- 5.3.10 The County Archaeologist consultee has advised that initial demolition and vegetation clearance proposed should not have significant impact on potential below ground remains. The consultee has

recommended an Archaeological Desk Based Assessment with a visual inspection carried out to fully assess the significance of the historic buildings on the site and to assess the potential for below ground archaeological structures, features and deposits. Given the historic nature of the majority of the buildings this is considered reasonable. However, as per the requirements of the s.77 notice demolition of the buildings is well underway and consequently this requirement cannot be fulfilled. It is considered reasonable to include reference to the methodology of demolition within a condition in order to ensure that any requirement for below surface level works would trigger the expectation for below ground archaeological recording.

- 5.3.11 The submission states that the applicant is firmly committed to bringing forward a comprehensive masterplan for its landholdings to the east and west of Brewery Lane and have briefed Council Officers in respect of this plan and vision for the area. It is understood that the applicant will imminently be releasing further information on this as well as preparing for meaningful public consultation ahead of a planning application in early 2026. Although it would have been preferable for the proposed demolition of these buildings to have come forward as part of a comprehensive redevelopment plan, the Local Planning Authority acknowledges the requirements of the s.77 notice in consideration of this application, which does not strictly justify their loss in terms of heritage impacts, but is a significant material consideration in the assessment of this application.

5.4 **Highway Impacts** NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM60 (Enhancing Accessibility and Transport Linkages).

- 5.4.1 The County Highways Authority has reviewed the proposal and has confirmed that they have no objections to the development. Concerns were raised that the site will be left with no secure perimeter wall or fencing which may allow random vehicle access to the site across footway that is not suitable constructed, nor would there be any indication to pedestrians that there may be vehicle movement across the footway. However, this application relates to the demolition of the buildings and does not seek permission for a change of use of the land. A condition is proposed to ensure details of site boundaries are submitted and agreed. The County Highways consultee has also raised concerns about the potential damage to the surrounding highway during the demolition phase and suggests that a pre commencement highway survey should be conditioned and any damage attributed to the demolition will need to be suitably repaired. However, it is considered that the imposition of such a condition would not be reasonable.

- 5.4.2 Conditions to secure a demolition management plan and to restrict delivery hours to the site have been recommended by the Highways Authority. However, the demolition process is well under way as part of the s.77 notice and as such the recommended conditions are considered unreasonable and unnecessary.

5.5 **Impact on Biodiversity** NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment; Development Management (DM) DPD policy DM44 (Protection and Enhancement of Biodiversity)

- 5.5.1 A Preliminary Bat Roost Assessment has been provided with the application. The assessment was undertaken within the main active season for bats (April to October) when signs of a bat roost are most evident. However, due to the dangerous conditions of all buildings, internal access to all buildings was not safe. This access constraint was not considered a significant limitation to the assessment as most buildings did not have a loft / internal space which would be suitable for void-dwelling bats. Full visual assessments were compromised by very dense vegetation on certain aspects of buildings. An element of precaution was adopted when assessing buildings with limited visual access. Categories of bat roost suitability were assigned to each of the buildings and range from none, negligible to low. No notable deep stonework crevices or other features typically associated with providing suitable hibernation roost conditions were observed. The buildings and surrounding vegetation provide numerous opportunities for use by nesting birds. Buildings E1, E4, F3, G1, G1A, G2, G3, H, I, J2 were found to have none or negligible suitability to support bats. Buildings E2, E3, F1A, F1B, F2, J1, J1A, J4 were found to have low suitability to support bats. Good practice dictates that for the buildings with a low roost suitability, a single dusk emergence survey should give sufficient confidence that bat roosts are absent from the buildings. However, the survey season is limited to between May and the end of August. The assessment sets out that in the

absence of dusk emergence survey data, mitigation measures for the demolition works are recommended to be incorporated into the demolition methodology and such measures are considered sufficient to mitigate the low risk and allow the demolition to commence. The submitted assessment acknowledges the legislative requirements afforded to nesting birds. These recommendations will be conditioned.

5.5.2 The Building Condition Inspection report identifies a number of self-sown trees growing from and between the buildings. The submitted Arboricultural Impact Assessment identifies groups containing Buddleia, Sycamore, Birch, Poplar, and Willow saplings. These groups are to be cleared as part of the proposals along with T1, T3 and T4 to the satisfaction of the Council's Arboricultural Officer.

5.2.3 The submission includes a Biodiversity Net Gain (BNG) Assessment which sets out a baseline of medium distinctiveness habitats (mixed scrub and individual urban trees) has been calculated at 2.18 biodiversity units in the statutory metric. However, as the application is retrospective the scheme is exempt from the BNG requirements.

5.6 **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) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM36 (Protecting Water Resources and Infrastructure).

5.6.1 Within our Strategic Flood Risk Assessment and updated EA maps, the site falls within areas identified as being as medium-high and high risk of groundwater flooding and parts of the site is also identified as being at low, medium and high risk of surface water flooding. Consequently, the application is supported by a Flood Risk Statement. This is relatively brief but considered proportionate given the proposed scale and nature of development. Ultimately, the development involves the demolition of existing buildings and would not include the creation of any additional hardstanding. To minimise any flood risk or impacts on water quality during demolition, a condition relating to a surface water management has been suggested by the Council's Engineer. However, given the retrospective nature of the works such a condition is unnecessary.

5.7 **Residential Amenity and pollution** NPPF sections: 12 (Achieving well-designed and beautiful places) and 15 (Conserving and enhancing the natural environment); Development Management (DM) DPD policy DM29 (Key Design Principles), DM31 (Air Quality Management and Pollution and DM32 (Contaminated Land)

5.7.1 There are some residential properties in the vicinity of the site. As suggested by the Environmental Health consultee, it is considered reasonable and necessary to condition measures within a demolition method statement and management plan to ensure that residential amenity is protected during the demolition of the buildings, including in relation to hours of works and measures to minimise dust. As such, it is considered that detrimental impacts on residential amenity or pollution of the environment can be avoided in accordance with policies DM29, DM31 and DM32 in addition to sections 12 and 15 of the NPPF.

6.0 Conclusion and Planning Balance

6.1 The demolition of the buildings would result in less than substantial harm to the Conservation Area through the loss of Non-Designated Heritage Assets and less than substantial harm to the setting of a number of grade II listed buildings. While it is disappointing that the buildings have deteriorated to such a degree such as to warrant the issuing of the s.77 notice, it is considered that such a notice is a material consideration in the determination of this application. In light of this, the identified harms are justified in the interest of public safety.

6.2 The proposal is considered to be acceptable in terms of its impact on highway safety, drainage, biodiversity, the environment and residential amenity subject to the imposition of appropriate conditions. It is therefore considered to comply with the Development Plan and the aims and objectives of the NPPF, as discussed above.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved plans	Control
2	Before any works below existing ground level or subsurface activity details of archaeological recording to be submitted	Prior to subsurface works
3	Remediation plan including surfacing	Prior to demolition of the last building or within 1 month of decision whichever occurs first
4	Details of site boundaries/security	Prior to demolition of the last building or within 1 month of decision whichever occurs first
5	Submission of a scheme for the retention and reuse of stone on site	Prior to demolition of the last building or within 1 month of decision whichever occurs first
6	Ecology mitigation recommendation as set out in ecology appraisal.	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	A7
Application Number	25/00973/FUL
Proposal	Temporary change of use of vacant land to a car park with associated works
Application site	Canal Quarter Central Site Brewery Lane Lancaster Lancashire
Applicant	Russ Worthington, Lanmara Developments Ltd
Agent	Miss Rebecca Boston
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Subject to the approval of planning applications 25/00912/FUL and 25/00913/FUL, approve subject to conditions.

(i) **Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the application has been called in by Councillor Izzy Metcalf-Riener to consider the boundary treatments and retention of stone walls and the impact of the parking spaces off Moor Lane on the setting of the conservation area and listed buildings. Additionally, given the proximity to the Dukes/Grand theatres this space should be giving focus on disabled spaces and secure cycle parking.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application comprises two parcels of land to the east and west of Brewery Lane, which are also the subject of applications 25/00912/FUL and 25/00913/FUL for demolition of buildings on this agenda. The eastern part of the site fronts Edward Street and is bound by Lodge Street to the north and Moor Lane to the south. The western part of the site is bound by Lodge Street and St Leonards Gate to the north and east and Moor Lane to the south. The site is dissected by Brewery Lane.
- 1.2 The site is located within the Lancaster Conservation Area. There are also several Grade II Listed buildings in proximity to the site, these are: the Grand Theatre, the former Tramway Hotel (127 St Leonard's Gate), 129 and 131 St Leonard's Gate, 11 Moor Lane, 17 and 19 Moor Lane, Duke's Playhouse, and the Mitchell's Brewery/ Malthouse at the former Mitchell's Brewery complex in the east of the site. There are number of Non-Designated Heritage Assets in the vicinity of the site including Nos. 3 and 5 Edward Street, Moor Space and the Golden Lion as well as the remaining buildings along St Leonards Gate, Stonewell and Moor Lane.

- 1.3 The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary.
- 1.4 Within the Strategic Flood Risk Assessment and the Environment Agency flood maps for planning, the site is identified as being at medium-high and high risk of groundwater flooding with parts of the site also identified at medium and high risk of surface water flooding. Lancaster Canal Biological Heritage site lies approximately 60 metres to the west of the site at its closest point. Lancaster Canal is also identified as an environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4.

2.0 Proposal

- 2.1 Should planning applications 25/00912/FUL and 25/00913/FUL be approved by the Planning Regulatory Committee, this application seeks planning permission for the use of the land as a temporary (2 years) car park with associated works. The car park will accommodate 158 spaces and will be finished in a combination of existing floor slabs/concrete and crushed building materials graded to 40mm to dust. The submission sets out that this interim use will ensure the land remains safe, secure, and active while the applicant develops and consults on its comprehensive masterplan proposals for the wider site.
- 2.2 The car park will occupy areas either side of Brewery Lane. For the eastern car park, a new access will be constructed from Edward Street to standardised dimensions with a dropped kerb crossing point and tactile paving. This car park will also benefit from an additional entrance/exit from Moor Lane. Segregated pedestrian access routes will be formed within the parking area with dropped kerb access points. For the western car park, the existing access from St Leonard's Gate will be reconstructed to standardised dimensions with a dropped kerb crossing point and tactile paving, positioned to maximise visibility.

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
25/00913/FUL	Relevant demolition of existing buildings and associated vegetation clearance	Pending consideration
25/00912/FUL	Part retrospective application for relevant demolition of existing buildings and associated vegetation clearance (Land west of Brewery Lane)	Pending consideration
19/00740/FUL	Temporary change of use of warehouse (B8) to community events venue (A3/A4/D1/D2/sui generis) for 5 years, the installation of enlarged door openings to the front and side and a new door opening to the front (Building A, Kanteena)	Permitted (5-year temporary consent)
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call In by SoS
07/00602/OUT	Outline application for the redevelopment of the site to provide a building for retail at ground floor level with	Permitted

	offices above and associated car parking (at Land East Of Golden Lion)	
Other recent applications within the Canal Quarter area		
25/00615/FUL	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.	Permitted
25/00123/FUL	Change of use of land (formerly in use by Lancaster Homeless Action) to extend existing Edward Street public car park	Permitted
24/00531/FUL	Relevant demolition of existing outbuildings, removal of existing stone walls and the temporary installation of boundary hoarding	Permitted
24/00555/FUL	Relevant demolition of the Homeless Action Centre	Permitted

4.0 Consultation Responses

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

Consultee	Response
Regeneration Service Manager	No objections - In the context of regeneration ambitions it is considered this is a reasoned and justified application for temporary parking provision which complements the city council's strategic parking goals in the short to medium term.
Conservation	No comments received
County Archaeology	Comments submitted appear to relate to application 25/00913/FUL. Further clarification is sought.
Engineers	No objections subject to condition relating to surface water drainage.
Historic England	No comments received
Heritage Action Zone	No comments received
Lancaster Civic Vision	No comments received
Lancaster Bid	No comments received
County Highways	No objections subject to appropriate conditions

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

5.0 Analysis

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

- Principle
- Highways
- Design and Heritage Impacts
- Flood Risk and Drainage

5.2 **Principle** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 7 (Ensuring the vitality of town centres) and Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SG5 (Canal Quarter, Central Lancaster); EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan and Lancaster City Centre Parking Strategy 2025–2028

5.2.1 The application site sits within the Canal Quarter regeneration area, which is a partially derelict and underused 16 hectare site. The Council's objectives for redevelopment of this area with a more diverse mix of uses, including further housing and business opportunities are set out within the Canal

Quarter Masterplan and the Canal Quarter SPD (CQ SPD). These documents set out a bold and imaginative vision for transforming the area into vibrant cultural hubs that celebrate Lancaster's heritage while encouraging contemporary urban life. The area is central to the regeneration strategy and seen as a catalyst for cultural enrichment, community engagement and economic vitality. This area of the Canal Quarter is seen as pivotal to the success of the entire regeneration effort. Councillors will be aware of the long term aims and ambitions for the Canal Quarter area which stretch back approximately two decades.

- 5.2.2 The Lancaster City Centre Parking Strategy 2025–2028 (the Parking Strategy) sets out how Lancaster City Council will manage its own car parking assets to support a growing and evolving Lancaster city centre, while delivering against its broader Climate Emergency commitments and regeneration goals. The Parking Strategy aims to provide a clear and confident message to residents, businesses, and visitors that sufficient parking will be maintained, as the council takes steps to promote both regeneration and more sustainable forms of transport. The Parking Strategy does not view parking in isolation. It recognises that parking provision must complement efforts to reduce congestion, support the transition to active and low carbon travel, but also maintain as accessible, attractive, and economically resilient city centre.
- 5.2.3 Over the 3-year Parking Strategy period and beyond the city council will seek to maintain its public parking portfolio at around 1,400 to 1,500 off-street spaces, ensuring that at times of high demand - such as during school holidays, festivals, and the Christmas season – a range of parking options are available. This will be balanced with the planned release of some surface car parks for housing, particularly in the Canal Quarter regeneration area, a long-term city priority. It is noted that planning permission was recently granted for the erection of 39 residential units on the site of Nelson Street car park in the south of the Canal Quarter area. Historically, the city council's approach to parking was focused on maintenance, enforcement, and income generation. Today, the Strategy is being repositioned as a broader policy tool - one that influences transport behaviour, air quality, urban form, and social equity. Over time, the goal is to reduce reliance on private cars - not simply to accommodate all growth in potential demand. This marks a transition from:
 - reacting to demand to shaping demand.
 - static provision to active integration with public transport, cycling, walking, and land use planning.
 - a standalone operational function to a core pillar of place-making and sustainability.
- 5.2.4 Car parking remains important in this transition, particularly to ensure access for those who need it and to help the city compete with out-of-town destinations. But continuing to meet all projected demand risks reinforcing car dependency and undermining goals to reduce emissions and support active and public transport. The focus of the Parking Strategy is on the Council's own portfolio of general use car parking spaces. The focus was chosen because the council is by far the largest provider of general use spaces in the city centre. As noted in the planning application Transport Statement while there are several privately owned car parks in the city centre that provide circa 480 parking spaces, 441 of these car parking spaces are for use by customers only, such as Sainsbury's, Kingsway Retail Park and Aldi, and are subject to short stay controls and significant time restrictions. New general use provision by private providers, either permanent or temporary, has not been a major factor for consideration in the recent past although the current application is substantial enough to warrant assessment in the context of the Strategy as it is proposed to utilise the cleared plots following approval of 25/00912/FUL and 25/00913/FUL as surface car parking to provide 158 temporary parking spaces.
- 5.2.5 The council's provision is in transition given the future temporary and permanent parking provision plans outlined in the Parking Strategy. The provision of 158 temporary off street spaces alongside the Council's own provision could be regarded as high in strategic terms and impact on wider traffic management goals. However, the application provides welcome balancing provision over the Parking Strategy short to medium period 2025 -2028. Future parking provision within the city council's proposed interventions are still estimates and this new (albeit temporary offer) gives more strategic comfort that there will be sufficient spaces to manage general demand. It also points to a future Parking Strategy iteration needing to account for any potential for future permanent private sector provision to contribute to the overall long-term strategic city centre parking offer and balancing this with wider goals to reduce emissions and support active and public transport.

- 5.2.6 As highlighted in paragraphs 1.1 and 2.1 of this report, this application's relationship with applications 25/00912/FUL and 25/00913/FUL for relevant demolition of existing buildings is relevant to this proposal. It is noted that Building A proposed for demolition under application 25/00913/FUL does not form part of the car parking proposal.
- 5.2.7 It is concluded that the proposed temporary use of the site for car parking would not undermine the aims and aspirations of the wider strategic site. The proposal is limited to the change of use of the land and is easily reversible. The proposal would provide an addition to the Council's existing parking stock which currently aligns with the Council's Car Parking Strategy and will also provide additional mitigation ahead of the release of Nelson Street car park or indeed other parts of the Canal Quarter allocation for development proposals. Given the temporary nature of the proposal, it is also considered not to compromise the wider ambitions for regeneration of the area.
- 5.3 **Highways NPPF section: 9 (Promoting Sustainable Transport); Development Management (DM) DPD policies DM29 (Key Design Principles); DM60 (Enhancing Accessibility and Transport Linkages) and DM62 Vehicle Parking Provision.**
- 5.3.1 Policy DM29 states that the Council will expect development to *"Incorporate suitable and safe access to the existing highway network"* and *"Ensure that highway safety and efficiency is maintained or improved"*. The site layout plan indicates 65 spaces will be created within the eastern part of the site with exit/entrances created of both Edward Street and Moor Lane with dropped kerb crossing points and tactile paving. This site will include six disability parking spaces. The western part of the site will provide 93 parking spaces and will utilise an existing site exit/entrance. This site will also include six disability parking spaces.
- 5.3.2 The County Highway consultee has considered the application and confirm there are no highway safety concerns and raise no objection to the proposal. This is subject to conditions relating to the submission of a Construction Management Plan (CMP), implementation of visibility splays and access surface materials. A condition will also be included for the submission of details regard secure cycle storage provision within the site. It is considered that the proposal would not have a detrimental impact on highway safety and would accord with the requirements of policy DM60 and section 9 of the NPPF.
- 5.4 **Design and Heritage Impacts NPPF Chapter 12 (Achieving well-designed and beautiful places) and Chapter 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) DPD policy: SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas) and DM39 (The Setting of Designated Heritage Assets)**
- 5.4.1 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.
- 5.4.2 Both national and local policy are clear inasmuch that any harm to the significance of the setting of a listed building or Conservation Area must be clearly justified and needs to be outweighed by the public benefits of the proposal. If no harm has been identified, this test is not engaged. This is reiterated in policy DM38, which states that development in Conservation Areas should preserve or enhance the character and appearance of the area and policy DM39 has regard to the setting of designated heritage assets which includes listed buildings.
- 5.4.3 The submitted Heritage Statement has been prepared on the basis of a cleared site, in anticipation of the demolitions proposed under applications 25/00912/FUL and 25/00913/FUL. The Officer's reports for these other planning applications conclude that the proposed demolitions would give rise to less than substantial harm to the character and appearance of the Conservation Area and to the setting of the listed buildings. This harm has been addressed as part of those other planning applications.
- 5.4.4 The provision of parked vehicles will add an element of visual clutter to the streetscene with regard to the eastern car park area, but this will be viewed in the context of the larger car park areas to the east and north of the site. The car park area within the western part of the site will largely be

screened from wider views by the presence of the built form which surrounds the site. Nevertheless, a cleared site in this location would not contribute to the significance of the Conservation Area or the setting of the listed buildings in the long term, and neither would the use of the cleared sites as car parks. As such it is considered that the proposal would result in some harm to the Conservation Area and setting of the listed buildings. This harm would be at a lower level of less than substantial harm as the cleared site would equally not contribute positively to the setting of heritage assets. However, this is a temporary proposal and would be reversible.

5.4.5 The use of the site for car parking on a medium to long term basis would not be appropriate on heritage grounds. However, it is considered that on a 2-year temporary basis the scheme could provide some limited public benefit as the proposed use would provide some increased activity in advance of proposals for a comprehensive future masterplan. To a lesser degree, it also supplements mitigation in association with the loss of Nelson Street car park for residential development, which forms the first phase of regeneration for the area. Precise details of site surfacing and boundaries will be conditioned to ensure such details are sympathetic in form and appearance.

5.5 **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) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM36 (Protecting Water Resources and Infrastructure).

5.5.1 The site falls within areas identified as being as medium-high and high risk of groundwater flooding and parts of the site are also identified as being at low, medium and high risk of surface water flooding. The submitted Flood Risk Assessment acknowledges that site runoff and overland flow will be generated by the car park development. The Council's Drainage Engineer has reviewed the information provided in support of the application and has raised no objections subject to conditions relating to the submission of a final surface water drainage scheme in addition to an associated management and maintenance scheme. These conditions are considered necessary and reasonable given the scale and nature of development and are included in the recommendation.

6.0 **Conclusion and Planning Balance**

6.1 The proposal will provide temporary public car parking spaces without compromising on the deliverability of the wider regeneration of the Lancaster Canal Quarter site and will also supplement mitigation ahead of the residential development on the Nelson Street car park. Subject to conditions, the proposal is acceptable from a highway safety and flood risk and drainage perspective. The application would result in a low level of less than substantial harm to the significance of heritage assets in terms of setting. However, the proposal would activate a cleared site and is temporary and reversible. Overall, the scheme is considered to comply with the development plan when read as a whole and therefore is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale – temporary use 2 years	Control
2	Approved plans	Control
3	Submission of Final Surface Water Drainage Scheme including Management and Maintenance Plan	Prior to commencement
4	Submission of Construction Management Plan	Prior to commencement
5	Details of site boundaries and car park surface treatment	Prior to commencement
6	Precise details of the of access/egress points including surfacing and visibility splays	Prior to commencement

7	All highway works associated with the access/egress points to be constructed prior to first use.	Prior to first use
8	Submission of details for the provision of secure cycle storage provision within the site	Prior to first use
9	Protection of Visibility splays	Control

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	A8
Application Number	21/00987/FUL
Proposal	Erection of a food store (Class E) with land regrading, access, cycle route, landscaping and swales and the provision of associated infrastructure, including car and cycle parking facilities, vehicle charging spaces, pedestrian access routes and servicing.
Application site	Land At Lawsons Bridge Scotforth Road Lancaster Lancashire
Applicant	Aldi Stores Limited
Agent	Mrs Emily Davies
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval subject to conditions and completion of Section 106 Agreement. Delegate back to Chief Planning Officer to finalise legal agreement.

1.0 Application Site and Setting

- 1.1 The application site equates to around 1.75 hectares of field divided into two parcels by a hedgerow. The site topography falls from the northeast (circa 44 metres – 45 metres Above Ordnance Datum (AOD)) to southwest (circa 34 metres AOD) by approximately 10-11 metres with the steepest gradient adjacent to the West Coast Main Line. The site is undeveloped except for a new access point which has been created onto Scotforth Road in the southeast corner of the site.
- 1.2 The site is located within the Lancaster South Broad Location for Growth designation. It lies just outside of the existing designated urban boundary for Lancaster, which lies immediately to the south of the properties along Rays Drive and is formed by the A6 corridor to the east. An area of woodland forms the northern boundary to the site, a permissive footpath passes through this woodland and connects Scotforth Road to Uggle Lane and Cinder Lane to the west. A public right of way links both Uggle Lane and Cinder Lane over a railway bridge. The A6 forms the eastern site boundary, the southern boundary is formed by the Breacla residential development which is currently under construction. The West Coast Mainline forms the western boundary to the site.
- 1.3 The site is within a mineral safeguarding area and in an area likely to require basic radon protection. The site lies within flood zone 1, however, the south western corner of the site is identified as being at fluvial flood risk in the future by the Environment Agency (EA). The EA also identifies areas of high and medium risk of surface water flooding, the extent of which also increases when incorporating climate change allowances. Finally, the Councils Strategic Flood Risk Assessment (SFRA) identifies areas of medium and high risk groundwater flooding within the central area of the site.

- 1.4 The site is not within a Conservation Area or affected by/within the setting of other designated or non-designated heritage assets. The closest listed building is on Ashford Road over 300 metres from the site and separated by intervening development. The site is not protected for any specific nature conservation interest. There is a single Sycamore tree on the northern boundary subject to tree preservation order no: 228/T3. The site is located approximately 2 kilometres to the east of the important designations (SSSI, SPA, SAC, RAMSAR) associated with Morecambe Bay and the Lune Estuary.
- 1.5 Lancaster city centre is approximately 2.5km north of the site and the University campus just over 1km south of the site. The site is located on the A6 transport corridor along which strategic bus routes provide regular bus services running to the south and the city centre to the north. The closest northbound and southbound bus stops are situated approximately 110 metres north, close to Whinell Drive. There are no formal cycle routes on Scotforth Road in the vicinity of the site. The closest cycle routes lie to the southeast providing routes around existing residential areas, through Bailrigg and towards the University. A strategic aspirational cycle route is identified between Ashford Road, via Cinder Lane, and Scotforth Road/A6 corridor.

2.0 Proposal

- 2.1 The application seeks full planning consent for the erection of a food store (use class E), construction of new access, servicing and parking areas, footways, cycle lanes, level alterations, retaining features and associated landscaping. The proposed development features the building at the front of the site, adjacent to the eastern boundary. The proposal includes level alterations throughout the site to facilitate the development, including the creation of level parking on the central plateau with landscaping throughout. New pedestrian and cycle connections are proposed to allow for a linkage through the site to the northern boundary up to Lawson's Bridge. The latest amendments to the scheme incorporate a 3-metre-wide cycle lane on the southern side of the access and internal road. This will also provide opportunities for pedestrian and cycle connections into the adjacent Breacla residential development site and beyond.
- 2.2 The food store comprises a typical warehouse type building with a roughly rectangular form, measuring approximately 58 metres x 36 metres, with a gross internal area of 1837sqm. The building is around 5.7 metres high and consists of a flat roof. It includes a taller feature entrance and amenity block to the southwestern corner measuring approximately 7.6 metres in height. The service area and dock leveller access into the building is located to the northern side of the building, where a plant enclosure is also situated. The plant is enclosed by 2 metre high fencing. The buildings shall be constructed and finished in a combination of grey coloured composite cladding, stonework, projecting timber cladding, green walls and feature curtain glazing to the store frontage. The taller section of the building shall feature a 'blue roof' providing rainwater harvesting for the green wall irrigation with photovoltaic panels proposed to the main roof.
- 2.3 Access to the site consists of a new signalised junction off the A6 incorporating shared pedestrian/cycle ways to either side of the carriageway, toucan crossings and a half layby and new bus stop along the site frontage with the A6. A pedestrian and cycle link runs through the site connecting to the path at Lawson's Bridge, as well as enabling connections to the approved residential development to the south. Car parking is situated to the west of the food store building and comprises a total of 136 spaces including 8 accessible spaces, 9 parent and child spaces, 6 motorcycle spaces, 6 electric vehicle charging spaces, and parking for 16 cycles.
- 2.4 The site will require some alterations to the existing land levels to provide suitable development platforms. This results in the removal the central hedgerow and peripheral elements of the woodland located to the east of the building. To mitigate the losses and to provide net gains in biodiversity, landscaping is proposed in the western parcel of the site with tree/scrub and hedgerow planting interspersed through the car park and to the south side of the building. Throughout the site sustainable drainage features are proposed. External lighting will feature from the site access leading into the car park.

3.0 Site History

- 3.1 The most relevant planning history relates to planning permission 10/00251/FUL and the later revisions to this parent planning permission under subsequent planning permission 14/00633/VCN. These consents permitted the construction of a new food store with associated infrastructure. A material start pursuant to this permission has been made, meaning there is an extant planning permission for a food store on this application site. In terms of the surrounding area, outline planning permission (19/00332/OUT) on land to the south was granted for up to 95 dwellings with associated access on the 30 April 2021. This was later varied under application 22/00423/VCN with the reserved matters (23/00802/REM) secured for 70 dwellings on the 18 December 2023. The details of both the site history and surrounding area are set out in the table below:

Application Number	Proposal	Decision
23/00802/REM	Reserved matters application for the erection of 70 dwellings	Permitted
22/00423/VCN	Outline application for the erection of up to 95 residential dwellings with associated access (pursuant to the variation of conditions 2, 6 and 10 on planning permission 19/00332/OUT for changes to the approved site access arrangements, the proposed great crested newt mitigation strategy and the provision to allow the flexibility for an updated AIA to be prepared and submitted at the time of a reserved matters application).	Permitted
20/01182/PRETWO	Erection of a Class A1 foodstore with associated works	Closed
19/00332/OUT	Outline application for the erection of up to 95 residential dwellings with associated access	Permitted
18/00505/PRETWO	Erection of A1 foodstore, 2 retail units and drive-through	Closed
14/00755/RCN	Construction of a new access point (pursuant to the removal of conditions 3 and 5 and the variation of conditions 6 and 8 on planning permission 13/01294/FUL)	Permitted
14/00633/VCN	Erection of a new supermarket, construction of new access, servicing and parking areas, footways, cycle facilities and landscaping (pursuant to the variation of conditions 3, 4, 5, 6, 7, 9, 10, 14, 15, 16, 18, 19, 21, 22, 23, 29, 30, 36, 37, 38, 40, 41 and 42 and the removal of conditions 26, 27 and 28 on planning permission 10/00251/FUL to allow the development to be phased and to remove duplicated or unnecessary requirements)	Permitted
13/01294/FUL	Construction of a new access point.	Permitted
10/00251/FUL	Erection of a new supermarket, construction of new access, servicing and parking areas, footways, cycle facilities and landscaping.	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objection subject to the following conditions and the obligations being met in full by the applicant. Advice is provided regarding parking and landscaping layouts.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none"> 1. Highway Condition Survey 2. Construction Management Plan

	<p>3. Full design details for the site access and off-site highways works (within the adopted highway). Off-site highway works to include:</p> <ul style="list-style-type: none"> • Site access to A6 Scotforth Road, including cycle/pedestrian provision and signal servicing/maintenance bay • Provision of the pedestrian and cyclist routes/pathways to access the development from all directions including links to strategic cycle routes and crossing facilities on the A6 • Provision of two new quality DDA compliant bus stops with shelters on A6 in northern direction • Improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements, sustainable improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology; and (not required if contribution secured by s106 agreement) • Installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology at the Main Road / Stoney Lane junction in Galgate (this burden may be delivered by other development, it is one of timing on who delivers) (not required if contribution secured by s106 agreement). <p>4. Implementation of highway works required by Condition 3.</p> <p>5. Travel Plan implementation</p> <p>6. Car Parking Management Strategy</p> <p><u>Planning obligation:</u></p> <p>7. £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;</p> <p>8. £100,000 towards installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology at the Main Road / Stoney Lane junction in Galgate (this burden may be delivered by other development, it is one of timing on who delivers).</p> <p>9. £60,000 to support the Red Route from Galgate to the City Centre</p> <p>10. £6,000 Travel Plan Support</p>
Planning Policy Team	<p>Site is within the 'Broad Location for Growth' as outlined by Policy SG1 and the site has extant permission for a larger retail store. A food store in this location is acceptable in principle. Whilst the City Council are seeking to advance the preparation of an Area Action Plan for the South Lancaster area and will include the consideration of new convenience retailing, work on the Area Action Plan is not at a sufficiently advanced stage to be given weight as part of this planning application. The consideration of pedestrian and cycle movements within the site is welcomed as is connectivity to the immediate PROW network at Lawsons Bridge and Collingham Park. However, the site needs to be seen within the context of the development proposals in the Lancaster South area of growth. The City Council is working with the County Council on identifying a pedestrian and cycle network for Lancaster South in preparation of the Lancaster South Area Action Plan. Lawsons Bridge is very significant as it potentially provides a link north/south and also provides an east/west link between the A6 and the Ashton Road access to the Canal towpath (which also leads into the city centre). Ultimately it could provide an alternative route between the University and the city centre and could therefore see high volumes of cyclists as well as pedestrians making more local trips. Making sure that appropriate pedestrian and cycle links are provided through and around this application site is therefore particularly important.</p>

United Utilities	No objection - Proposals acceptable in principle subject to further information relating to finish floor levels, ground levels and precise drainage details. UU advise the applicant to engage with their Developer Services to protect infrastructure and assets in the vicinity of the site. Conditions requested.
Lead Local Flood Authority (LLFA)	<p>No objection - In November 2023, the LLFA removed their previous objection and recommended the following conditions:</p> <ul style="list-style-type: none"> • Development to be carried out in accordance with the submitted Flood Risk Assessment Rev A, September 2023. • Final surface water drainage scheme • Construction surface water management plan • Sustainable drainage system operation and maintenance manual • Verification of constructed sustainable drainage scheme. <p>The LLFA have no further comments arising from the subsequent plan amendments (red edge change to incorporate the cycle lane).</p>
Environment Agency (EA)	Does not wish to provide bespoke advice, EA standing advice should be used.
Lancaster Civic Vision	Comments – Lancaster Civic Vision objected to the original proposal. In response to the amendments to the design of the building, they acknowledge the design represents an improvement on the original proposals but it remains a utilitarian building on a key landmark site. They note the amended plans have resolved earlier criticism relating to the appearance and use materials to the east and south elevations. They support the use of green walls and timber cladding in place of the grey cladding. They comment on the additional traffic being a problem on the already congested A6 and regret there is no mention of ground source heat pumps as part of the building design.
Public Realm	Comments - There is a footpath on city council land south of Rays Drive from Scotforth Road (A6) to Lawson's Bridge and Uggle Lane. This route is in need of improvement and could be upgraded to use as a cycle / walking route.
Scotforth Parish Council	Objection – whilst the Parish Council are supportive of the amendments to incorporate the Council's one metre strip of land for a cycle way, overall, the Parish Council maintain their objection. Their objection contends that the proposals fail to meet a number of SG1 criteria and is premature in advance of the associated Area Action Plan and that they would prefer a wider cycle way to create the 'cycle superhighway' through South Lancaster. Concerns are also expressed regarding the loss of biodiversity value and the use of BNG off-site credits, energy/sustainability credentials of the scheme and transport impacts.
Lancaster City Council Property Service	No objection – Highlights that the City Council owned a 1 metre wide strip of land along the southern boundary of the site, parts of which are required to facilitate the development.
Network Rail	<p>No objection - Based on the amended drainage strategy, Network Rail's previous holding objection has been withdrawn. Network Rail recommend the following conditions:</p> <ul style="list-style-type: none"> • A method statement and risk assessment to ensure the proposals can be carried out without adversely affecting the safety, operation and integrity of the railway, including details of any vibro-impact works, lighting, scaffolding works. • Provision of a trespass proof palisade fence 1.8m high adjacent to the railway line. • Details of the disposal of foul and surface water which shall be directed away from the railway line. • Full details of ground levels, earthworks and excavations to be carried out near the railway boundary.

	<ul style="list-style-type: none"> Details of vehicle safety protection measures adjacent to the railway line. <p>Other advice has been provided by Network Rail including the requirements for the applicant to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail.</p>
Arboricultural Officer	<p>A summary of the comments received include:</p> <ul style="list-style-type: none"> Approximately 51 trees and one hedge will have to be removed. Additional tree losses outside of the development boundary are also mentioned within the AIA, specifically with regards to G6, although the full extent is unknown. The tree and hedgerow losses appear to be adequately compensated for within the landscape plan, although the loss of the 'important hedgerow' is detrimental to the character of the area and it is unfortunate it had not been incorporated into the design of the development. <p>No comments to the changes to the red edge of the site.</p>
Environmental Health	No objection , subject to a condition restricting delivery hours between 07:00-22:00 Mon-Sat and 09:00-17:00 Sunday and Bank Holidays only.
Employment and Skills Plan Team (Lancaster City Council Economic Development)	Comments – the application meets the commercial floor area threshold and requires an Employment and Skills Plan (ESP). If agreement to a pre-commencement condition, the ESP can be prepared at a later date. If not agreeable, a full ESP must be submitted with the application setting out the details of how the 7 KPI would be met. The ESP team acknowledge Aldi successfully delivered an ESP for their development on Aldcliffe Road.
Dynamo Cycle Campaign	Comments made – Shared use path is a positive. Cycle path should be wide enough to prevent collisions at the bus shelter; Cinder Lane or Uggie Lane surface should be improved; cycle storage should be covered.
Cadent Gas	No objection
Natural England	No objection - NE considers the proposal to not have a likely significant effect on the identified designated sites.
Greater Manchester Ecology Unit (GMEU)	<p>No objection. A summary of their comments is set out below:</p> <ul style="list-style-type: none"> The survey effort and assessment of the development on protected species and priority habitat is acceptable and the mitigation set out in the Preliminary Ecological Appraisal should be conditioned. The scheme provides a measurable net gain in biodiversity (11.4%) and is satisfactory in the context of the NPPF. It is noted the scheme would not meet mandatory BNG requirements, however, this does not apply in this case.
South Lancaster Flood Action Group	No response received.
Lancashire Constabulary	Recommends commercial development be built to Secure by Design 'Commercial 20023' Design Guide specifications. Several design and landscape recommendations have been made in relation to ensuring there is suitable natural surveillance around the building and paths/cycleways to reduce the risk of crime and fear of crime. The Constabulary do not specifically comment on the submitted layout as to whether it meets standards.
Waste and Recycling Team	No concerns regarding waste management.
Lancashire Fire and Rescue Service	Standing comments regarding Building Regulations 'access for facilities for the fire service'.
Engineering Team	No response received.

Mineral Safe Policy Group	No response received.
Climate Change Policy Team	No response received.
Biodiversity Officer	The Biodiversity Net Gain (BNG) Assessment gives a good representation of the baseline condition. Commentary provided as to the identified BNG implications.
Ramblers Association	No response received.

4.2 The following responses have been received from members of the public (in response to the original and amended consultations):

18 objections have been received. A summary of the main reasons for opposition are:

Principal matters including:

- the development is unnecessary and not justified based on need.
- there is a Booths store and another Aldi store just over 1 mile of the site.
- the need and economic justification is questionable with the pause of the Garden Village the development is not needed as the economic justification.
- the scheme bears no relationship to the Area Action Plan.
- Loss of field that supports wildlife and area for pets to roam

Highway safety and amenity concerns including:

- Increase in traffic on already congested A6
- Cumulative traffic impacts with neighbouring housing development
- Existing queuing will be worsened increasing the risk of accident and raising a highway safety concern.
- Lack of mitigation and traffic calming.
- Traffic noise and reduction in air quality from increased traffic and standing traffic.
- Large size of junction in close proximity to five other junctions exacerbating air quality, noise and worsening queuing.
- Increased dust/grime deposited on property/vehicles.
- Excessive noise from operation of site, including refrigeration units and deliveries affecting residential amenity, the noise report showing 3dB impact on properties on Rays Drive.
- Prevention of egress from nearby roads
- Shoppers will use cars and not cycle/walk
- Increased rat running on residential streets to avoid A6 congestion.
- Cycle and pedestrian provision is poor and vague.
- Noise mitigation required for the plant area to protect residents
- The same operation and delivery hours should apply to that permitted by the Booth planning permission (08.00-22.00)

Design, landscape and ecology concerns including:

- Poor design and layout compared to the extant permission
- the design is bland and off the peg Aldi build with little consideration to its location and neighbours.
- Out of scale
- Blank elevation facing the A6 and affecting outlook from residential property opposite
- Loss of trees and hedgerows
- BNG is woefully inadequate
- Mature trees should be planted to off-site carbon and screening
- Loss of views and light pollution
- Amendment are improvement but not of the standard by Booths.

Flood risk and drainage concerns including:

- the details are inadequate with no details of sustainable drainage and assessment of flooding impact in the immediate vicinity.

Other matters including:

- potential risk of destruction to services including broadband during construction.
- This is a radon affected area
- Increase in anti-social behaviour to the area.

1 support letter stating the proposals will allow me to shop by foot and avoid road journeys.

4 comments (neither objecting or supporting). A summary of the comments received are:

- Trees along the north and east boundaries must be kept and additional screening provided
- A pedestrian crossing on the A6 is needed
- An upgraded cycle/footpath along the north boundary is needed (whilst protecting trees)
- Plans of cycleway/footpath on A6 need clarifying to show they are separate from the main carriageway
- Cycleway/footpath should have priority where the road crosses it
- Conditions needed to prevent light pollution and control hours
- Must be carbon neutral development
- Junction design should include pedestrian crossing phase, cameras, wider footpaths between existing residential areas and bus stops and new larger shelters erected at existing and proposed bus stops (comment specifically from the Lancaster Bus Users Group).

5.0 Analysis

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

- Principle of development
- Transport and accessibility
- Design and landscape
- Flood risk and drainage
- Biodiversity and trees
- Sustainable design
- Residential Amenity and pollution

5.2 **Principle of development** NPPF Chapter 2 Achieving Sustainable Development, Chapter 4 Decision-Making, Chapter 7 Ensuring the Vitality of Town Centres, Chapter 15 Conserving and Enhancing the Natural Environment, Chapter 17 Facilitating the Sustainable use of Minerals; Joint Lancashire Minerals and Waste Local Plan Policy: M2 Safeguarding Minerals and Guidance Note (December 2014); Strategic Policies and Land Allocations (SPLA) DPD Policies: SP1 Presumption in Favour of Sustainable Development, SP2 Settlement Hierarchy, SP3 Development Strategy, SP4 Priorities for Sustainable Economic Growth, SG1 Lancashire Broad Location for Growth, SG3 Infrastructure for Growth in South Lancaster, TC1 The Retail Hierarchy for Lancaster District, TC3 Future Retail Growth, LPRM1 Local Plan Review Mechanism and Review of the Development Management (DM) DPD Policies: DM16 Town Centre Development and DM44 The Protection and Enhancement of Biodiversity.

5.2.1 SG1 - Broad Location for Growth

The application site is a greenfield site located on the edge of Lancaster within the Lancaster South Broad Location for Growth as defined by the adopted Local Plan (Policies SG1 and SG3). Policy SG1 sets out the Council's commitment to prepare the Lancaster South Area Action Plan (AAP) Development Plan Document (DPD). It is this particular document that would provide specific site allocations and detailed policies against future planning applications which lie within the designation would be assessed. Fundamentally, the designation was intended to support significant housing growth (in the form of the Bailrigg Garden Village) alongside employment and economic opportunities, the delivery of the Health Innovation Campus and University related expansion. To support such growth, significant infrastructure would be required, including new highways, public transport networks, education provision, open space provision and a new local centre.

5.2.2 Following adoption of the Local Plan, the Council commenced work on the preparation of the AAP. However, in September 2023, the Council resolved to cease work on the AAP and to commence a full review of the Local Plan in accordance with SPLA DPD policy LPRM1. The reasons for doing

so related to Lancashire County Council, which in June 2023 announced its decision to suspend further work on the proposed South Lancaster to M6 transport project and to return the Housing Infrastructure Funding (HIF) to central government due to rising costs.

5.2.3 Notwithstanding the fact the work has ceased on the Lancaster south AAP, Policy SG1 allows for development to come forward in advance of the APP provided that:

1. There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider Bailrigg Garden Village development; and
2. That the development would conform with and further the Key Growth Principles described in Policy SG1; and
3. That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.

5.2.4 In relation to criteria 1, the Council must acknowledge the fact that the AAP is no longer being advanced, and therefore the delivery of the Bailrigg Garden Village (BGV) no longer forms a commitment of the currently adopted Local Plan. With respect to this proposal, Officers are satisfied that the delivery of a food store and associated infrastructure within this site, which is located on a relatively small parcel of land on the very periphery of the Broad Location for Growth designation and enclosed by housing and the railway, will not prejudice the delivery of wider growth in this area. This is particularly the case as there is now currently no certainty on the delivery of wider growth. Compliance with the Key Growth Principles as set out within Policy SG1 and assessment of the impacts on the transport network and consideration of the opportunities for sustainable transport, shall be assessed throughout this report under the relevant key planning considerations.

5.2.5 Fundamentally, this site forms a very small part of the wider designation and is situated between exiting residential development to the north (Rays Drive) and east (Brantwood Drive and Scotforth Road) with the Brecklea residential development being constructed immediately south of the site. Accordingly, and notwithstanding the fact compliance with SG1 is a key material consideration, the development of this site is unlikely to impact strategic ambitions for future development in South Lancaster in the future. It is also contended that the weight to be afforded to policy SG1 is less than it was upon adoption of the Local Plan, due to the Council's decision to suspend work on the AAP and to commence a full Local Plan review.

5.2.6 Town centre and retail considerations

SPLA DPD policy TC1 sets out the district's retail hierarchy, which fundamentally aims to protect and maintain the viability and vitality of existing city, towns and local centres and to minimise the need to travel by car. This policy also identifies a need for new local centres where they are complementary to strategic housing allocations, including the Bailrigg Garden Village pursuant to policy SG1. Policy TC3 focus's more specifically on the districts retail needs and clearly sets out there is a qualitative need for convenience retailing to the south of the River Lune. The Local Plan intended to direct this future growth across central Lancaster (SG5 - Canal Quarter) and South Lancaster (SG1 – BGV).

5.2.7 Whilst the site is located within the Broad Location for Growth designation in South Lancaster, this development is not being brought forward comprehensively as part of the wider development of this location. Therefore, in determining town centre and retail matters, policy DM16 of the DM DPD is the most relevant policy in the assessment of this application.

5.2.8 Planning policy adopts a town centre first approach through the application of the sequential test. This approach requires main town centre uses such as that proposed (and as defined within the NPPF Glossary) to be located in town centres, then in edge of centre locations; and only if suitable sites are not available, or not expected to become available within a reasonable period, out of centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Local planning authorities are required to exercise a degree of pragmatism when assessing whether or not a proposal meets the requirements of the sequential test. For example, it is recognised that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

- 5.2.9 The NPPF defines 'edge-of-centre' locations, for retail purposes, as a location that is well connected to, and up to 300 metres from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances. The objective of the sequential test is to locate appropriate town centre uses within central locations which are accessible by a range of means of transport. As retail development is defined as a main town centre use, and the application site is located within an out of centre location, the proposal must be subject to the sequential test. Furthermore, the scale of this proposal exceeds the 500sqm threshold set out in policy DM16, therefore, a Retail Impact Assessment is also required. This application is supported by both a sequential assessment and impact assessment, however, it is the applicant's case that the site benefits from a lawful fall-back position in the form of the previous permission for a food store on this site.
- 5.2.10 Fallback position
The applicant's submission in part relies on the argument that a lawful fallback position for similar development on this site exists, based on the previous planning consent for a larger retail food store (Booths). This previous consent permits a convenience retail store with a gross internal area (GIA) of 3,230 sqm of which 15 percent of the net sales area permitted for comparable retail goods. This permission was varied and later implemented through the construction and formation of the sites means of access to the A6. Through pre-application discussions with the applicant, the Local Planning Authority has confirmed that the previous planning permission for a retail food store has been implemented, remains extant and is capable of being implemented and that this could represent a lawful fall-back position for the development of this site.
- 5.2.11 In order for the fallback position to be given weight in the determination of this application, the basic principle of the fallback position is that there must be a real prospect that the fallback position could be implemented. 'Real prospect' is a matter that has been through the courts, which determined that a 'real prospect' does not need to be probable or likely: possibility will suffice.
- 5.2.12 The applicant contends that there is a greater than theoretical possibility of the fallback position being implemented on the basis that the retail unit approved would comfortably fit Aldi's required trading format, which requires a building with at least 1,315sqm net sales area, including around 200 sqm for comparison goods. Furthermore, the level of parking permitted by the extant consent (197 spaces) exceeds Aldi's requirement evidencing further that the approved scheme could meet Aldi's operational trading requirements. Finally, Aldi already own the site. Set against this argument is the fact that there are clear architectural differences between the extant permission and the scheme now being considered. When undertaking a comparison to establish a lawful fallback position, all matters including design and appearance, should be considered, notwithstanding the fact amendments could be sought.
- 5.2.13 Whether or not the scheme now being proposed can be considered comparable to the extant permission with respect to its architectural merits is open to interpretation. Moreover, the design of the extant permission, which includes a larger, mostly glazed structure with more complex roof structures would very likely result in a higher development cost to deliver. This too could put into question the likelihood of this scheme ever being implemented.
- 5.2.14 There is no dispute that the site does benefit from an extant planning permission, and this is a significant material consideration which must be afforded considerable weight in the decision-making process. Whether or not that extant permission represents a lawful fallback position could be questioned, however, the applicant itself has stated that a theoretical possibility of implementing this permission exists, and it hasn't been ruled out. On that basis, and despite the matters set out against the fallback argument relating to design and associated costs, this extant permission could represent a fallback position.
- 5.2.15 Retail Sequential Test
The application is supported by a retail sequential test. This sets out that the scale and form of the development to be used to inform the test is a food store comprising 1,837 sqm (Gross Internal Area) with requisite customer car parking, access road, dedicated servicing area, and associated hard and soft landscaping. The overall site area required to accommodate the food store is approximately 1 hectare. The primary catchment for the store is intended to be the southern residential development of Lancaster. Aldi food stores within urban areas such as this tend to draw the majority of trade from within a 5-minute drive-time catchment area or at least 15,000 people.

Assessment of population data indicates that over 20,000 people live within a 5-minute drive-time of this application site. Moreover, there is an existing Aldi retail store situated just outside of the 5-minute drive-time catchment, on this basis, it would not be reasonable to include Lancaster City Centre within the search for sites, given this is already served by an existing establishment. In this case, the store would be very much focussed on the southern suburbs. Officers concur with the approach of using a 5-minute drive-time catchment area in undertaking the sequential assessment.

- 5.2.16 Lancaster's defined centres are set out within Policy TC1 (Retail Hierarchy) of the Local Plan. Within the five-minute drive-time catchment area of the site there are two existing urban local centres, these being Bowerham and Lancaster University. These are local centres that provide key services to surrounding residents. The BGV proposed local centre has also been considered within the submitted retail sequential test, however, as already identified within this report, the associated AAP is no longer being advanced, and therefore the delivery of the Bailrigg Garden Village (BGV) no longer forms a commitment of the currently adopted Local Plan, and so should now no longer be considered as part of this retail sequential test.
- 5.2.17 Having established the development parameters including scale and form, the appropriate catchment area and the local centres within this, the sequential site assessment had identified 2 sites in Bowerham, whilst no sites were identified within or on the edge of the Lancaster University Local Centre. Both sites within/on the edge of the Bowerham local centre were deemed not to be suitable for the scale and form of the development proposed. In summary, the sequential test has shown that no sequential preferable sites were available at the time the test was undertaken (December 2021). Whilst some time has passed since this test was undertaken, Officers are not aware of other sites that would result in a change to this outcome. Overall, it is considered that the submitted sequential test is sufficiently robust and demonstrates that there are no alternative sites either within or on the periphery of the identified local centres. Moreover, due regard must be paid to the extant planning permission for retail development which exists on this development site. Subsequently, the principle of the site being developed for convenience retail is considered acceptable and accords with the sequential approach to site selection as set out in the NPPF and Policy DM16.
- 5.2.18 Retail Impact Assessment
Policy DM16 states that outside town and local centre boundaries the Council will require a Retail Impact Assessment (RIA) in accordance with Paragraph 94 of the NPPF for any proposals which will result in the creation of over 500sqm of gross floorspace. In this regard, it was agreed through pre-application discussions with the developer that the RIA should provide qualitative analysis of the proposed developments likely effects on the closest defined centres, these being Bowerham Local Centre and Lancaster University Local Centre.
- 5.2.19 With respect to Bowerham, during the assessment period, this local centre was deemed to be successfully fulfilling its role in providing a good range of day-to-day services, and is 'vital and viable'. This was also the conclusion of the Lancaster Local Centres Study (2017) which provided an audit of local centres. The RIA concludes that the introduction of a food store at this development site is considered highly unlikely to affect the centre's vitality and viability. Given the smaller scale nature of the commercial premises provided within this local centre, it very much performs a role of enabling small 'top-up' shops serving a relatively tight catchment focussed around the immediate residential area, in particular residences within walking distance. In contrast to this, the proposed development would enable and more likely be used for larger bulk shopping as opposed to smaller top-up shops. For this reason, residents are unlikely to use this food store in the same manner that they do the smaller convenience stores located within the local centre. As such, Officers concur with the conclusion that the vitality and viability of Bowerham as a local centre will not be unduly affected by the proposal.
- 5.2.20 The Lancaster University Local Centre primarily serves the students and staff of the University. Accordingly, the local centre is geared entirely towards meeting the day-to-day needs of the residents, staff and visitors, this includes generally small-scale units focussed on convenience goods, food and drink, and other amenities. Based on the fact that this local centre has a sizable customer base who are unlikely to travel elsewhere for their day-to-day requirements given the campus nature of the University, it is deemed that this local centre performs very well and is 'vital and viable'. This conclusion accords with that reached within the Lancaster Local Centres Study, which commented that the centre performs an important role in meeting the needs of the local

student population and is successful in doing so. The introduction of the proposed food store will not materially affect the vitality and viability of Lancaster University Local Centre, given its tailored role to serving the campus. As a larger 'bulk' shopping destination located some distance away from the campus, the proposed food store would not be utilised in the same way that those services located on campus are used. For this reason, it is considered that the function and health of the Lancaster University Local Centre would be unaffected by the proposal.

5.2.21 There are also some key facets of the applicants business model that must also be acknowledged. Firstly, the retailer predominantly stocks their 'own brand' versions of staple food products alongside a more limited non-food offer. This means that those seeking mainstream branded goods are likely to visit other mainstream food stores or convenience retailers for these items. Secondly, in contrast to many larger food stores, the proposed operator will not include facilities such as an in-store café, post-office, dispensing pharmacy, dry-cleaners, travel agent, opticians or photo processing. There will also not be facilities such as staffed butchery, fishmonger, delicatessen or greengrocery counters. Aldi also do not stock tobacco which is a key staple of many local convenience stores. For these services, shoppers will remain reliant upon existing traders in the likes of Bowerham local centre or the City Centre for the majority of their specialist food retail (i.e. butcher), non-food retail, retail service, and leisure needs. These respective centres will therefore retain a strong customer base for these goods and services. Finally, in terms of the stores non-food retail offer, this accounts for 20% or 263sqm of the store's overall 1315sqm sales area. The range of goods stocked is seasonal and is continuously rotated, with no single product range predominating. In light of this, the potential for impact with respect to non-food sales/services is more limited, with non-food goods which may cross over with a local trader on sale for limited periods, rather than all year, given the seasonal rotation of the items. A condition to secure the net sales area and net sales floorspace used for the display and sale of comparison goods is recommended.

5.2.22 Overall, it is concluded that the anticipated trade diversions arising from this development would almost entirely fall upon competing mainstream supermarkets elsewhere in Lancaster, rather than the smaller scale commercial uses present within the local centres of Bowerham and Lancaster University. The majority of these competing supermarkets are equally located in out-of-centre sites and do not benefit from town centre policy protection which must be applied to those identified local centres. Finally, with regards impact on planned investment, the site is located within the Lancaster South Broad Location for Growth as defined by the adopted Local Plan (Policies SG1 and SG3). Notwithstanding the fact that work has ceased on the Lancaster South AAP, it is considered that the provision of a food store will not affect plans for a potential future local centre within this designation, nor would it prejudice the delivery of associated infrastructure required for such growth. It is concluded that the proposal satisfactorily addresses the requirements of policy DM16 and paragraph 94 of the NPPF.

5.2.23 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 187, 188 and associated footnote 65 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 Grades 1, 2 and 3a. Grade 3 is considered good to moderate quality agricultural land. The applicant has not provided any assessment of the quality of the agricultural land within this site as part of its submission.

5.2.24 Despite this, sites around Lancaster including the application site were surveyed by the Ministry for Agriculture, Fisheries and Food (MAFF) in 1997 as part of investigation works for the Lancaster bypass (now 'The Bay Gateway'). This assessment concluded that the whole site in which this development is located constitutes Grade 3b. Accordingly, the site is not considered BMV agricultural land and would not prohibit the development of the site for a food store. In this regard, the proposal would comply with policy DM44 (in relation to loss of agricultural land) and paragraph 187 of the NPPF.

5.2.25 Mineral safeguarding

The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of

this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.2.26 A Mineral Resource Assessment has been submitted in support of the application. This identifies glacial sand and gravel to a depth of at least 8 metres below ground level. These are mineral resources that are protected by Policy M2. The applicant has undertaken an assessment of the proposal against Policy M2 and concluded that the extraction of sand and gravel from the site would not be feasible. The first and primary reason would be the significant land instability risks associated with extraction of a mineral resource in this location. These risks are particularly significant in light of the essential transport infrastructure running alongside the site, the A6 to the east and the West Coast Main Line to the west. In addition to land stability concerns, the site is also situated between existing and permitted residential development to the north, east and south. Whilst prior extraction may be temporary, the impacts on neighbouring residential amenity could be profound. Furthermore, given the size of the site and the fact it is enclosed by existing development, it is not an unreasonable assertion that prior extraction would also be unviable. Accordingly, the development would not conflict with policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

5.2.27 Statement of Community Involvement

In developing this submission, the applicant has undertaken a thorough consultation exercise with the local community, and this has resulted in the submission of a Statement of Community Involvement (SCI). This has been undertaken in accordance with the requirements of the Localism Act 2011, the NPPF, the PPG and Lancaster City Council's SCI, as well as industry best practice. involved numerous methods of communication including letters, website, email and postal addresses, telephone line, social media and leaflets. In total, 217 submissions were received during the public consultation, 164 via the consultation website's online form, 48 via email and 5 via the telephone line. Positive, negative and neutral feedback was received, a majority (65%) expressed support for the proposals. The main themes raised broadly related to the need for an Aldi food store in this location as well as the design of the proposed building.

5.3 **Transport and accessibility** NPPF: Chapter 7 Ensuring the Vitality of Town Centres, Chapter 9 Promoting Sustainable Transport and Chapter 12 Achieving Well-designed and Beautiful Places; Strategic Policies and Land Allocations DPD policies: SP10 Improving Transport Connectivity, SG1 Lancashire Broad Location for Growth, SG3 Infrastructure for Growth in South Lancaster, T2 Cycling and Walking Network and T4 Public Transport Corridors; Review of the Development Management (DM) DPD Policies: DM29 Key Design Principles, DM60 Enhancing Accessibility and Transport Linkages, DM61 Prioritising Walking and Cycling, DM62 Vehicle Parking Provision and Electric Vehicle Charging Points, DM63 Transport Efficiency and Travel Plans and DM64 Lancaster District Highways and Transport Masterplan.

5.3.1 The site is located on the edge of the existing built-up area of Lancaster where opportunities are available to ensure there is good access to sustainable transport, including walking, cycling and the use of public transport. The A6 forms a key transport corridor and public transport route, and serves as the primary route between the city centre and the Lancaster University campus. The closest bus stops to this application site are located around 110 metres of the site access in the vicinity of the junction with Rays Drive.

5.3.2 The A6 in the vicinity of the application site is currently subject to a 40mph speed limit and is subject to recently installed average speed cameras. The road is lit to adoptable standards. As part of the residential development currently underway to the south of this site (Breacila), the 30mph limit which currently comes into force close to Rays Drive is to be extended south to the Collingham Park junction, which will incorporate this development site.

5.3.3 There are currently no footways along the frontage of the application site. Footways associated with the residential development to the south of this site (Breacra) are presently being installed. The only footway to the west side of the A6 is located at the corner of Rays Drive before it terminates at the junction with the permissive footway which runs through the woodland to the north towards Lawson's Bridge. On the eastern side of the A6, a continuous footway exists between the existing built-up area of Lancaster towards Lancaster University. Pedestrian crossing facilities are currently only provided at the Ashford Road/A6/Hala Road junction approximately 500 metres north from the site, and at the Filter House student development approximately 500 metres south from the site. There are no designated cycleways running along the A6 in the vicinity of the application site, though the A6 corridor and Bridleway BW0101052 (Uggle Lane and Cinder Lane) are identified as aspirational cycle routes. Bridleway BW0101052 lies to the north of the site and is a popular public right of way open to pedestrians, cyclists and horses.

5.3.4 The district's development strategy which is set out within policies SP2 and SP3 aim to manage growth in a sustainable manner. To achieve this, policy directs development to the main urban areas, therefore maximising opportunities for existing centres and sustainable travel options to be utilised. Development proposals must ensure that the specified criteria set out in paragraph 115 of the NPPF are satisfied, these are summarised as follows:

- a) Sustainable transport modes are prioritised;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas and other elements meet standards that reflect national guidance;
- d) Any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.

These criteria are reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policy DM29 also require development to be located where the environment and infrastructure can accommodate the impacts of expansion and require development to be well connected to existing settlements and services. Policies SG1 and SG3 also sets out transport design criteria for proposals located within the Broad Location for Growth Designation.

5.3.5 Access Strategy

The proposal incorporates a signal-controlled junction onto the A6, which is an all-purpose distributor road linking Lancaster city centre with Galgate and Junction 33 of the M6 beyond to the south. The access includes toucan crossings across the site junction and leading to the eastern side of the A6. The proposal would also incorporate carriageway widening to enable the provision of a half layby for two buses and off-site highway improvement works to extend the shared cycleway/footway north up to Rays Drive and south to connect with that being constructed in association with the Breacra residential development. The County Highways Authority has reviewed this proposal as it has developed throughout the determination period. Within their latest consultation response (22nd July 2025), the Highway Authority confirms that with respect to the access arrangement, matters previously highlighted have been taken onboard, in particular the provision of a crossing area from the cycle path, across the internal access road, to the cycle storage area. A condition is recommended to secure the provision and retention of all parking spaces along with the provision of all pedestrian, cycle and motorcycle provision. Further conditions to secure a Highway Condition Survey, Construction Management Plan, identified off-site highway works, implementation of the approved Travel Plan, and a Car Parking Management Strategy have also been requested by the Highways Authority. In light of the scale and nature of this proposal and its associated impacts upon the highway network during its construction and operational phases, these conditions are reasonable and are therefore recommended.

5.3.6 In addition, the proposal seeks to facilitate the delivery of the aforementioned aspirational cycle route linking the A6 to bridleway BW0101052. This will be in the form of a 3 metre wide shared cycle and pedestrian path which extends around the southern and western edge of the proposed car park. Within the site, this would be delivered as part of the proposal by the developer and would also enable a link with the permissive footpath which passes through the woodland to the north. This should be designed to LTN 1/20 standards. A condition to secure the final details and provision of this key cycle and pedestrian link through this site is recommended. To secure the construction of the final section of the cycle/pedestrian link leading over the railway bridge which is land owned by Network Rail, the applicant is providing a financial contribution of £5,000.00 to facilitate the delivery

of this final short section. In light of the location of the cycle/pedestrian route along the southern boundary, it is also considered reasonable and necessary to secure an appropriately designed cycle and pedestrian link from this leading into the residential development to the south. This has in part already been secured as part of the Breacla development and this would facilitate further sustainable active travel links between these developments. The final location and design of this link can be secured by planning condition.

5.3.7 Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and access to public transport. 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. With the delivery of the cycle/pedestrian route within this development and the financial contribution towards securing the remaining length of the route, the proposal will directly and indirectly provide important linkages between the site and existing residential development to the north, east and south and the University to the south.

5.3.8 With regard to public transport, the site development incorporates the provision of new public transport infrastructure located along the A6 corridor, a key public transport route serving the city centre, southern suburbs and Lancaster University. These enhanced public transport facilities and cycle/pedestrian connections will naturally support improved access to these services. In this regard, the application has sought to maximise opportunities for staff and customers to travel by sustainable transport in accordance with the NPPF and policies T2, SG1, SG3 and DM60 and DM61.

5.3.9 Traffic Impacts

The baseline traffic data and consideration of traffic growth, trip generation and distribution is considered acceptable to the Highway Authority. The Transport Assessment (TA) assumes 30% of trips would be pass-by trips with 70% new trips. The weekday am peak would be (08:15-09:15) and pm peak (16:45-17:45) with Saturday peak hours of 13:00-14:00. The TA anticipates a total of 149 two-way vehicular trips in the AM peak, 346 in the PM peak and 351 on the Saturday peak period. The following table taken from the TA breaks this down into pass-by trips and new trips:

Table 5-5: Aldi Vehicle Trip Attraction by Retail Trip Type

Peak	Trip Type*	Proportion	Trip Attraction		
			Arrivals	Departures	Two-Way
AM Peak	New	70%	62	42	104
	Pass-by	30%	27	18	45
	Total	100%	89	60	149
PM Peak	New	70%	123	119	242
	Pass-by	30%	53	51	104
	Total	100%	175	171	346
Saturday Peak	New	70%	126	119	246
	Pass-by	30%	54	51	105
	Total	100%	180	171	351

*As requested by LCC trip types are based on the Booths Application (PA: 10/00251/FUL)

5.3.10 The TA also sets out the anticipated traffic generation for the proposed development versus the extant (Booths) food store, which was larger than the development now proposed. This is shown in the following table:

Table 5-6: Net Increase in Vehicular Trip Attraction (Extant v Proposed Use)

Peak Period		Arrivals	Departures	Two-Way
AM Peak (0800 – 0900)	Extant	130	88	217
	Proposed	89	68	161
	Net Increase	-37	-20	-56
PM Peak (1700 – 1800)	Extant	242	256	498
	Proposed	192	184	376
	Net Increase	-50	-72	-122
Saturday Peak (1300 – 1400)	Extant	293	281	574
	Proposed	186	175	360
	Net Increase	-107	-106	-214

- 5.3.11 This shows that in all peak scenarios the vehicular trips associated with the proposed development are lower than the extant (Booths) food store. The TA indicates a reduction of 56 trips in the AM peak, a reduction of 122 trips in the PM peak and a reduction of 214 trips during the Saturday peak. Whilst the trips generated from the proposed development is less than the consented extant scheme, it still results in significant movements on a highly congested and constrained section of the local highway network. Accordingly, junction capacity assessments have been undertaken to assess and appropriately consider whether key junctions in the vicinity of the site can continue to perform efficiently and safely.
- 5.3.12 The TA has assessed the site access junction with Scotforth Road and the Hala Road/Scotforth Road/Ashford Road junction using LINSIG modelling. This presents as a percentage the Degree of Saturation and corresponding traffic queues for each modelled arm at the junction. Anything under 90% represents satisfactory operation of the junction.
- 5.3.13 The applicant has demonstrated that the site access junction design is sufficient to accommodate the proposed development traffic and can operate within capacity. The Highway Authority has not disputed this point but does highlight the site access is expected to operate close to capacity in the PM peak in the future year scenario. The TA identifies that the Hala crossroad junction, however, is expected to operate over capacity in the PM peak and close to capacity in the AM peak in the future year scenario. Whilst the Highway Authority does not consider the TA to accurately represent current and future performance of this junction, it is clearly recognised by the applicant and the Highway Authority that mitigation is required to allow the proposed development to come forward.
- 5.3.14 As part of the adopted Local Plan a potential improvement scheme was prepared on behalf of the Council. This is a relatively minor scheme involving marking out right turn lanes on the A6 carriageway in the centre of the junction to improve lane discipline as well as the introduction of MOVA technology to dynamically adjust signal timings based on real-time traffic conditions. The submitted TA has analysed the operation of the junction incorporating this improvement scheme. Whilst this does not improve the performance of the Hala crossroad junction significantly, as it would still be operating over capacity in the PM peak in the future year scenario, it does make improvements to delays and queue lengths.
- 5.3.15 The applicant within their TA, like the Local Plan and the Highways Authority, acknowledges major infrastructure and transport improvements will be required on the local highway network to overcome the current levels of congestion to render the network safer for all modes. The applicant agrees a contribution strategic highway improvements along the A6 corridor and at Hala crossroads is required to mitigate the impacts of the development. The mitigation which has been agreed and can be secured as part of this proposal by way of a Section 106 agreement comprises the following measures:
- £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;
 - £60,000 towards the Red Route between Galgate and Lancaster City Centre
 - £6,000 contribution towards Travel Plan monitoring

This is in addition to the delivery of strategically important active travel links within and along the frontage of the development site, as well as the carriageway works to secure the provision of new public transport facilities along the A6. These would be delivered through a combination of planning conditions and legal agreements.

- 5.3.16 In addition to the above financial contributions and mitigation measures, the Highways Authority has also requested a further £100,000 financial contribution to facilitate the installation of MOVA technology and replacement of signals where appropriate at the Main Road / Stoney Lane junction in Galgate. The consultation response from the Highways Authority clarifies that *'this burden may be delivered by other development, it is one of timing on who delivers.'*
- 5.3.17 This further contribution is not being secured as part of this development proposal. It is the applicant's position that, given the location of this development within south Lancaster and the catchment area which it is seeking to serve being the southern suburbs of Lancaster, the majority of the impact arising from this proposal would be mostly perceived in this area. For this reason, the applicant is amenable to providing a financial contribution to secure a mitigation scheme at the Hala Road / Scotforth Road signalised junction. However, the applicant does not believe that securing a further contribution towards a scheme in Galgate would not meet the relevant tests necessary to impose this obligation, specifically, it would not be necessary to make the development acceptable, nor would it be fairly and reasonably related in scale and kind to the development. Officers agree with this position, particularly as this proposal is of a reduced scale relative to that previously approved at this site, and in the interests of securing the delivery of development on this site, which has stalled.
- 5.3.18 The site access, internal layout and associated off-site highway works secure the delivery of new and strategically important pedestrian and cycle infrastructure within and around the vicinity of the site, and new public transport facilities. This combined with new connections and improvements to bridleway BW0101052 and the highway improvement mitigation scheme for the Red Route and Hala crossroads junction, ensures the residual trips from the development would not have a significant impact on the operation and safety of the local highway network. The development is considered to accord with the policy objectives in both local and national planning policy which seeks to prioritise and maximise opportunities for sustainable transport and active travel and would not lead severe residual cumulative impacts on the road network, taking into account all reasonable future scenarios.
- 5.3.19 Site layout and parking provision
The proposal incorporates customer parking facilities to the west of the building and a service yard to the north of the building. The proposal previously incorporated 107 car parking spaces, however, due to design and layout changes which have been adopted during the determination period, this has been increased to a total of 136 parking spaces. The Highways Authority have confirmed that the previous proposal of 107 spaces was shown to be sufficient based on a parking accumulation assessment using observed trips at another comparable Aldi site. The accumulation showed that the peak demand for the car park is 88 spaces on a Sunday. The proposal to increase the level of parking provision to 136 spaces is therefore acceptable. The Highways Authority has confirmed that it is largely satisfied with the internal layout of the development site, particularly the delivery of pedestrian links and associated crossings. Comments have been made regarding the location of soft landscaping within the car park and the potential for landscaping to impede driver visibility if it is not properly maintained. Landscaping details including its associated management and maintenance will form the subject of a planning condition, and it is considered reasonable to require as part of this specific maintenance regimes to ensure that visibility for such parking spaces is not impeded.
- 5.3.20 Rail Infrastructure
In light of the proximity of the development to the West Coast Main Line, the impacts of the development upon the railway infrastructure must be carefully considered. Network Rail have provided a number of consultation responses to this proposal, its latest response dated August 2023 advises that its previous holding objection has been withdrawn. Detailed advice is provided with its latest consultation response, setting out detailed design requirements that must be incorporated into the proposal. A series of planning conditions are requested including a Risk Assessment and Method Statement (RAMS) to ensure the proposals can be carried out without adversely affecting the safety, operation and integrity of the railway, including details of trespass proof fencing, use of cranes, encroachment, lighting, scaffolding, any vibro-impact works and railway access. Further

conditions are requested relating to the provision of trespass fencing (where required), to secure details of the disposal of foul and surface water (which shall be directed away from the railway line), to secure full details of ground levels, earthworks and excavations to be carried out near the railway boundary and to secure details of vehicle safety protection measures adjacent to the railway line. Separately to the planning application, Network Rail has also advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail.

5.4 **Design and place making** NPPF Chapter 8 Promoting healthy and safe communities, Chapter 11 Making effective use of land, Chapter 12 Achieving well-designed and beautiful places, Chapter 15 Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD Policies: SG1 Lancaster South Broad Location for Growth (Including Bailrigg Garden Village), SG3 Infrastructure Delivery for Growth in South Lancaster, T2 Cycling and Walking Network; Development Management (DM) DPD Policies DM29 Key Design Principles and DM46 Development and Landscape Impact.

5.4.1 The NPPF places an increasing emphasis on the need to deliver high-quality, inclusive, beautiful and sustainable places. This is reflected in the Local Plan through a number of different policies. Policy DM29 seeks to achieve this by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Development proposals are expected to make a positive contribution to their surrounding through good design, the creation of positive spaces and attractive streetscapes and good accessibility and connectivity between buildings and urban spaces.

5.4.2 The design of the development has evolved through pre-application engagement and through negotiations during the determination of this planning application. This is reflected in the current design, as effort has been focused on developing a scheme which responds to the various site constraints, as well as providing new pedestrian and cycle linkages through and along the site frontage, linking into a network of aspirational routes. This offers significant benefits to the health and well-being of the community as well as encouraging more active travel.

5.4.3 The development site is located within Landscape Character Type (LCT) 12 Low Coastal Drumlins, specifically site 12a Carnforth - Galgate - Cockerham drumlin field. This LCT area is described as supporting 'an extremely high proportion of built development including the large settlement of Lancaster and Morecambe.' The assessment also states that the area provides 'a convenient transport corridor' including the Lancaster Canal, the M6 and A6. Urban development and associated infrastructure are common characteristics of this area.

5.4.4 Views of the site are achieved from the A6 corridor to the east. From the A6, the proposed access infrastructure and views into the site including the southern elevation of the building would be clearly visible. However, views of the remainder of the building would be minimised somewhat by the slight level change between the development platform and the A6, and the retained vegetation located between the building and the site boundary. In terms of the southern elevation, clear efforts have been made to secure an attractive and innovative design to this elevation given its visibility within the street scene. This has evolved into a flat roof structure with larger corner entrance feature. It also incorporates timber cladding (in the same style as that seen on the Aldcliffe Store) as well as living green walls and areas of glazing to add visual interest, activity and design quality. This elevation would be softened further by the sloping topography and associated landscaping to be located along the site access road.

5.4.5 The well used public footpath which extends along the northern edge of the site and connects the A6 to bridleway BW0101052, will also enable views of the site. However, the path passes through a well vegetated broadleaved woodland which serves to filter views into the site. This route then crosses Lawsons Bridge over the railway line before turning to head northwards into the residential area of Scotforth. Along these lengths, the route is generally well enclosed, and only glimpsed views are achieved of the development site.

5.4.6 Public Right of Way FP0101055 passes through the recently developed residential area to the southwest of the site on the opposite side of the A6. This path tracks along a north south alignment and connects Scotforth with Bailrigg. Within the proximity of the site, this footpath is generally well enclosed by fencing and existing built form. There are limited views from this footpath towards the site.

- 5.4.7 Considering the local landscape characteristics which is dominated by urbanising features including dwellings, highway and rail infrastructure, it is concluded that the overall impacts of this proposal to the character and appearance of the locality are low. Whilst the proposed development would result in the loss of open land on the outskirts of Lancaster, this site now effectively forms an infill development between large scale residential suburbs. Given the urban fringe of Lancaster in this location has been extended, it is considered that the effect of the proposal upon the Landscape Character would be low, and this would be further reduced post completion and following the establishment of landscaping within the site.
- 5.4.8 Overall, it is considered that the development will result in limited effects to the character and appearance of the area. The scheme successfully incorporates and aids in the delivery of key strategic active travel routes. The proposal also serves to position development to enable the retention of landscape buffers and, through the appropriate use of topography, landscaping, design and orientation, provides an attractive, visually interesting and softened entrance from the A6 corridor. The proposal would complement the sense of place for residents and the wider community. Overall, it is considered that the design approach with respect to layout and built form supports the design principles set out within policy SG1 and DM29 and DM46. It is appropriate in this case to secure precise details and samples of all external materials to the building, enclosures, boundaries and surface treatments by way of planning condition.
- 5.5 **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 and SG1 Lancaster South Broad Location for Growth; 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.
- 5.5.1 **Flood Risk**
Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and aims to reduce flood risk overall. This approach is consistent with the NPPF, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.
- 5.5.2 The site lies within flood zone 1, however, the south western corner of the site is identified as being at fluvial flood risk in the future by the Environment Agency (EA). The EA also identifies areas of high and medium risk of surface water flooding, the extent of which also increases when incorporating climate change allowances. Finally, the Councils Strategic Flood Risk Assessment (SFRA) identifies areas of medium and high risk groundwater flooding within the central area of the site.
- 5.5.3 The application is accompanied by a detailed site-specific flood risk assessment which has included assessment of flood risk and required mitigation. However, since the production of this assessment, there have been alterations to the Environment Agency Flood Map for Planning, which previously showed the western part of the site lying in flood zone 2. A Flood Risk Assessment Supplementary Report has been provided by the applicant to address this change. The site is now wholly in flood zone 1, however, the EA now identifies the southwestern corner of the site as being at fluvial flood risk in the future when incorporating climate change allowances. When comparing the proposed layout of development to this future flood risk, it is clear that the built development and the sites means of access remain wholly outside of the area at risk. However, proposed land level raising to the western area does appear to be within this future flood risk zone. The NPPF is clear at paragraph 175 that land raising within areas at current or future flood risk would trigger the need for a flood risk sequential test. As a result, the flood risk sequential test is engaged.
- 5.5.4 With respect to surface water flooding, there are areas of high and medium risk of surface water flooding, the extent of which increases when incorporating climate change allowances. The pocket of high and medium surface water flood risk which is located at the western end of the site, which coincides with the area of future fluvial flood risk, will remain as open landscape greenspace and will not be developed upon. The area of high and medium surface water flood risk which is located at the eastern end of the site is in the location where the food store building is proposed. This whole

area will include a site-specific surface water drainage system designed based on site specific requirements and which will capture and positively drain surface water flows from this part of the site. The layout and topography of the development, including level changes, will also ensure that surface water flows are not deflected off site.

- 5.5.5 It is necessary to highlight the recent changes to guidance set out within the Planning Practice Guidance (PPG) relating to the application of the sequential test when considering surface water flood risk. These changes to the PPG came into effect on the 17th of September 2025 and state that if a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development and would not increase flood risk elsewhere, the sequential test need not be applied. In light of the findings of the submitted site specific flood risk assessment with respect to surface water mitigation, it is now considered the flood risk sequential test is not engaged due to the identified surface water flood risk.
- 5.5.6 The Councils SFRA identifies that the majority of the site is at medium and high risk groundwater flooding. The site-specific flood risk assessment sets out the site risk of groundwater flooding at this site remains negligible. In reaching this conclusion, the site-specific flood risk assessment relies on the GeoSmart Groundwater Flood Risk Map, which shows the site and surrounding area as being at negligible risk from this flood risk source. However, this contradicts the findings of the Councils SFRA which shows most of the site and surrounding area being at medium and high risk.
- 5.5.7 The site-specific flood risk assessment also includes results of soakaway infiltration tests, this included two trial holes to a depth of 1.45 metres. These tests did not encounter groundwater when undertaken in March 2021. Further site investigation was also undertaken in 2008 in support of the approved planning application (Booths). As part of this, numerous trial holes and groundwater monitoring surveys were undertaken. Initially, groundwater was observed and measured within borehole CP106 at 7.30m below ground level (bgl) rising to 5.20m bgl (after 20 mins). Within borehole CP108, groundwater was identified at 1.20m bgl rising to 1.00m bgl (after 20 mins).
- 5.5.8 Groundwater located at over 5 metres below ground would represent a relatively low risk to development. However, groundwater located at 1-1.2m bgl would represent a higher risk to development. Further groundwater monitoring in trial holes CP101, CP103, CP104, CP107 and CP108 was undertaken, this included multiple measurements taken throughout September and October 2008. Trial holes CP101, CP103, CP104, CP107, which extended to depths ranging from 3-5 metres bgl, were dry and did not encounter groundwater. Groundwater was identified in trial hole CP108 at depths ranging from 1.8m bgl to 2.1m bgl. Trial hole CP108 was located along the western boundary of the site, and when compared to the layout of the development now proposed, no development is proposed in the location where trial hole CP108 was located. It is also important to note that trial hole CP108 was drilled approximately 6-8 metres below the AOD elevation of the other trial holes, as such, it was estimated as part of the 2008 survey effort that groundwater in the location of these other trial holes could be up to 9.0mbgl.
- 5.5.9 All development including the building and car park is located in the areas of the other groundwater monitoring trial holes, and in which no groundwater was encountered during the September and October 2008 monitoring effort. Whilst this monitoring effort was undertaken some time ago, there is no reason to assume that groundwater conditions at this site would have changed relative to the results of the 2008 survey. For this reason, it is considered that this site-specific groundwater assessment is still reliable in assessing groundwater flood risk in the context of the development now proposed. Despite the findings of the Councils SFRA with respect to groundwater, given the development would be located in areas of the site where groundwater levels are much further below ground level, it is considered that the development would be at low risk of flooding from this source. On this basis, the risk from groundwater flooding does not trigger the need for the flood risk sequential test.
- 5.5.10 It is also important to note that an extant planning permission exists for the development of a food store on this site. The fact that the site benefits from a lawfully implemented permission for similar development is a material consideration with respect to flood risk. Moreover, due regard must be given to the fact that it is only areas of land raising (which would then be landscaped and left open) which trigger the need for the flood risk sequential test, the more vulnerable built development and means of access are not at risk of flooding. However, due to the location of development, specifically

land raising, within an area identified as being a future flood risk, the flood risk sequential test is engaged.

5.5.11 This application is accompanied by a flood risk sequential test, which adopts a 5-minute drive-time from the application site its geographical scope, this includes South Lancaster, Lancaster University Campus, and areas around Galgate. The Planning Practice Guidance (PPG) directs that *‘for individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address.’* The PPG is clear that the sequential test should be applied proportionately and should only focus on realistic alternatives in areas of lower flood risk that could meet the same development need.

5.5.12 The application is clear in that the catchment which this store is seeking to service is the southern residential areas of Lancaster. It has already been clarified that Aldi food stores within urban areas such as this tend to draw the majority of trade from within a 5-minute drive-time catchment. For this reason, it is considered appropriate to apply this methodology to the scope for the flood risk sequential test. The sequential test confirms that there are no reasonable alternative sites with a lower risk of flooding than the application site within this area of search. For this reason, Officers concur with the findings that the proposal satisfies the sequential approach to development.

5.5.13 Drainage Strategy

Development proposals must ensure that surface water is managed in a sustainable way accounting for climate change, and ensure that flood risk is not increased elsewhere as a result of the proposal. The supporting drainage strategy has considered the SuDS hierarchy and confirms that a post-development soakaway drainage solution is a viable method of surface water drainage at this site. An indicative SuDS arrangement plan which illustrates the outline surface water infiltration drainage proposals for the development has been provided, this includes a combination of swales, car park surfacing to enable attenuation, and soakaways. The Lead Local Flood Authority has reviewed the drainage strategy and has confirmed that it raises no objection to the development as a result. Conditions are requested to secure the identified flood risk mitigation, final surface water drainage scheme, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification of constructed sustainable drainage scheme. The conditions requested by the LLFA would also address the request made by United Utilities (UU) for drainage details.

5.5.14 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. UU have raised no objection to the foul drainage proposals. Final details of the foul drainage strategy are to be secured by condition.

5.6 **Biodiversity and Trees** NPPF Chapter 15 Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 Protecting the Natural Environment, SG1 Lancaster South Broad Location for Growth; Development Management (DM) DPD Policies DM44 Protection and Enhancement of Biodiversity and DM45 Protection of Trees, Hedgerows and Woodland.

5.6.1 Policy SP8 recognises 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 mitigated. This policy also encourages new tree and hedgerow planting of native species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the District.

5.6.2 Impact on designated sites

The development site is located approximately 1.9km from the Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) (the SPA and SAC both form part of the UK National Site Network) 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, the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development needs to be considered. In this regard, Natural England has reviewed the proposal and has concluded that the proposed development will not have significant adverse impacts on the designated sites and has no objection. In respect of the impact of the development on the National Sites Network, the RAMSAR and SSSI the development is considered to accord with strategic policy SP8 of the SPLA DPD and policy DM44 of the DM DPD.

5.6.3 Habitats and Protected Species

The application is supported by a Preliminary Ecological Appraisal as well as Amphibian Survey Report and Protected Species Survey Report. This summarises the baseline condition of the site, which comprises a large semi-improved grassland field which was split into two field parcels by a hedgerow. Broadleaved woodland was present along the northern, eastern and western boundaries of the site. Along the boundary of the broadleaved woodland, and within pockets within the field parcels, tall ruderal habitats were present within the site. The central hedgerow was found to be mature and dominated by native species including hawthorn, elder and sycamore.

5.6.4 The proposal has also assessed the presence of protected or notable species. With respect to amphibians, including Great Crested Newts, surveys conclude that the site lacks the potential to support the species in their breeding phase. However, an off-site waterbody in land to the south is known to have historic presence of great crested newts. It is connected to the development site via the treeline along the railway corridor, and it is anticipated that the species could use this feature to commute to surrounding terrestrial habitats. Further surveys of this habitat were completed and this showed a peak count of 21 great crested newts within the southern off-site waterbody in March 2021. This indicates the presence of a medium population of great crested newts utilising the off-site waterbody. The numbers of great crested newts located significantly declined throughout the survey season, likely due to the rapid drying of the waterbody. This waterbody is located outside of the site boundary, it in fact falls within the development boundary for the Breacla residential development to the south. As part of this approved residential development, a detailed mitigation strategy was secured to protect this species from development in this area. For this reason, and the lack of any suitable habitat within the development site itself, it is not necessary to secure mitigation for this species as part of this application.

5.6.5 Vegetation within and around the site margins are suitable for use by nesting birds. Mitigation measures to ensure nesting birds are protected are set out within the report and can be secured by condition. Measures to secure enhancements for nesting birds, to be incorporated as part of the proposed development, can also be secured by condition. There was no evidence within the site of badger, reptiles or brown hare. It is anticipated that hedgehog could be present within the site, whilst the habitat present would also support invertebrates. With respect to bats, common pipistrelle and noctule bats were observed foraging and commuting along the northern boundary of the site and the associated treeline. Recommendations to ensure the site remains suitable for all identified species as well as habitat enhancement opportunities are set out within the report, final details of these measures can be secured by condition.

5.6.6 Arboricultural Impacts

To construct the development, the supporting Arboricultural Impact Assessment indicates that 51 trees and 137 metres of hedgerow will have to be removed. Except for tree T5 which is a semi-mature hawthorn, all trees which have been identified for removal are young to early mature and relatively closely spaced. The loss of these trees is considered to be adequately compensated for within the submitted landscape plan which indicates the planting of 58 trees combined with lengths of hedgerows throughout the site.

5.6.7 Policy DM45 states '*new development should positively incorporate existing trees and hedgerows and where this cannot be achieved the onus is on the applicant to justify the loss. Where it is adequately justified the council will seek replacement tree planting at the ratios adopted in the Councils tree Policy (2010)*'. It is clear that there would be notable numbers of trees and hedgerow removed from the site in order to facilitate the scheme. The loss of trees would to a certain extent

be perceived within the area. It would also result in harm to the ecological value of the site. So too would the loss of the central hedgerow, which is a historic feature of the local area and an important wildlife corridor, the loss of which cannot be readily compensated for. The losses are unfortunate, and weigh negatively against the proposal. However, the removals are required in order to deliver development at this site. Similar losses, including of the hedgerow, have also been accepted as part of the extant planning permission on this site. It is therefore accepted as part of this proposal subject to the proposed mitigation planting being secured. A condition to ensure that the development is undertaken in accordance with the submitted Arboricultural Impact Assessment is recommended. A further condition to secure the final details and maintenance regimes for all soft landscaping within the site is also recommended.

5.6.8 Biodiversity Net Gain (BNG)

The submitted application is not subject to mandatory BNG, as the application was received by the Local Planning Authority before BNG became a mandatory requirement. Nevertheless, the applicant has committed to enhancing the biodiversity value of the site, and Policy DM44 also requires this whether or not mandatory BNG is engaged. However, to demonstrate that the development can enhance the biodiversity value of the site, the applicant has undertaken a BNG assessment. The assessment found that the current baseline value of the application site is assessed as 4.42 habitat units and 1.40 hedgerow units. Based on the proposed habitat creation measures, the development results in a net loss of -18.86% habitat units (equivalent to 0.83 habitat units) and -97.22% hedgerow units (equivalent to 1.36 hedgerow units). The scheme is therefore at a unit deficit of 0.88 habitat units and 1.38 hedgerow units, which are required to meet a net gain of at least 1% [note 10% is not required as the development is not subject to mandatory BNG].

5.6.9 However, given the site's current baseline conditions and the scale and nature of the proposed food store, the capacity for onsite measures alone is limited. As such, the delivery of off-site biodiversity units will be necessary to ensure that the scheme achieves the required net gain. The applicant has engaged with the Environment Bank, a national specialist in delivering biodiversity net gain through the restoration of habitats across England. It is proposed that biodiversity units are secured to ensure a net gain in biodiversity can be provided, albeit not on site and likely involving land outside of the District, given there are no habitat banks within the Lancaster Local Planning Authority area, or the Morecambe Coast and Lune Estuary National Character Area. The final details of the non-mandatory BNG requirement for this development would need to be secured through planning condition.

5.7 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, DM30a Sustainable Design, DM30b Sustainable Design and Construction – Water Efficiency, and DM30c Sustainable Design and Construction – Materials, Waste and Construction and DM53 Renewable and Low Carbon Energy Generation.

5.7.1 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 development proposals.

5.7.2 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.

5.7.3 The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 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 and also made changes to some other policies.

5.7.4 Policy DM30a and DM30b require major non-residential buildings such as the development proposed to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum. Proposals must also

include opportunities for low carbon energy and renewable technologies. Policy DM30c requires development to achieve sustainable and environmentally conscious development by taking into account various development criteria.

- 5.7.5 The application is accompanied by an Energy and Carbon Statement, this sets out that the proposed development has utilised sustainable design measures in accordance with the Energy Hierarchy to reduce energy consumption and CO2 emissions. The proposed development has achieved a total predicted energy consumption saving of 158,375kWh/annum and a predicted CO2 emissions reduction of 13,937kgCO2e/annum when compared to a Building Regulations Part L 2021 compliant development. This represents a CO2 emissions saving of 112% over the Building Regulations Part L 2021 compliant development. This has been achieved through the implementation of a well-insulated and airtight building fabric, high efficiency mechanical and electrical systems and the specification of renewable technologies including roof mounted solar panels. These savings are in accordance with Policy DM30a of the Lancaster District Climate Emergency Local Plan.
- 5.7.6 As part of the BREEAM Assessment, a Life Cycle Assessment is required to establish the embodied carbon of the proposed development. However, in order to establish Whole Life Cycle Carbon emissions, detailed embodied carbon and advanced energy modelling is required. These details are not able to be concluded until detailed designs have been progressed. For this reason, a condition is recommended to secure a final Sustainable Design Statement detailing how the development will accord with the BREEAM level required by Policy DM30a and DM30b.
- 5.8 **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, DM31 Air Quality Management and Pollution, DM32 Contaminated Land and DM57 Health and Well-Being.
- 5.8.1 Paragraph 198 of the NPPF requires planning policies 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 of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically states that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.8.2 **Residential Amenity**
The proposed development has the potential to impact existing residential development. Existing residents most likely to be affected include those on Rays Drive to the north, those situated along the eastern side of the A6, and the prospective residents of the Breacla development to the south.
- 5.8.3 With respect to the properties located on Rays Drive, the belt of woodland which is retained between the development site and these properties will provide an adequate visual buffer and screen, with appropriate separation distances retained. For those located on the eastern side of the A6, again a degree of screening will be provided by the retained vegetation. Furthermore, the development site is located at a lower topographical level than properties located to the east, which reduces development impacts. Finally, acceptable separation distances are maintained. With respect to the properties located within the northern area of the Breacla residential development, a number of private gardens and public open space form the boundary treatments with the development site. The private gardens would in part be located at a higher level than the development site and located upon a retaining structure. The gardens will then be enclosed by a 1.8 metre high close boarded fence. These level differences and the proposed boundary treatments are appropriate and will ensure acceptable standards of amenity are retained for these gardens.
- 5.8.4 The areas of public open space will be sloping, extending down to the shared boundary with the proposed food store development. This public open space will also be landscaped and is expected to include a combination of tree and shrub planting. The shared pedestrian/cycle path and vehicular access road would then be located adjacent the residential open space, a timber post and rail fence

is then proposed as part of the food store proposal to separate the two. Full details of all boundary treatments and their layout within the site can be secured by condition, and provision for the pedestrian link to the residential development to the south will need to be accounted for within the boundary treatment layout. In addition to this, it will be important that as part of the food store car park, external lighting is sensitively designed and located to ensure impacts from light spill do not impact adjacent residents. A condition to secure external lighting details is also recommended. Overall, the development is considered to provide an acceptable standard of amenity for surrounding residents with respect to layout, separation distances and privacy levels. The proposal therefore conforms with the objectives and requirements set out in the NPPF and policy DM29.

5.8.5 Noise

The submitted Noise Impact Assessment has undertaken a full weekday and weekend background and ambient sound survey as well as a dedicated rail traffic sound survey. A 3D noise model has been constructed to assess potential commercial sound impact upon existing receptors in accordance with the appropriate British Standards for both daytime and night-time periods. This has included noise from multiple sources including delivery/loading activities, refrigeration equipment and other external plant equipment. Car park activity is also accounted for within the noise model. With respect to daytime commercial activity, the assessment has determined that the predicted rating level achieves or falls below the typical background sound level at all existing receptors. As such, no adverse impact is predicted. With respect to nighttime commercial activity, the predicted rating level falls below the lowest background sound level at all receptors. As such, no adverse impact is predicted.

5.8.6 For external equipment including refrigeration/plant equipment, the predicted rating level falls below the typical background sound level at receptors along Scotforth Road and Bruntwood Drive. However, exceedances are predicted for properties located along Rays Drive, though it is concluded that these exceedances will be masked by the high background sound levels which is dominated by road traffic noise. As such, despite the predicted exceedances, given established background noise levels, no adverse impact is predicted. For internal noise levels due to external equipment, with windows open, this would be less than 28 dB, which is 2 dB below the internal criterion, which is acceptable.

5.8.7 The impact of HGV movements along the access road and at the loading bay at receptors at night has also been considered, using guideline levels detailed by the World Health Organisation. This assessment has only addressed the properties along Rays Drive, as given the proximity of the A6, receptors to the east and south east are already subject to HGV pass-bys at night. This assessment concludes that all predicted maximum noise levels will achieve the required external criterion outside of existing bedroom windows at the closest receptors to the development site.

5.8.8 The submitted Noise Impact Assessment has been reviewed by the Councils Environmental Protection Officer (EPO) who has concluded that, overall, they are satisfied with the assessment methodology. However, some concerns regarding the assessment of the noise in relation to deliveries at sensitive times, and therefore the likely impacts to the nearest noise sensitive receptors, have been raised. The EPO highlights that tables 4.3 to 4.5 within the Noise Impact Assessment detail the worst case predicted rating levels for deliveries and fixed plant at nearest residential receptors and 'typical' and 'lowest' background sound levels. However, the 'lowest' background sound levels provided in table 4.4 (night-time assessment of delivery and fixed plant) exceed the 'typical' levels for the day-time assessment and significantly exceed those provided for night-time assessment (which the time period of concern would fall into). The EPO has confirmed that if background sound levels in table 4.4 were adjusted to reflect either the 'typical' night-time levels in table 4.5 or the representative statistical levels provided in graph 2 of the report, there would potentially be a +6dB difference at Rays Drive between the rating level and background sound level, indicating the potential for adverse impact. Furthermore, if the worst case predicted rating levels in tables 4.3 and 4.4 are accounted for, this could increase to +7dB above background sound levels.

5.8.9 In view of the above, to ensure 'lowest' or 'no' observed effect levels in respect of noise, the Councils Environmental Protection Officer recommends that delivery times are restricted to be outside of sensitive time periods to minimise any unreasonable impacts to nearby sensitive receptors. Of particular concern would be Sundays when background sound levels are overall likely to be lower. On the basis of the information submitted, a condition is recommended to ensure that deliveries shall be restricted, with no deliveries outside the hours of 07:00-22:00 Monday-Saturday and 09:00-

17:00 Sunday and Bank Holidays. A further condition to restrict store opening/trading hours to 08:00-22:00 Monday – Saturday and 09:00-17:00 Sunday and Bank Holidays, is also recommended in the interests of protecting the amenity of residential receptors. Accounting for the required conditions, the development will not give rise to unacceptable noise impacts and would comply with the requirements of policy DM29 and the NPPF.

5.8.10 Contaminated land

Paragraph 196 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 197 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

5.8.11 This application is supported by a Phase 1 desk top survey, which identifies potential on-site sources of contamination including Made Ground and pesticides and off-site sources of contamination from the railway to the west of the site. The survey ultimately concludes that intrusive investigation should be undertaken to establish geotechnical parameters for the design of the development and that, as part of this, samples of soil are recovered for contamination testing to confirm whether there are any potential risks. A condition to secure appropriate assessment and contamination remediation is recommended.

5.8.12 Air Quality

The proposals have the potential to cause air quality impacts as a result of the construction phase and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. As such, an Air Quality Assessment was undertaken to determine baseline conditions and assess potential effects of the scheme. Potential construction phase air quality impacts from dust emissions as a result of earthworks, construction and trackout activities have been assessed. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. This is set out in the Air Quality Assessment and the implementation of such measures will be controlled by planning condition.

5.8.13 Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network. Review of the results indicate that predicted air quality generated by the development were not significant at any sensitive location in the vicinity of the site. A condition is recommended to secure the site specific mitigation measures relating to dust emissions as set out within the Air Quality Assessment. A further condition to secure the provision of electric vehicle charging points and cycle infrastructure is also recommended, as this would help minimise vehicular emissions associated with the operational phase of the development.

5.9 Other matters

5.9.1 Economic benefits – The application indicates that the proposal would generate 30 full time jobs, plus employment during the construction stages of the development, thus providing economic benefits to the local area. This application meets the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP will need to detail how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. Development Management policy DM28 establishes the requirement and is supported by an ESP Supplementary Planning Document. As such, a pre-commencement condition will need to be applied to any consent granted to deliver the ESP.

5.9.2 Health Impact Assessment (HIA) – The application is supported by a HIA, which has considered potential health impacts of the proposed development against the NHS Healthy Urban Development Unit's 'HUDU Planning for Health - Healthy Urban Planning Checklist'. Overall, the proposal is concluded to have neutral to positive impact, therefore, the overall impact of the development is determined as neutral on health. Mitigation has been recommended relating to construction and environmental impacts, which would be satisfactorily addressed the conditions already identified within this report.

6.0 Planning Obligations

6.1 With Committee's support, Officers seek delegation to secure a Section 106 Agreement to secure the below requirements:

- £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;
- £60,000 to support the Red Route from Galgate to the City Centre
- £6,000 Travel Plan Support
- £5,000 towards cycle connection enhancements towards Lawson's Bridge

7.0 Conclusion and Planning Balance

7.1 The development of the site to provide a food store will bring social, economic and environmental benefits to the area. This includes additional jobs both during construction and once operational. The development of this site in the manner proposed would not hinder the delivery of wider growth ambitions for south Lancaster, nor does the proposal conflict with policy which seeks to direct such uses the main town or local centres, as no sequentially preferable sites have been identified. Equally, the proposal is also not thought to result in detrimental impacts to the health and vitality of the nearest defined local centres. The proposal helps to facilitate key active travel linkages and provides for a range of off-site highway improvements including new public transport facilities. The proposal has, subject to the identified planning conditions, satisfactorily addressed matters relating to design and landscape, flood risk and drainage, biodiversity, climate change and residential amenity.

7.2 Regard must also be given to the fact that there is an extant planning permission on this site for similar development, albeit of a larger scale, which represents a potential fall-back opportunity. This is a material consideration that should be afforded substantial weight in this decision.

7.3 There have been lengthy negotiations during the consideration of this application to ensure the development is capable of being implemented without significant adverse impacts on the local environment and the community surrounding it. Overall, it is considered that the proposed development, with mitigation, accords with the Development Plan.

Recommendation

That Planning Permission BE GRANTED following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting, securing the requirements set out in paragraph 6.1 above. 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 approval is also to be subject to the following planning conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Highway Condition Survey	Prior to commencement
4	Construction Management Plan	Prior to commencement
5	Site access and off-site highway works	Prior to commencement
6	Construction surface water drainage	Prior to commencement
7	Final surface water drainage strategy	Prior to commencement
8	Risk Assessment and Method Statement (RAMS)	Prior to commencement
9	Details of any scaffolding to be erected within 10 metres of railway boundary	Prior to commencement
10	Details of any vibro-impact works	Prior to commencement
11	Details of ground levels, earthworks and excavations within 10m of railway boundary	Prior to commencement

12	Details of vehicle safety protection measures along railway boundary	Prior to commencement
13	Employment and Skills Plan	Prior to commencement
14	Contamination investigation	Prior to commencement
15	Final details of cycle and pedestrian link through the site and linkage to residential development to the south	Prior to commencement
16	Details of Biodiversity Net Gain	Prior to commencement
17	Sustainable Design Statement	Prior to commencement
18	Details (and samples) of external materials to the building, enclosures, and surface treatments to be agreed	Prior to above ground works
19	Boundary treatment details including any trespass proof fencing	Prior to above ground works
20	Scheme for external lighting and security measures	Prior to above ground works
21	Scheme for refuse provision	Prior to above ground works
22	Scheme for EV charging facilities	Prior to above ground works
23	Scheme for cycle provision	Prior to above ground works
24	Hard and soft landscape and maintenance regime	Prior to above ground works
25	Landscape and ecological management plan (LEMP)	Prior to above ground works
26	Travel plan	Prior to occupation/first use
27	Provision of internal roads, car/motorcycle parking and turning facilities	Prior to occupation/first use
28	Car park management strategy	Prior to occupation/first use
29	Sustainable drainage system operation and maintenance manual	Prior to occupation/first use
30	Verification of constructed sustainable drainage scheme	Prior to occupation/first use
31	Development in accordance with Flood Risk Assessment	Control
32	Development in accordance with Arboricultural Impact Assessment	Control
33	Development in accordance with ecological mitigation measures	Control
34	Development in accordance with Air quality mitigation measures	Control
35	Restriction on net sales area and net sales floorspace used for the display and sale of comparison goods	Control
36	Restriction on opening/trading hours	Control
37	Restriction on delivery hours	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	A9
Application Number	25/00887/VCN
Proposal	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to the variation of condition 2 on planning permission 23/01353/FUL to amend previously approved plans)
Application site	Land Adjacent Galgate Mill Chapel Lane Galgate Lancashire
Applicant	Mr Rob Lowery
Agent	Mrs Erica Wright
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval

1.0 Application Site and Setting

- 1.1 The application site encompasses land to the north and north-east of Galgate Mill in Galgate. The site stretches from Chapel Lane in the west, over to the open field to the east. The site includes part of the car parking area/access route to the north of a two-storey brick building which runs perpendicular to Chapel Lane, to the north of the main Galgate Mill building. The application site falls partly within a Development Opportunity Site (DOS4 – Galgate Mill) and the immediate area is largely characterised by employment uses. The two-storey brick building (outside of the application site) is in commercial/light industrial use, there are other, more modern, light industrial units to the east and north-east of the mill. On the opposite side of Chapel Lane is Galgate Mill Rural Employment Site.
- 1.2 Galgate Silk Mills are two mill complexes on either side of Chapel Lane. Both are Grade II Listed Buildings of national heritage importance. The 5-storey red brick building is located immediately southwest of the application site (on the east side of Chapel Lane), and dates back to 1852, but is now in use as student accommodation. It has a distinctive square tall chimney, which is a local landmark. On the west side of Chapel Lane, the 2- and 3-storey sandstone rubble building was converted from a water-powered corn mill in 1792, and then extended in the 1830s. It is now subdivided into factory units. Ellel House, to the north, is another Grade II Listed Building within the close setting of the application site. The building originally dates to the early/mid-19th century, and has been extended substantially to the rear, and is currently in use as a nursing home.
- 1.3 The application site is on land designated as open countryside, although the site falls within the built-up area of Galgate village, which is defined as a sustainable settlement in the Local Plan. The application site is in Flood Zone 1, although susceptible to high groundwater flood risk and a small part of the site is at low risk of surface water flooding. The closest watercourse is the River Conder,

approximately 140 metres to the west. The application site is in an Air Quality Management Area (Galgate) and falls within the Morecambe Bay and Duddon Estuary Special Protection Area Buffer Zone (3.5 km).

2.0 Proposal

2.1 Planning permission has been granted through 23/01353/FUL for the erection of two industrial/employment buildings comprised of 11 units. This current application seeks to vary condition 2 with amended approved elevations and floor plans. The proposal seeks the removal of side elevation windows to Units 1 to 4, with rearranged openings to the rear south facing elevation, with two additional roller shutter and pedestrian doors proposed to the north facing frontage. Units 5 to 11 would have no ground floor windows, and fewer first floor openings than approved, and two additional roller shutter doors to the frontage in place of glazing features. Lighting information has been submitted for consideration as part of condition 7.

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
24/01359/VCN	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to variation of condition 2 of planning permission 23/01353/FUL to amend previously approved plans including changes to elevations, floor plans, site plan and levels)	Refused
24/00237/DIS	Discharge of conditions 3, 4, 5 on approved application 23/01353/FUL	Details agreed
23/01353/FUL	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure	Approved
22/00674/PRETWO & 22/00959/PREMTG	Level two pre-application advice request for erection of seven industrial units	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Ellel Parish Council	No observation received
County Highways	No objection
Environmental Health	No observation received
Conservation Section	Objection to the original submission. Amended sample materials considered a closer match in terms of the range of colour tones found in the older of the mills, and is irregularly coursed and finished so wouldn't compete visually with the brick of the larger mill, addressing the primary concern.
Archaeology	No adverse comment, no archaeological planning condition is required.
Lead Local Flood Authority	No objection
Planning Policy	No observation received
Natural England	No observation received
Engineering Team	No observation received
United Utilities	No observation received
Fire Safety Officer	No adverse comment, subject to advice regarding emergency vehicle and water

4.2 Two public representations have been received raising objection. The main concerns are:

- Conflict with neighbouring businesses car parking spaces.
- Adverse impact upon on-street parking, including parking along pavements and private land.
- Increased traffic and congestion.

5.0 Analysis

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

- Principle of development
- Heritage and design
- Landscaping and external lighting
- Transport and parking

5.2 **Principle of development** Development Management (DM) DPD Policies DM14 (Proposals involving Employment Land and Premises); DM15 (Small Business Generation), 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); SP4 (Priorities for Sustainable Economic Growth); DOS4 (Galgate Mill, Galgate); EN3 (The Open Countryside) and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development) and Section 6 (Building a strong, competitive economy).

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

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in 2024. This variation seeks to amend approved plans, which implicates the design and heritage considerations, in addition to landscaping areas and external lighting and parking details. However, the variation has no implication upon the flood risk, drainage, trees, landscaping, biodiversity, neighbouring amenity, air quality and contaminated land considerations made under the original permission. These latter elements of the permission will not be reassessed, and have already been found acceptable. Some details of pre-commencement planning conditions have already been agreed through a preceding discharge of conditions application, and such previously accepted details should be reflected within reworded planning conditions, if consent is granted for this variation of condition application.

5.2.3 The altered design and heritage impacts will be considered as part of this variation of conditions application, before turning to landscaping, parking and lighting considerations. However, the acceptability of the principle of development and some other considerations have already been established through the permission, and remain unaltered within this proposed variation.

5.3 **Heritage and design** Development Management (DM) DPD Policies DM29 (Key Design Principles); DM30 (Sustainable Design); DM39 (The Setting of Designated Heritage Assets); DM43 (Archaeology), Strategic Policies and Land Allocations (SPLA) DPD Policies SP7 (Maintaining Lancaster District's Unique Heritage); DOS4 (Galgate Mill, Galgate); EN3 (The Open Countryside), and National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places); and Section 16 (Conserving and enhancing the historic environment)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any

application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM39.

- 5.3.2 The site is within the allocation DOS4 as part of the SPLA, seeking the regeneration of the Galgate Mill site. This requires a conservation-led approach, stipulating development should mitigate harm and/or maximise enhancements through high quality design and use of material that respects the character and setting of historic assets.
- 5.3.3 The variations sought through this application would reduce the amount of glazing within the previously approved development and almost doubles the number of roller shutter doors from 5 to 9 within this proposal. The increased use of roller shutter doors and reduced glazing within the development would reduce the quality of development, creating a more generic industrial estate appearance by presenting a series of roller shutter doors to front elevations of proposed buildings, facing the public highway and Ellel House.
- 5.3.4 The local planning authority previously sought to mitigate the development's impact on the setting of nearby heritage assets through a Section 73 application, which was unfortunately refused. However, the current application has provided an opportunity for further discussion and detailed assessment of proposed materials. As part of this revised scheme, the north elevation of the smaller building (Units 1 to 4) and the northern half of the west-facing elevation of the larger building (Units 5 to 11) are now proposed to be finished in 'golden quartz' natural stone cladding, complemented by a Kentdale slate roof and a reduced area of 'antique white' roughcast render. These elevations are the most visually prominent, being clearly visible from the site access, the adjacent highway, and nearby residential properties. The use of higher-quality, natural materials will help to soften the industrial appearance of the buildings and provide a positive contrast to the nearby Grade II listed Galgate Mill and Ellel House.
- 5.3.5 Combined with the proposed composite aluminium framed windows and flush fitted solar PV panels, the improved natural stone slip materials and natural roof slate samples assessed are considered to offset the harm generated by the increased amount of roller shutter doors. The units do seek a more industrial arrangement of windows/door openings, however the improved quality of natural external materials sought is considered to result in a development that is equivalent the approved scheme, and avoids materially diminishing the standard of development. The Conservation Officer objected to the original scheme, although has since informally concurred that the amended materials are a positive addition in terms of colour and texture. An updated response will hopefully be available to report verbally to planning committee prior to determination.
- 5.3.6 The amended design and resultant heritage impacts are considered to be acceptable. The addition of a small plant room, external stairs and 0.3m increase in height of the smaller building are uncontentious in the context of the wider development.
- 5.4 **Landscaping and external lighting** Development Management (DM) DPD Policies DM29 (Key Design Principles); DM44 (The Protection and Enhancement of Biodiversity); DM45 (Protection of Trees, Hedgerows and Woodland), Strategic Policies and Land Allocations (SPLA) DPD Policies DOS4 (Galgate Mill, Galgate) and SP8 (Protecting the Natural Environment), and National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places); and Section 15 (Conserving and enhancing the natural environment)
- 5.4.1 The area sought for landscaping has slightly reduced from the submitted proposed site plan, mainly to accommodate slight alterations to the proposed parking area. Whilst visually such changes would be negligible, this presents conflict with the approved landscaping plan, and no alternative landscaping plan has been submitted as part of this application. If approved, condition 12 relating to this landscaping plan would need to require submission of details prior to first use, to address this conflict. The condition would continue to require the landscaping to be planted in the first planting season from first use.
- 5.4.2 Details of external lighting have been submitted for consideration as part of condition 7 of the original approval. The submitted details demonstrate that the proposed lighting will be largely contained within the site, due to the design and location of lighting combined with the existing and proposed buildings reducing light spill beyond. In the context of existing neighbouring external lighting and

street lighting along Chapel Lane, the proposed lighting is considered to be acceptable.

5.5 Transport and parking Development Management (DM) DPD Policies DM60 Enhancing Accessibility and Transport Linkages); DM61 (Walking and Cycling); DM62 (Vehicle Parking Provision); DM63 (Transport Efficiency and Travel Plans), Strategic Policies and Land Allocations DPD Policies SP10 (Improving Transport Connectivity); DOS4 (Galgate Mill, Galgate), and National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport)

5.5.1 Whilst the proposal seeks to alter the layout of the employment units, with units now predominantly over two floors, the proposal is the same overall floorspace and number of units as already approved. Therefore, there is no anticipated change to associated vehicle movements through this proposal. The sought carparking area has been slightly re-organised, reorientating some parking spaces, and moving the cycle storage area closer to the entrance and landscaping. Three dual EV charging points are now proposed, with potential to serve five parking spaces. This is considered to be a modest betterment to the proposed parking arrangements, albeit facilitated by a modest reduction in soft landscaping.

5.5.2 Two objections have been received as part of the public consultation to this application, raising concern with land ownership, conflict with existing neighbouring uses and their parking requirements, parking beyond the site and associated congestion. The proposed development area remains unchanged from the previous approval, and the overall internal floorspace and number of car parking spaces is similarly unaltered. As such, the proposed variation does not alter or intensify the transport and parking arrangements previously approved. Therefore, no additional harm has been identified in relation to highways or parking as a result of the amended proposal.

6.0 Conclusion and Planning Balance

6.1 The proposed alterations are relatively minor in the context of the wider development. The proposal increases the number of roller shutter doors so that nine employment units benefit from larger openings, with more of the units providing floorspace across two floors. The alterations to the openings detract from the original design of the development, and exacerbates adverse heritage impacts upon the setting of Listed Buildings. However, the introduction of higher-quality natural materials to the most prominent elevations of the development represents a modest but meaningful improvement to the approved scheme. It is considered that these enhancements are sufficient to offset the visual harm associated with the proposed roller shutters and window openings.

6.2 The proposed scheme is considered to be materially equivalent, and not diminished, from the approved development. The lighting details submitted are considered to be acceptable, and the altered parking arrangements and modestly reduced landscaping area are similarly unharmed, subject to full details of soft landscaping to be submitted prior to first use. Other matters are neutral or unchanged from the approved scheme.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved amended/varied plans	Control
2	Employment and Skills Plan	Pre-occupation
3	Details of sound insulation	Control
4	Contamination investigation	Pre-occupation
5	Facing materials to be agreed	Control
6	Details of external lighting	Control
7	Operation and Maintenance Manual (SuDS)	Pre-occupation
8	Verification report (SuDS)	Pre-occupation
9	Car-parking to be provided before occupation and retained in perpetuity	Control
10	Cycle parking to be provided before occupation and retained	Control

	in perpetuity	
11	Landscaping implementation	Pre-occupation
12	Noise from plant / machinery / equipment	Control
13	Development to accord with Flood Risk Assessment and Drainage Strategy	Control
14	Development to accord with Energy Strategy	Control
15	Development to accord with Preliminary Ecological Appraisal	Control
16	Development to accord with Air Quality Assessment	Control

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

Officers have made this 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	25/00575/FUL
Proposal	Erection of a single storey extension to the rear and a first floor extension above existing ground floor, conversion of existing property to mixed use comprising commercial units on ground floor and 4-bed student cluster flats on upper floors
Application site	1 Spring Garden Street Lancaster Lancashire LA1 1RQ
Applicant	Ms Chloe Wilkinson
Agent	Mr Michael Harrison
Case Officer	Ms Melissa Martin
Departure	No
Summary of Recommendation	Approve subject to conditions

(i) Procedural Matters

While this category of development would typically be determined under the Council's Scheme of Delegation, the applicant is a relative of Councillor Wilkinson. Consequently, the application is referred to the Planning Regulatory Committee for formal determination.

1.0 Application Site and Setting

- 1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area. It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone on the front elevation, which is painted white, and has dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site. Adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building is in existing commercial use.
- 1.2 A large electricity substation immediately adjoins the western boundary, and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site, is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.

- 1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

2.0 Proposal

- 2.1 Planning permission is sought for a building comprising mostly two storey to deliver 3 retail units and a landlord office at ground level with student accommodation above. The ground floor is retained in largely its existing plan form, with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors. The mono-pitched roof is proposed to be removed with glazing inserted at ground floor to create four separate shop fronts. The front elevation would be finished in coursed stonework, with the side gable and rear elevation being finished in Fintry K-render. The existing red brickwork to the rear and side at ground level being retained. The proposed pitched roof would be finished in natural slate and the proposal would comprise of grey steel fixed window frames. Solar panels are proposed to the southern roof slope.
- 2.2 The accommodation on the first floor would provide a 4-bedroom cluster flat with shared kitchen/living/dining room, as well as one bathroom and one shower room. Access is proposed to utilise the rear outrigger with access onto Spring Garden Street from the existing pedestrian access. Within the rear yard a bike and bin store are to be provided.

3.0 Site History

- 3.1 An earlier application in 2016 for a similar but larger student accommodation scheme, creating a three storey building (16/01394/FUL) was approved. The design varied with larger proportions of glazing to the shopfronts than currently proposed. The proposal created 4 retail units at ground floor as per the current application, however proposed two 4-bedroom student cluster flats compared to the 1 4-bedroom unit currently proposed.

Application Number	Proposal	Decision
16/01394/FUL	Partial demolition and alteration of existing building and erection of a two storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed student cluster flats (C4) on upper floors	Permitted

4.0 Consultation Responses

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

Consultee	Response
Lancaster University	No comment received
Conservation	Consultation noted
University of Cumbria Accommodation Officer	No comment received
LUSU Housing	No comment received
Environmental Protection	No comment received
Lancaster Civic Society	Comments received as follows: <ul style="list-style-type: none"> Supports, in principle, the proposal to bring this neglected building back into use and notes it is an improvement on previous applications. Believes the development itself would improve the appearance of this street. Notes that proposals for the ground floor commercial use are left flexible and

	<p>hope tenants can be found.</p> <ul style="list-style-type: none"> • The small numbers of extra students to be accommodated would not affect the overall scheme of things. The proposed first floor plans need careful scrutiny e.g. Bedroom 4 looks very cramped indeed. • Hopes the response and recommendations from Peter Iles of the County Historic Environment Team are followed to the letter, and monitored with care.
Waste and Recycling	<p>Comments received as follows:</p> <ul style="list-style-type: none"> • A domestic dwelling will (with 4 people) require space for: 240 litre waste 240 litre recycling plastic/glass and tins 240 litre recycling paper/card 240 litre food Waste • 3 x Commercial Units with no access to the rear yard Recycling bags for Trade Collection Waste bags for Trade Collection <p>The officer considers the current size of the bin store to be adequate.</p>
County Highways	No objection subject to conditions regarding the submission of a Construction Management Plan, details regarding the cycle storage proposed, and restrictions on the hours for deliveries.
County Archaeology	No objection subject to a condition regarding a programme of archaeological monitoring and recording works.

4.2 No neighbour representations have been received.

5.0 Analysis

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

- Principle
- Scale, design and impact on heritage assets
- Highway Implications
- Impact on Residential Amenity

5.2 **Principle** (NPPF Chapter 2 (Achieving sustainable development); Chapter 6 (Building a strong, competitive economy); Chapter 7 (Ensuring the vitality of town centres); Chapter 8 (Promoting healthy and safe communities); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP1 (Presumption in favour of sustainable development); SP2 (Lancaster district settlement hierarchy); SP3 (Development strategy for Lancaster district); SP6 (The delivery of new homes); EC5 (Regeneration Priority Areas); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM1 (New residential development and meeting housing needs); DM7 (Purpose Built Accommodation for Students)

5.2.1 The site is located within the city centre on a secondary retail frontage. The scheme is for residential but retains the commercial use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is also close to good bus routes to Lancaster University and University of Cumbria. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM7 sets out criteria by which proposals will be assessed, so the principle of the scheme is accepted.

5.3 **Scale, Design and Impact on Heritage Assets** (NPPF Chapter 12 (Achieving well-designed places); Chapter 16 (Conserving and enhancing the historic environment); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policy SP7 (Maintaining Lancaster district's unique Heritage); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM29 (Key design principles); DM30a (Sustainable Design and Construction); DM38 (Development affecting conservation areas)

5.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its

design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.

- 5.3.2 A previous application for a three storey building was approved by the Planning Committee back in 2017. The approval allowed a three storey building, with a pitched slate roof, linked to the adjacent property on Penny Street by a predominantly glazed flat roof element, with a lower height than the main part of the building, with the link providing a visual separation between the buildings. The massing and scale of the three storey was considered acceptable and related to the surrounding built form.
- 5.3.3 The proposed application results in a two storey building, and thus would be of a smaller scale and mass of that previously approved. The development would comprise of a pitched slate roof, with a glazed flat roof element linking to the adjacent property on Penny Street as per the previous approval. As such, the massing and scale is considered acceptable.
- 5.3.4 In terms of materials, the front elevation would comprise of glazed shopfronts at ground floor separated by the existing coursed stonework. The first floor front elevation created would comprise of coursed stonework to match the existing. There were previous concerns regarding the use of render to the front elevation, thus the use of stonework to match the existing would preserve the appearance of the building. A stone coloured render has previously been deemed acceptable on the side and rear elevations, thus there are no objections in this regard. The extent of glazing has been reduced beyond the previous approval and better relates to the upper floors.
- 5.3.5 The proposal would result in dark grey painted timber shop surrounds at ground level, and natural stone surrounds to the first floor windows. The proposed includes timber sliding sash or casement windows finished in grey. It is considered that the proposal provides a visual break between the adjoining more traditional buildings and a more contemporary design that respects its surroundings.
- 5.3.6 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in Policy DM38, setting out that development proposals or alterations to buildings in Conservation Areas will be required to demonstrate 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;
 - Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area;
 - 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
- 5.3.7 The current building on the site does not contribute to the historic or architectural interest of the area and the proposed redevelopment will take a contemporary approach which is sympathetic in scale and height to the surrounding buildings within the Conservation Area. It is considered that the proposal will preserve the character and appearance of this part of the Conservation Area, and it likely to enhance this, given the appearance of the existing building.
- 5.3.8 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable, however, that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Mary

Gate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period.

- 5.3.9 The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would merit 'preservation by record'.
- 5.3.10 The additional information recently submitted by the applicants (*SGS Planning app archaeology support info 140725*) states that the new upper storey will be supported by steelwork attached to the existing walls, and that no new excavation will be required. This significantly reduces the ground disturbance required for the proposed development.
- 5.3.11 It also notes that the proposed new outrigger falls into an area where a pre-1950s structure was present and demolished into its own cellar, prior to the construction of the existing outrigger and the wall separating the site from the adjacent substation. Whilst we do not have any evidence to support or deny the former existence of a cellar within this area, we do note that the adjacent 70/72 Penny Street are said to have been cellared, so it is certainly possible and we would accept the statement. Any cellar is however very unlikely to have extended into the former narrow yard behind the present/former outriggers shown on the OS 1:1,056 map of 1849, sheet Lancaster 10. It is noted that this map shows a "Pump" in the yard. Our experience would indicate that this would have been located over a well, probably cut from the yard level. It might have been back-filled with rubble at the time of the building demolition, but they can survive and have been encountered just under paving (e.g. next to the former Slip Inn, James Street, Lancaster) or otherwise capped under buildings as deep, open stone-lined shafts on development sites before. The excavation of the well removes another area where earlier buried archaeology might survive.
- 5.3.12 Finally, it is noted that existing services to 74-76 Penny Street run through the rear yard area, which will also have reduced the area potentially retaining Roman archaeology and human remains.
- 5.3.13 Whilst lower than previously thought, there is still a potential for significant archaeology (such as human remains) to exist on the proposed development site. The LPA consider that this can be limited to a scheme of archaeological supervision, monitoring, and recording (formerly termed a 'watching brief') during ground excavation works. Such a scheme is significantly less onerous than that previously suggested but can be required by a planning condition.
- 5.3.14 Under the previous approval, Lancashire Constabulary advised that from a crime and incident search of the nearby areas there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. Security measures were recommended for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition.
- 5.4 **Highway Implications** (NPPF Chapter 9 (Promoting sustainable transport); Local Plan Part One: Strategic Policies and Land Allocations DPD (Climate Emergency Review) Policies SP10 (Improving transport connectivity); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM60 (Enhancing accessibility and transport linkages); DM61 (Prioritising walking and cycling))
 - 5.4.1 The scheme does not propose any parking or vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered, and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site

which could be utilised by occupants for the loading/unloading of belongings. No objections have been raised by the Highways Authority, and it is not considered that the proposal would have a detrimental impact on highways safety. The development is considered to accord with relevant transport-related planning policies of the Local Plan and NPPF.

5.5 Impact on Residential Amenity (NPPF Chapter 8 (Promoting healthy and safe communities); Chapter 12 (Achieving well-designed places); Local Plan Part Two: Development Management DPD (Climate Emergency Review) Policies DM2 (Space and accessibility standards) and DM29: Key Design Principles)

5.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden Street. As such, it is considered that the proposal will not have a detrimental impact on occupiers of this property. There are windows in the rear on numbers 74 and 76 Penny Street. However, outlook and light are already impacted by the existing outrigger at 70-72. Given this, and the position of the building to the northwest of these properties, it is considered that there will not be a significant adverse impact on the amenities of the occupiers of these properties. There are also some windows at the first floor of the property on the opposite side of the highway, at the rear of 66 Penny Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. It is not clear if it is residential accommodation, but it is considered likely. However, on balance, given the city centre location and that some of the windows are offset from each other, the relationship is considered to be acceptable.

5.5.2 The scheme provides one shared student flat at first floor level. The flat would consist of four bedrooms with one shared bathroom and one shared shower room, as well as a shared kitchen/living area. The size of the rooms, light and outlook are considered to be acceptable.

5.5.3 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Under the 2016 approval, it was noted that records held by the Environmental Health Service showed that noise complaints had been received from nearby businesses and local residents about music noise and people noise at and around this location.

5.5.4 A noise assessment has been carried out and submitted with the application. The noise assessment shows that noise associated with the Hustle Nightclub and noise incidents typically associated with the night-time economy usually found within and around city centre locations such as this, will have significant observed effect levels on future occupants unless satisfactory mitigation measures are implemented. It is considered that noise levels can be controlled with construction materials and specific acoustic glazing to meet internal design criteria recommended within BS8233:2014 for both night-time and day-time periods. The noise mitigation can be controlled by condition, in addition to mechanical ventilation to serve the bedrooms.

6.0 Planning Obligations

6.1 There are none to consider as part of this application

7.0 Conclusion and Planning Balance

7.1 The proposal for student accommodation is considered to be appropriate in this city centre location and should help to enhance this part of the Conservation Area. It is also considered that the development will provide an acceptable standard of amenity and will not have an adverse impact on nearby residential properties or highway safety.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Approved Plans	Control
3	Materials – details and samples including stonework, render, doors and windows, roofing material, ridge, verge and eaves details, window surrounds, rainwater goods, materials for cycle store, any external surfacing material, all means of enclosure, external lighting, details of shopfronts	Pre-commencement
4	Archaeological monitoring and recording	Pre-commencement
5	Provision of bike and bin store	Prior to occupation
6	Student accommodation restriction	Control
7	Noise Mitigation Measures	Pre-commencement
8	Construction Management Plan	Pre-commencement
9	Cycle Storage Details	Pre-Installation
10	Hours for deliveries	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	A11
Application Number	25/01039/LB
Proposal	Listed building application for the installation of boarding on the stairwell walls and repainting of stairwell walls
Application site	Lancaster City Museum Market Street Lancaster Lancashire
Applicant	Ms Carolyn Dalton
Agent	N/A
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approve, subject to conditions

(i) Procedural Matters

While this category of development would typically be determined under the Council's Scheme of Delegation, the site is in the ownership of Lancaster City Council. Consequently, the application is referred to the Planning Regulatory Committee for formal determination.

1.0 Application Site and Setting

- 1.1 Lancaster City Museum is a grade II* listed building located on Market Street in the centre of Lancaster's pedestrianised centre, and which is within the Lancaster Conservation Area. The building occupies a prominent position within the centre and is within the setting of other listed buildings and non-designated heritage assets (NDHA).

2.0 Proposal

- 2.1 This application seeks listed building consent for the installation of boarding on the stairwell walls and repainting of stairwell walls. The area is located internally towards the rear of the property and is the stairwell connecting the ground floor to the first floor.

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
25/00252/LB	Listed building application for a replacement stair lift	Permitted

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	No objection
Historic England	No comment

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

5.0 Analysis

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

- Design and impact of the proposed works on the fabric of the listed building.

5.2 Design and impact on the listed building (NPPF Sections 12 & 16; Strategic Policies and Land Allocations Development Plan Climate Emergency Review (SPLA DPD) policy SP7; and Review of the Development Management Development Plan Document Climate Emergency Review (DM DPD) policies DM29 and DM37)

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, 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.

5.2.2 Policy DM37 states that *'The significance of a Listed Building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'*

5.2.3 Both national and local policy are clear inasmuch that any harm to the significance of a listed building must be clearly justified and needs to be outweighed by the public benefits of the proposal. If no harm has been identified, this test is not engaged.

5.2.4 As outlined in the opening paragraphs, the proposed works are contained within the building and no external alterations are proposed as part of this application. As such, the proposal will have no impact on the significance of the Conservation Area or the setting of the nearby listed building buildings and NDHAs.

5.2.5 The building is an imposing structure constructed c.1781 and the building's significance is derived from its substantial design value as an imposing neoclassical building with a designed presence in its surroundings. The building also projects an image of civic pride and has an illustrative historical value as a former civic building of the Georgian period and its associative historic value derived from connections with various locally prominent figures. Finally, the evidential value of its historic fabric, including remains of an earlier building at basement level.

5.2.6 Firstly, the repainting of the of the stairwell in 'Oval Room Blue' is an appropriate colour and finish for a Georgian-era interior space and the paint type will aid the vapour permeability for the room. This element would enhance the significance of the building and raises no objection.

5.2.7 Secondly, the proposed MDF boards would be affixed on battens to the masonry so that they protrude to mirror the depth of the dado rail which runs along the stairwell. This alteration would result in minor harm to the significance of the listed building as the visual effect of the dado rail would be slightly diminished, affecting the aesthetic value, whilst the masonry would see some minor damage via the fixings. In the context of the NPPF, the harm would be less than substantial. As such, the public benefits of the scheme must be weighed against the identified harm.

5.2.8 In this case, it is considered that the proposal would result in significant public benefits allowing for the improved functioning of the building as a valued public resource and allow for better conservation of the building’s significant historic art collection. There would also be heritage benefits in so much that the proposal would allow for the changing of displays without repeated drilling into masonry. Considering the relatively minor level of harm, these public benefits are considered to outweigh the harm and as such, the proposal is compliant with policy DM37 and Section 16 of the NPPF.

6.0 Conclusion

6.1 The proposal will provide for some minor alterations to the interior stairwell area of the building and whilst this would result in a minor level of harm to the significance of the listed building, the public benefits of the scheme would outweigh this harm. Overall, the scheme is considered to comply with the development plan when read as a whole and therefore is recommended for approval.

Recommendation

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

Condition no.	Description	Type
1	Timescales	Standard
2	Works to accord with plans/documents	Standard

Background Papers

None

Agenda Item	A12
Purpose of report	To update members on the Planning Enforcement and Applications Team performance
Report Author:	Service Manager – Development Management
Summary of Recommendation	That the report be noted

1.0 Purpose of report

- 1.1 The purpose of the report is to share with members the performance of the Development Management function since April 2024. The intention moving forwards that each quarter a report will be presented to members setting out the team's performance, and how it compares with government timescales. The report will also provide information on planning and enforcement appeals. This report contains details of Quarter 2 performance which is from July – September 2025. Quarter 3 performance will be shared in early 2026.

2.0 Planning Applications

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

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

2.1.3 Major

Major applications are applications which fall into the following categories:

- Dwellings - 10+ dwellings or cover a site area of 0.5ha+
- Offices/Retail & Distribution/Light Industry -cover over 1,000m² or floor space or a site area of 1ha+
- General Retail Distribution and Servicing – 1,000m²+ or floor space or site area of 1ha+
- Gypsy and Traveller sites – 10+ pitches
- All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m²

2.1.4 Minor applications

These are applications which fall into the following categories:

- Dwellings – 1-9 dwellings. Or site area of less than 0.5ha
- Offices/Retail & Distribution/Light Industry – less than 1,000m² floor space or less than 1 ha site area
- General Industry and Distribution and Servicing – less than 1,000m² floor space or less than 1ha site area

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

2.1.5 Other Developments

These applications include the below.

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

2.2 Performance

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

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

2.2.3 Quarter 4 – 2024/2025 (January - March 2025)

- Majors 92% within 13 weeks or within agreed time extension
- Minors 78.05% within 8 weeks or within agreed time extensions
- Others 86.32% within 8 weeks or within agreed time extensions

Quarter 1 – 2025/2026 (April - June 2025)

- Majors: 100% within 13 weeks or within agreed time extension
- Minors: 86.27% within 8 weeks or within agreed time extension
- Others: 91.30% within 8 weeks or within agreed time extension

Quarter 2 – 2025/2026 (July - September 2025)

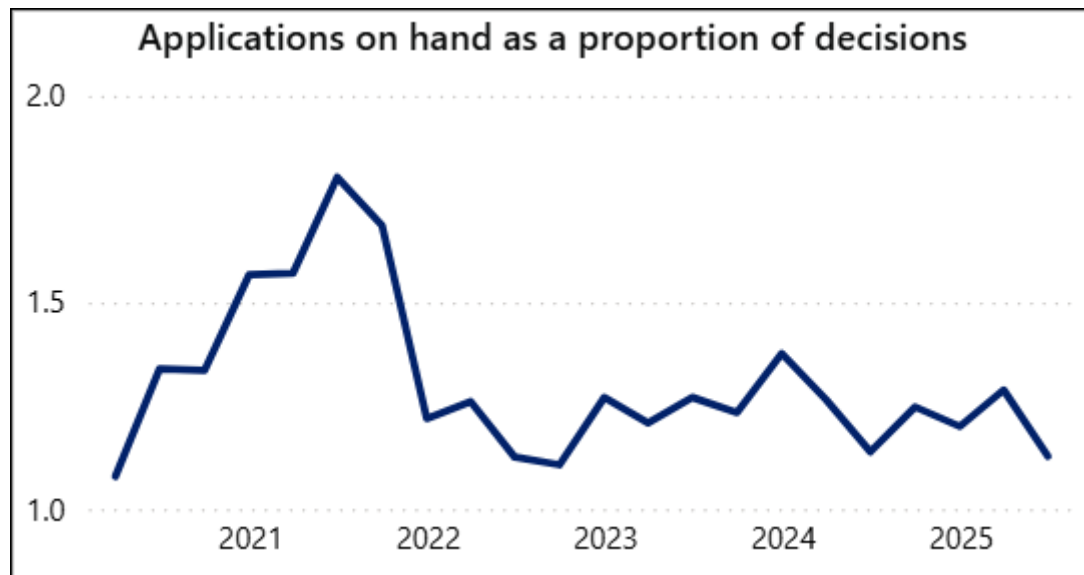
- Majors: 100% within 13 weeks or within agreed time extension
- Minors: 96.08% within 8 weeks or within agreed time extensions
- Others: 97.04% within 8 weeks or within agreed time extensions

2.2.4 The table overleaf shows the number of applications received since the start of 2024, and those determined. Members will note the vast majority of decisions are delegated, and historically the figure is around 93% of applications are delegated to officers to determine. As of 30 June 2025, the Councils applications on hand/decisions figure is 1.13 which is a decrease from the previous quarter of 1.29. The figure bodes well when compared against the North-West Average of 1.89. The spike in 2021 was due to the significant planning application backlog the council faced.

2.2.5 Members will note the improvements since January 2025 in terms of a higher number of applications determined, and more applications are being determined in time (or an associated Extension of Time). Members will note that the team were without a Planning Applications Manager from May until late August. In addition to this two experienced Principal Planning Officers left in May and September. We have had a successful recruitment drive for two new Principal Planning Officers in

the last quarter. The figures demonstrate a fantastic achievement from the team and shows the strength in depth.

	January – March 2024	April - June 2024	July – September 2024	October – December 2024	January – March 2025	April – June 2025	July- September 2025
Applications received	215	206	200	189	211	192	187
Applications determined	219	231	182	194	170	220	193
Percentage delegated	93%	90%	95%	93%	93%	92%	95%



2.3 Planning Appeals

There are three main types of planning/enforcement appeals.

These are written representations, Hearings and Inquiries.

2.3.1 Written Representation

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

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

2.3.2 Hearing

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

2.3.3 Public Inquiry

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

- 2.3.4 The following planning and enforcement appeal decisions were issued between 1 July to 30 September 2025. A separate list is appended to this report detailing the schemes that have been subject of the appeal and the outcomes.

Planning/Enforcement Appeals Determined	Number	Allowed	Dismissed
Written Representations	4	3	1
Hearings	0	0	0
Inquiry	0	0	0
Total	4	3	1

Members will note that out of the 4 appeals determined, 3 have been allowed and 1 dismissed. One Enforcement Appeal was allowed for the use of the building as a House in Multi Occupation containing up to 7 occupants on Dallas Road in the City (24/00045/ENF). Three planning appeals were decided with 2 being allowed and one dismissed.

4.0 Planning Enforcement

- 4.0.1 The Planning Enforcement Team (which consists of 1 Senior Planning Enforcement Officer, 3 Planning Enforcement Officers and 1 Graduate Planning Enforcement Officer) are responsible for investigating alleged breaches of planning control and taking action to remedy breaches of planning control and harm arising.
- 4.0.2 The team receive on average 350 complaints per year, and until 2021 the Council only employed 2 Planning Enforcement Officers, and 1 Graduate Planning Enforcement Officer. As part of the Development Management Review in 2021, two additional Planning Enforcement Officers posts were created to assist in managing caseloads and to help reduce the backlog of cases that had built up over time.

4.1 Historic Case Review and Management of the Backlog

- 4.1.1 Over the past 24 months one of the key priorities has been to work on the review and clearance of historic enforcement cases. Some of these cases date back to 2010. A large number of these cases have been reviewed, and a large number of those cases have been closed, either that it is not expedient to take action, action has been taken, the breach is de minimis or that through the passage of time the breach is immune from enforcement action. The table below shows the progress in terms of clearing historic cases. The team have worked hard to resolve and close active files. In January 2023 we had 342 active cases from the past decade still active, the figure in October 2025 is 98, this is down from 126 the previous quarter. The work has been undertaken in addition to ongoing investigations.

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Live Cases October 2025	1	0	0	2	3	2	4	13	13	22	38
Live Cases January 2023	1	1	2	6	5	7	22	53	61	64	102

- 4.1.2 A review of cases has also occurred for the recent years of 2021-2025. These are higher in terms of open cases, but closed cases are also much higher, these take into closure of cases from previous years.

4.1.3		2021	2022	2023	2024	2025
	Overall number of cases received	384	355	310	391	278
	Closed Cases	299	176	439	420	313
	Open Cases October 2025	48	59	76	122	140
	Review of ongoing enforcement cases – The review shows figures for the years 2021-2025. The table illustrates the change in the number of live cases received.					

- 4.1.4 In 2025 to date (January to the end of September 2025) a total of 278 cases have been received, and 138 cases have been closed. This is illustrated below.

	2025
Open Cases	140
Closed Cases	138
Cases received January 2025 -September 2025	278

- 4.1.5 In June we reported to members that there were **638** live enforcement cases and officers have worked hard to reduce this number to **571** live planning enforcement cases. Between 1 July to 30 September we received **77** new complaints. The intention is that by the end of February 2026 the figure is reduced to 495 cases across the team (from 571). The Local Planning Enforcement Plan sets out a case management system as set out below. The local planning authority have committed to monitoring the performance against the action targets. The new plan adopted by the Planning and Regulatory Committee in 2024 set out a new expediency test aimed at assessing the breach, remedying breach, resolving the breach and formal action to resolve the breach if this is indeed required. The new system is designed to be more focussed and allow time for others to pursue the breaches of planning control that require action to be taken.

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

- 4.1.6 It can be seen from the figures below (January to September) that both red and amber cases are being visited broadly within the timescales. The team itself are now heavily involved in enforcement appeals associated with the serving of the various notices and court appearances associated with the prosecution process. The figures are very positive in light of this. There were some recruitment challenges early on in 2025, however all roles are now filled which will be positive for the future. Given the team are now fully resourced (although one is currently on Maternity Leave) it is the intent to visit 90% of amber sites within the 15 working days.

	Received	Initial visit within target	Average days taken	Percentage in time
Red Case	7	6	1	85%
Amber	255	216	10	84%
Green	20	N/A	N/A	N/A

- 4.1.7 In terms of enforcement action taken between July and September 2025 there have been fourteen notices served in the last 3 months. These are noted below.

Action	Number of Actions
Breach of condition notice	1
Enforcement injunctions	0
Enforcement Notice	5
Injunctive Applications refused	0
Planning Contravention Notice	8
Listed Building Temporary Stop Notice	0

5.0 Conclusion

- 5.1 The Development Management Team (Planning Applications) are working above expected government targets in terms of timescales. The last two quarters in particular have been exceptional given the absence of a Planning Application Manager for the majority of the term. Officers should be congratulated. Quality of decision making for the last few quarters is above the 10% endorsed by government, however the Authority over the course of the last two years have performed well in terms of quality of decision making. There are no concerns on the quality of decision making.
- 5.2 The Planning Enforcement Team are reducing the significant backlog that peaked in December 2022 when 797 open cases were held on 1st January 2023 whereas the figure now is 571 (29% reduction). Despite one of the case officers being on maternity leave, officers have worked diligently over the course of the last quarter. There has been a significant effort by officers to deal with beaches of planning control, with a number of notices issued over the course of the last 24 months to remedy breaches and associated prosecution for failure to adhere to notices.

Planning and Enforcement Appeals January – September 2025

Appeal Reference	Reference	Address	Proposal	Appeal status	Date of decision
24/00017/REF	23/00975/FUL	11 Fulmar Crescent Heysham Morecambe Lancashire LA3 2TG	Partially retrospective application for the change of use of open space to residential land in association with 11 Fulmar Crescent and erection of a boundary fence	DISMIS	02/01/2025
24/00021/REF	24/00089/FUL	Greenbank Farm Hornby Road Claughton Lancaster Lancashire LA2 9JD	Erection of an agricultural livestock building silage clamp and midden	DISMIS	03/01/2025
24/00035/REF	PP-12746460	22 Clarence Street Morecambe Lancashire LA4 5EX	Retrospective application for change of use of building into dwelling (C3) and the retention of replacement windows and doors and proposed demolition of part of building to create external amenity area	DISMIS	19/02/2025
24/00027/REF	23/01215/FUL	Batty Hill Farm Lancaster Road Cockerham Lancaster Lancashire LA2 0DZ	Appeal relating to retrospective application for the construction of a roof over existing silage pit	DISMIS	20/02/2025
24/00028/ENF		Field Off Littlefell Lane Lancaster Lancashire	Appeal against enforcement notice for the carrying out of development associated with camping activities on the Land	DISMIS	21/02/2025
24/00036/REF	24/00200/FUL	Field North Of Birkland Barrow Road Nether Kellet Lancashire	Part retrospective application for the change of use from agricultural land to equine space with associated hardstanding and erection of a double timber stable and 2 sheds	DISMIS	24/02/2025
24/00031/REF	24/00034/FUL	Land To The North Of Capernwray House Hobsons Lane Capernwray Carnforth Lancashire LA6 1AE	Change of use of agricultural land to site six holiday lodges with associated hardstanding and internal access road installation of a package treatment plant and drainage infrastructure	DISMIS	04/03/2025
24/00033/REF	24/00114/ADV	The Shore Car Park Shore Road Silverdale Lancashire LA5 0TP	Advertisement application for the display of 1 x sign on camera column wall mounted sign 2 x pole mounted signs on new poles and 2 x pole mounted signs on existing pole	DISMIS	04/03/2025
24/00037/REF	24/00113/FUL	The Shore Car Park Shore Road Silverdale Lancashire LA5 0TP	Retrospective application for a pole mounted light/camera and associated cabinet	DISMIS	04/03/2025
24/00038/REF	24/00508/FUL	Back Lane Tunstall Lancashire	Construction of new access road off Back Lane	DISMIS	05/03/2025

Planning and Enforcement Appeals January – September 2025

25/00005/REF		Newland Hall Starbank Bay Horse Lancaster Lancashire LA2 9AA	Permission in principle application for the conversion and extension of existing barn/stable to 1 residential dwelling (C3)	OUTT	11/03/2025
24/00032/REF	23/01470/FUL	Land West Of Sea View Drive Hest Bank Lancashire	Erection of 27 specialist bungalows for older people with detached garage and associated access internal roads infrastructure open space landscaping and parking	ALLOW	14/03/2025
24/00051/REF	23/00800/FUL	Throstle Croft Main Road Thurnham Lancaster Lancashire LA2 0DP	Part retrospective application for the change of use of agricultural store/workshop to agricultural engineering (B2)	ALLOW	21/03/2025
24/00030/REF	23/01248/FUL	66 Kellet Road Carnforth Lancashire LA5 9LP	Erection of a dwelling (C3) and associated access	DISMIS	26/03/2025
24/00041/REF	22/01463/OUT	Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire	Outline application for the development of up to 23 residential dwellings and creation of a new access	ALLOW	09/04/2025
24/00039/HAS	23/00484/FUL	2 Pemberton Drive Morecambe Lancashire LA4 6SL	Demolition of existing conservatory with erection of replacement single storey front extension with canopy installation of solar panels to east roof slope construction of hip to gable roof and dormer extension to rear elevation including the installation of solar panels (pursuant to the variation of condition 2 on approved application 23/00484/FUL to amend the approved plans)	ALLOW	17/04/2025
24/00046/REF	23/00973/OUT	Land At Grid Reference E346676 N452383 Willey Lane Cockerham Lancashire	Outline application for the erection of a dwelling with associated access	DISMIS	23/04/2025
24/00052/REF	23/00946/FUL	Bridge End Farm Brookhouse Road Brookhouse Lancaster Lancashire LA2 9NW	Refurbishment of existing farmhouse demolition of existing extensions and erection of a replacement single storey rear extension conversion of outbuildings to annexe conversion of existing barn to a dwelling erection of 2 new dwellings to the land to the south and 1 new dwelling to land to the north	ALLOW	23/05/2025

Planning and Enforcement Appeals January – September 2025

25/00004/REF	24/01144/FUL	Ireby Green Caravan Park Woodman Lane Ireby Carnforth Lancashire LA6 2JH	Change of use of agricultural land to form 12 seasonal touring caravan pitches and associated ground works	DISMIS	29/05/2025
25/00001/HAS	24/01054/FUL	Wingates Westbourne Drive Lancaster Lancashire LA1 5EE	Demolition of existing single storey rear extension and garage erection of a single-story side extension and two-storey rear extension installation of roof lights and solar panels	ALLOW	03/06/2025
25/00003/REF	24/01104/FUL	2 Allandale Gardens Lancaster Lancashire LA1 5JN	Change of use of dwelling (C3) into house in multiple occupation (C4) and retrospective application for conversion of garage into habitable room	DISMIS	04/06/2025
25/00007/REF		Land And Buildings At Grid Reference E362045 N475610 Woodman Lane Cowan Bridge Lancashire	Demolition of existing barn change of use and conversion of an existing barn to one dwelling (C3) erection of three dwellings (C3) installation of sewage treatment plant construction of boundary walls and associated parking and landscaping	DISMIS	12/06/2025
25/00002/REF	23/00750/VCN	Land At Grid Reference E346580 N452460 Lancaster Road Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access and pedestrian access to Willey Lane (pursuant to the variation of condition 11 on planning permission 23/00750/VCN to amend the accommodation schedule)	ALLOW	25/06/2025
25/00008/REF	24/00940/RCN 17/00708/FUL	Diviny Livery Stables Middleton Road Middleton Lancashire	Erection of a detached dwelling for equestrian worker (pursuant to the removal of condition 8 on planning permission 17/00708/FUL to allow for the retention of the existing static caravan)	WDNA	27/06/2025
25/00014/HAS	25/00192/FUL	22 Longmeadow Lane Heysham Morecambe Lancashire LA3 2FH	Alterations to conservatory to create single storey rear extension erection of a lower ground floor single storey extension with raised patio and glass balustrade above	ALLOW	16/07/2025
25/00013/CAS	24/01172/ADV	16 Owen Road Lancaster Lancashire LA1 2AR	Advertisement application for the display of a digital sheet advertisement	DISMIS	23/07/2025

Planning and Enforcement Appeals January – September 2025

25/00010/REF	24/00033/FUL	Land Between 3 And 5 Dalton Road Lancaster Lancashire LA1 3HD	Demolition of 3 existing garages erection of a dwelling (C3) with associated landscaping and access	ALLOW	11/08/2025
24/00045/ENF		28 Dallas Road Lancaster Lancashire LA1 1TW	Appeal against enforcement notice relating to the use of the building as a House in Multi Occupation containing up to 7 occupants	ALLOW	29/09/2025

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
24/00597/VCN	Land Rear Of, Ingleborough View, Station Road Erection of 9 dwellings (C3) with associated detached garages, formation of a new access and associated estate roads and landscaping (pursuant to the variation of conditions 2-14 and 18 on planning application 21/01370/FUL) for M Fleuriot (Upper Lune Valley Ward)	Application Permitted
24/00783/FUL	32 Wallings Lane, Silverdale, Carnforth Retrospective application for the change of use of dwelling to holiday accommodation (Sui Generis) for Mr Jules Ross (Silverdale Ward)	Application Permitted
24/00842/FUL	Lune View, Docker Lane, Newton Installation of a sewage treatment plant for The Trustees Of R C North Dec'd (Upper Lune Valley Ward)	Application Permitted
24/01405/FUL	Birklands, Hest Bank Lane, Hest Bank Demolition of existing dwelling and erection of new self-build dwelling for Mr Hanley (Bolton And Slyne Ward)	Application Refused
25/00119/DIS	Land North Of Rectory Gardens, Lancaster Road, Cockerham Discharge of conditions 4,6,7,8,10,12,13,14,16,17,18,19,20 and 22 on approved application 22/00618/FUL for Mark Whelan (Ellel Ward)	Split Decision
25/00124/DIS	Land North Of Bulk Road And East Of Parliament Street, Lancaster, Lancashire, Part discharge of condition 12 on approved application 22/00332/FUL for PPG Lancaster (Bulk)	Application Permitted
25/00132/DIS	Land North Of Bulk Road And East Of Parliament Street, Lancaster, Lancashire, Discharge of condition 19 on approved application 22/00332/FUL for PPG Lancaster (Bulk)	Application Permitted
25/00143/DIS	262 Marine Road Central, Morecambe, Lancashire Discharge of condition 3 on approved application 24/01249/FUL for Mr Kandasamy (Poulton Ward)	Application Permitted
25/00151/DIS	Land To The North Of Porsche Centre South Lakes, Electric Drive, Carnforth Discharge of conditions 5, 7 and 15 on approved application 23/01400/FUL for Ms Tracy Clavell-Bate (Halton-with-Aughton And Kellet Ward)	Split Decision
25/00154/DIS	Williamsland Farm, Hasty Brow Road, Slyne Part discharge of condition 4 on approved application 22/00270/FUL for Bob Marley (Bolton And Slyne Ward)	Application Permitted
25/00157/DIS	5 - 11 Brock Street, Lancaster, Lancashire Discharge of conditions 3,7,8,9,10,11,12,13 on approved application 23/00793/FUL for Mr Inayat Munshi (Castle Ward)	Split Decision

LIST OF DELEGATED PLANNING DECISIONS

25/00161/DIS	Land South Of Burrow Beck, Bailrigg Lane, Lancaster Discharge of condition 12 on approved application 25/00173/VCN for Mr Elliott Grimshaw (University Ward)	Application Permitted
25/00163/DIS	21 Clarendon Road East, Morecambe, Lancashire Discharge of conditions 3 and 5 on approved application 24/00977/FUL for Mr Peter Young (West End Ward)	Application Permitted
25/00164/DIS	31 Edward Street, Morecambe, Lancashire Discharge of conditions 4,5,6,8,9 and 10 on approved application 24/01257/FUL for Mrs Sarah Hurst (Poulton Ward)	Split Decision
25/00167/DIS	Methodist Church, Long Level, Cowan Bridge Discharge of condition 3 on planning permission 24/00352/FUL for Mr Steve Goldie (Upper Lune Valley Ward)	Application Permitted
25/00169/DIS	Land Adjacent Bowerham Hotel , Bowerham Road, Lancaster Discharge of conditions 6, 8 and 12 on approved application 23/01216/FUL for Mr Adam Thompson (Bowerham Ward)	Application Permitted
25/00170/DIS	Land At Grid Reference 350900 470170, Leapers Wood Road, Over Kellet Discharge of condition 10 on approved application 22/00562/VCN for Mr Jonathan Lincoln (Halton- with-Aughton And Kellet Ward)	Application Permitted
25/00173/DIS	Land At , Natterjack Lane, Middleton Discharge of condition 12,13,14,16,17,20 and 26 on approved application 23/00398/FUL for Mr D Petty (Overton Ward)	Split Decision
25/00178/DIS	50 Swallow Close, Bolton Le Sands, Carnforth Discharge of condition 3 on approved application 25/00771/FUL for Mr Scott (Bolton And Slyne Ward)	Application Permitted
25/00179/DIS	GVS Filter Technology UK Limited, Caton Road, Quernmore Discharge of conditions 3, 8, 9 and 13 on approved application 24/00294/VCN for GVS Real Estate UK (Lower Lune Valley Ward)	Application Permitted
25/00222/FUL	Thurnham Hall, Main Road, Thurnham Installation of replacement windows for Mr Chris Pye (Ellel Ward)	Application Permitted
25/00286/FUL	Batty Hill Farm, Lancaster Road, Cockerham Part retrospective application for the construction of a roof over existing silage pit, installation of drainage infrastructure to include an attenuation pond for Mr Hewitt (Ellel Ward)	Application Permitted
25/00387/FUL	Fell View , Littlefell Lane, Lancaster Change of use of land to domestic curtilage and siting of ancillary accommodation associated with Fell View for Mr Hinchey (Ellel Ward)	Application Permitted
25/00428/FUL	Land Adjacent Fell View, Littlefell Lane, Lancaster Retrospective application for the retention of tracks, hardstanding area, storage container and freestanding solar panels for Redfield Farm (Ellel Ward)	Application Permitted
25/00476/FUL	Sweetings Farm, Sandside, Cockerham Erection of two agricultural buildings for livestock and robotic milking for Mr Richard Lawson (Ellel Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

25/00526/FUL	Land East Of Tithe Barn, Main Street, Whittington Erection of dwelling with associated hardstanding and landscaping for Mrs Fiona Benn (Upper Lune Valley Ward)	Application Permitted
25/00574/FUL	Pay Less For Hire Limited, Northgate, White Lund Industrial Estate Retrospective application for the change of use of a concrete manufacturing site to an open-storage facility for self-storage units for Mr Wallace (Westgate Ward)	Application Permitted
25/00616/FUL	Land At Grid Reference 353470 468733, Birkland Barrow Road, Nether Kellet Part retrospective application for the change of use of agricultural land to touring caravan site, creation of areas of hardstanding for the storage of caravans/to site mobile toilet/shower facility block, construction of tracks, siting of 3 wagon bodies for storage and the installation of a package treatment plant for Mr John Lawrence (Halton-with-Aughton And Kellet Ward)	Application Refused
25/00667/FUL	Management School, Gillow Avenue, Lancaster University Creation of a new access road incorporating soft landscaping for Mr Stuart Foy (University Ward)	Application Permitted
25/00683/FUL	Garage/ Storage Building, The Hermitage Estate, Low Road Conversion and alteration of garage/storage outbuilding into a 2 bed holiday let. for Stour Estates Limited (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00711/VCN	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Variation of conditions 2 ,4, 7, 10, 11, 12, 14, 15, 17 and 19 on planning permission 22/00462/FUL to amend the approved plans in relation to units E, G and F, agree details of oil and petrol separators, air quality assessment mitigation, drainage, foul and surface water management, amend the wording of the EV charger condition and cycle storage conditions, amend the trigger in relation to car parking provision and drainage maintenance for Mr D Cox (Westgate Ward)	Application Permitted
25/00768/FUL	66 Hornby Road, Caton, Lancaster Retrospective application for retention of dormer extension to the rear elevation for Mr Sam Huddleston (Lower Lune Valley Ward)	Application Permitted
25/00833/FUL	30 Borrowdale Road, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr & Mrs R Baxter (Bulk Ward)	Application Permitted
25/00844/FUL	Land At Grid Reference N466459 E349491, Strellas Lane, Slyne Erection of an agricultural building for machinery and straw for Mr Phillip Casson (Bolton And Slyne Ward)	Application Permitted
25/00849/FUL	41 Mayfield Avenue, Lancaster, Lancashire Erection of a two storey side extension for Mr & Mrs Golebiewska (Scale Hall Ward)	Application Permitted
25/00856/FUL	Cockhall Farm, Main Road, Thurnham Erection of a free-range egg laying unit and associated infrastructure for Mr Joe Clarkson (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00874/FUL	60 Marine Road West, Morecambe, Lancashire Change of use from mixed commercial and residential to mixed commercial and house in multiple occupation for Mrs Robyn Holtham (West End Ward)	Application Refused
25/00876/LB	Higher Lee, Rakehouse Brow, Abbeystead Listed building application for replacement roof with associated works including new leadwork, replacement rooflights, rainwater goods and fascia boards; replacement garage door for Mr G Fleming (Ellel Ward)	Application Permitted
25/00897/FUL	9A Birketts Place, Morecambe, Lancashire Installation of pitched roof incorporating new window on the gable end and installation of roller shutter to the front elevation for Mr M Richardson (Poulton Ward)	Application Permitted
25/00899/FUL	Former Store And Garages, Bulk Street, Lancaster Change of use and conversion of garage and store into two garages and flat, installation of solar panels and rooflights to the east roof elevation and installation of two windows to the west elevation for Mr Nigel Atkinson (Castle Ward)	Application Permitted
25/00901/RCN	Upper Ashleys, Millhouses Road, Tatham Removal of condition 7 on planning permission 05/00904/FUL relating to the restriction of permitted development rights for Mr Phil Hannis (Lower Lune Valley Ward)	Application Permitted
25/00909/VCN	Morecambe Winter Gardens, 209 Marine Road Central, Morecambe Relevant demolition of former substation, erection of a part two/part three storey side extension, installation of replacement of windows, doors and stage door to rear elevation and widening of existing opening and installation of a new door to side elevation (pursuant to the variation of conditions 2 and 4 on approved application 24/00844/FUL to amend the design and materials of the extension) for Morecambe Winter Gardens Preservation Trust (Poulton Ward)	Application Permitted
25/00918/LB	Lancaster Girls Grammar School , Regent Street, Lancaster Listed building application for the temporary deconstruction of the existing walls to allow for new foundations to be laid, rebuilding of walls using existing masonry, construction of small roof extension to facilitate the installation of new rainwater goods, repair/replacement of internal finishes and installation of replacement doors for Mr Stephen Sharp (Castle Ward)	Application Permitted
25/00924/FUL	Lancaster Golf Club, Ashton Hall, Ashton Road Part retrospective application for the erection of container storage facility for Mr Aaron Williams (Ellel Ward)	Application Refused
25/00929/FUL	344 Heysham Road, Heysham, Morecambe Erection of a two storey side extension, construction of a dormer extension, installation of windows and doors, erection of a replacement garage and erection of a garden room for Emily Burzacki (Heysham Central Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

25/00934/ADV	Nat West Bank, 68 - 70 Church Street, Lancaster Advertisement application for the display of 3 non-illuminated fascia signs, 2 non-illuminated letter plate signs and 2 non-illuminated projecting signs for McAteer (Castle Ward)	Application Permitted
25/00935/FUL	Sellet Mill Cottage, Mill Lane, Whittington Retrospective application for the installation of a package treatment plant for Dr Patrick Haslam (Upper Lune Valley Ward)	Application Permitted
25/00941/FUL	Rigg House, Rigg Lane, Quernmore Construction of roof over existing cattle yard for Mr Garwood Kelsall (Lower Lune Valley Ward)	Application Permitted
25/00946/VCN	19 Dalton Square, Lancaster, Lancashire Listed building consent for the erection of a single storey rear extension, installation of extractor equipment and associated internal alterations of the ground floor (Pursuant to the variation of condition 2 to amend previously approved plan and removal of condition 3 in relation to details on listed building consent 25/00357/LB) for Mr Nok Hei Lee (Castle Ward)	Application Permitted
25/00948/VCN	13 Main Street, Warton, Carnforth Erection of a detached dwelling (C3) and creation of a new vehicular access (pursuant to the variation of condition 2 on approved application 23/00959/VCN to amend the plans to show changes to the garage and drainage) for Mr Lawson Spedding (Warton Ward)	Application Permitted
25/00951/PLDC	11 Croft Avenue, Hest Bank, Lancaster Proposed Lawful Development Certificate for the construction of a dormer extension to the rear elevation for Miss Rebecca Connell (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/00954/FUL	Shell House, Main Street, Overton Demolition of existing conservatory, erection of a single storey front extension and installation of replacement windows for Heather and Bryan Hobson (Overton Ward)	Application Permitted
25/00959/FUL	Lune Cottage, Gressingham Road, Hornby Demolition of the existing dwelling and erection of a two storey self-build dwelling and detached garage with associated access and landscaping for Mr Stefan & Trig Devenish (Upper Lune Valley Ward)	Application Refused
25/00963/VCN	Morecambe Winter Gardens, 209 Marine Road Central, Morecambe Listed building application for demolition of former substation, the erection of a part two/part three storey side extension, installation of replacement of window, doors and stage door to rear elevation, widening of existing opening and installation of a new door to side elevation, refurbishment, alterations and replacement of internal fixtures to include floors, ceilings, circle seating area, bar 2 area and doors, installation of a platform lift to the circle, walls and ceilings to stairs, and electrical and fire alarm systems (pursuant to the variation of conditions 2 and 3 on approved application 24/00845/LB to amend the design and materials of the extension) for Morecambe Winter Gardens Preservation Trust (Poulton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00969/FUL	76 Lancaster Road, Carnforth, Lancashire Removal of existing container storage unit and erection of single storey lean-to external store for P Calland (Carnforth And Millhead Ward)	Application Permitted
25/00971/FUL	1 Townsfield, Silverdale, Carnforth Construction of a hip to gable extension, construction of dormer extension to the front and rear elevations, installation of rooflights and solar panels to the front elevation for Mr & Mrs Tim Lambert (Silverdale Ward)	Application Permitted
25/00976/PLDC	Haberfield, Old Moor Road, Wennington Proposed lawful development certificate for the erection of a single storey rear extension and alteration to rear window for Mr D. Parish (Lower Lune Valley Ward)	Lawful Development Certificate Refused
25/00979/PAA	Thwaite Gate Farm , Lancaster Road, Carnforth Prior approval for the conversion and change of use of agricultural buildings to 5 dwellings for Mr K Whittingham (Carnforth And Millhead Ward)	Prior Approval Refused
25/00984/PLDC	8 Brookfield View, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension for Mr & Mrs Bowen (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/00991/FUL	Lancaster Medical Practice, Scale Hall Surgery, 1 West Drive Change of use of doctors surgery to a residential care home for children for Hopscotch Care Ltd (Scale Hall Ward)	Application Permitted
25/00992/NMA	52 Norton Road, Heysham, Morecambe Non material amendment to 25/00086/FUL to amend previously approved plans for Mrs Sam Dacres (Heysham Central Ward)	Application Permitted
25/00999/FUL	1 Sandown Road, Lancaster, Lancashire Erection of single storey rear extension, replacement cladding and windows for Mrs M Murray (Scotforth East Ward)	Application Permitted
25/01001/FUL	56 Twemlow Parade, Heysham, Morecambe Erection of single storey rear extension for Mr Dennis Bailey (Heysham Central Ward)	Application Permitted
25/01006/FUL	Sellerley Farm, Conder Green Road, Galgate Creation of earth banked slurry lagoon with lining and cover for Mr Edward Newsham (Ellel Ward)	Application Permitted
25/01014/PLDC	15 Leamington Road, Morecambe, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr and Mrs John Dunion (Westgate Ward)	Lawful Development Certificate Granted
25/01017/FUL	68 Quernmore Road, Caton, Lancaster Erection of a single storey rear extension and a loft conversion for Mr And Mrs Lachlan Rae (Lower Lune Valley Ward)	Application Permitted
25/01022/FUL	3 Sulby Grove, Morecambe, Lancashire Erection of a single storey rear extension and insulation and alterations to existing external walls for Mr J Bingham (Bare Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/01030/PLDC	95 Crag Bank Road, Carnforth, Lancashire Proposed lawful development certificate for the demolition of existing rear extension and erection of a single storey rear extension for Ms Nicol (Carnforth And Millhead Ward)	Lawful Development Certificate Refused
25/01036/FUL	23 Westmoor Grove, Heysham, Morecambe Demolition of conservatory and erection of a single storey rear extension for Mr Billy Loughrey (Overton Ward)	Application Permitted
25/01043/AD	Mill Farm, Burrow Road, Burrow Agricultural determination for the erection of agricultural storage (silage) building for Mr Richard Crackles (Upper Lune Valley Ward)	Prior Approval Not Required
25/01045/EIR	Barn Adjacent 8 The Croft, Caton, Lancashire Screening request for the change of use and conversion of barn to dwelling, installation of raised roof to create first floor accommodation, demolition of existing extension and erection of a single storey rear extension for Mr Ian Boulton (Lower Lune Valley Ward)	ES Not Required
25/01046/PLDC	148 Bare Lane, Morecambe, Lancashire Proposed lawful development certificate for the construction of hip to gable extension and dormer extension to the rear elevation for Mr G Silverwood (Torrisholme Ward)	Lawful Development Certificate Granted
25/01051/PLDC	5 The Meadows, Cowan Bridge, Carnforth Proposed lawful development certificate for the installation of a replacement door to the rear elevation for The Meadows Management Company (UK) Limited (Upper Lune Valley Ward)	Lawful Development Certificate Granted
25/01057/EIR	Middleton Substation, Faraday Road, Heysham Screening request for request for proposed extension to Middleton 400kV electricity substation including the construction of substation and control building, siting of two new supergrid transformers, installation of other above ground transmission and associated works including internal access roads, culvert, surfacing, boundary fence and car parking for Mr Joe Davis (Heysham South Ward)	ES Not Required
25/01060/PLDC	Sellet Mill Cottage, Mill Lane, Whittington Proposed lawful development certificate for the erection of a two storey rear extension, single storey side extension, installation of windows and rooflights for Laura Bennett (Upper Lune Valley Ward)	Lawful Development Certificate Granted
25/01068/PAD	Site Of Former Oatlands Farm, Grab Lane, Lancaster Prior approval for demolition of farm outbuildings for Jennie Taylor (Lower Lune Valley Ward)	Prior Approval Granted
25/01072/PLDC	19 Croftland Gardens, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension for Mr and Mrs Simon Wilkinson (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/01078/EIR	Land North Of 17, Main Street, Warton Screening request for the erection of 8 dwellings with associated parking, vehicular and pedestrian access, drainage and landscaping for Mr Oliver Whiley (Warton Ward)	ES Not Required

LIST OF DELEGATED PLANNING DECISIONS

25/01091/EIR	Glenarra, Park Road, Silverdale Screening request for the part retrospective application for the demolition of existing dwelling and erection of a replacement dwelling with associated works for Mr & Mrs Livesey (Silverdale Ward)	ES Not Required
25/01092/AD	Sand Villa Farm, Sandside, Cockerham Agricultural determination for the erection of a storage building for Mr Sutcliffe (Ellel Ward)	Prior Approval Refused
25/01099/PLDC	White Gables, Borwick Lane, Borwick Proposed lawful development for the installation of an air source heat pump for Mr David Scott (Warton Ward)	Lawful Development Certificate Granted
25/01108/PLDC	28 Greenwood Avenue, Bolton Le Sands, Carnforth Proposed lawful development certificate for the demolition of single storey rear extension and canopy and erection of a single storey rear extension for Mr & Mrs Coughlan (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/01121/PLDC	45 Stanhope Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a hip to gable extension, construction of a dormer extension and installation of rooflights for Helen Foxcroft (Torrisholme Ward)	Lawful Development Certificate Granted
25/01132/EIR	Bay View Holiday Park, Bolton Holmes Farm, Dertern Lane Screening opinion for the change of use of land, creation of access tracks and regrading of land to allow siting of touring caravans. for Holgates (Caravan Parks) Limited (Bolton And Slyne Ward)	ES Not Required
25/01138/NMA	258 Bowerham Road, Lancaster, Lancashire Non-material amendment to planning permission 25/00261/FUL to change material on rear of single storey extension from stone to cladding for Mr and Mrs Steve Ellershaw (Scotforth East Ward)	Application Permitted
25/01143/EIR	Land North Of Number 13, Main Street, Warton Screening request for the erection of a single storey dwelling and associated external works for Mr Lawson Spedding (Warton Ward)	ES Not Required
25/01167/PLDC	11 Sanders Grove, Morecambe, Lancashire Proposed lawful development certificate for construction of hip to gable roof extension and rear dormer, erection of a single storey rear extension and detached outbuilding for Mr J Canning (West End Ward)	Lawful Development Certificate Granted
25/01168/PLDC	3 Malvern Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey side extension for Mr & Mrs Bland (Bowerham Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

25/01182/EIR

Mellishaw North Development Site, Mellishaw Lane, Heaton
With Oxcliffe Screening opinion for variation of conditions 2
,4, 7, 10, 11, 12, 14, 15, 17 and 19 on planning permission
22/00462/FUL to amend the approved plans in relation to
units E, G and F, agree details of oil and petrol separators, air
quality assessment mitigation, drainage, foul and surface
water management, amend the wording of the EV charger
condition and cycle storage conditions, amend the trigger in
relation to car parking provision and drainage maintenance
for Mr D Cox (Westgate Ward)

ES Not Required



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 24 NOVEMBER 2025

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M

PLANNING REGULATORY COMMITTEE UPDATE REPORT

Any additional information received since the main agenda was printed and published is contained in this report. Officers have prepared a summary update for each application on this agenda where further information, additional representations, points of clarification, or corrections are relevant to the determination of the application.

This report must be read in conjunction with the agenda available [here](#) and the [main written reports pack](#), together with our approach in relation to Community Safety implications, Local Finance Considerations and Human Rights, as set out in the main agenda.

Update Reports (Pages 1 – 8)

Update reports have been provided for the following planning applications. Where no updates are available, this is noted in the list below:

Agenda Item	Application reference	Address	Update
A5	25/00913/FUL	Canal Quarter Site, East of Brewery Lane, Lancaster.	Update (page 2)
A6	25/00912/FUL	Canal Quarter Site, West of Brewery Lane, Lancaster.	Update (page 3)
A7	25/00973/FUL	Canal Quarter Site, Brewery Lane, Lancaster.	Update (page 4)
A8	21/00987/FUL	Land at Lawsons Bridge, Scotforth Road, Lancaster.	Update (page 6)
A9	25/00887/VCN	Land Adjacent to Galgate Mill, Chapel Lane, Galgate.	Update (page 8)
A10	25/00575/FUL	1 Spring Garden Street, Lancaster	No update
A11	25/01039/LB	Lancaster City Museum, Market Street, Lancaster	No update

Date published: Thursday 20 November 2025



Planning Regulatory Committee

Written Update

Agenda Item: A5 **Application reference:** 25/00913/FUL
Site Address: Canal Quarter Central Site
Land To The East Of
Brewery Lane
Lancaster
Proposal: Relevant demolition of existing buildings and associated vegetation clearance

Further Information

N/A

Additional Representations

The following representations have been received in response to consultation on amended plans which removes trees on Edward Street from the clearance plans:

Canal and Rivers Trust – The Trust has reviewed the amended information and has no further comment to add.

Historic England - The amendments to the demolition plan to retain trees on Edward Street do not alter our previous advice on this application.

Corrections to report / matters of clarification:

Case Officer advised the agent that the boundary wall on Edward Street does not form part of the proposed demolitions. The wall is over 1 metre high and is not considered to be a “remnant structure” as referenced on the demolition plans. It would require explicit consent for demolition and is not specifically referred to in this application.

Officer Assessment/Comments

Having regard to the representations made in respect of the amended plans the recommendation remains unchanged.

RECOMMENDATION

As recommended – no changes to the main report.



Planning Regulatory Committee

Written Update

Agenda Item:	A6	Application reference:	25/00912/FUL
Site Address:	Canal Quarter Central Site Land To The West Of Brewery Lane Lancaster		
Proposal:	Relevant demolition of existing buildings and associated vegetation clearance		

Further Information

N/A

Additional Representations

N/A

Corrections to report / matters of clarification:

There is an error at paragraph 5.7.1 of the Officer report which suggests that it is necessary to condition measures within a demolition method statement and management plan to ensure that residential amenity is protected during the demolition of the buildings. Given that the demolition is well underway under the s.77 Building Regulations notice such a condition is considered unnecessary and as such was not listed in the recommendation (suggested conditions) of the Officer report. Any matters arising from the ongoing demolition regarding noise and dust would be a matter for the Council's Environmental Protection Team.

Officer Assessment/Comments

Notwithstanding the correction above the recommendation remains unchanged.

RECOMMENDATION

As recommended.



Planning Regulatory Committee

Written Update

Agenda Item: A7 **Application reference:** 25/00973/FUL

Site Address: Canal Quarter Central Site
Brewery Lane
Lancaster
Lancashire

Proposal: Temporary change of use of vacant land to a car park with associated works

Further Information

N/A

Additional Representations

The following representations have been received:

Conservation Team – Objection. The loss of buildings and historic built context for remaining buildings, and their replacement with surface car parking would cause considerable harm to the character and appearance of the conservation area and the setting of listed building adjacent to the site. The visual impact of parked vehicles and hard surfacing, on an area already marred by extensive surface car parking, would be intrusive. No details are provided on surfacing materials but we presume that tarmacadam would be required, adding to the intrusion.

Historic England – Raise concerns over the proposals to use the sites to the east and west of Brewery Lane as temporary car parking, and that this will neither enhance nor better reveal the significance of the conservation area.

Corrections to report / matters of clarification:

Case Officer advised the agent that the boundary wall on Lodge Street does not form part of the proposed demolitions. The wall is over 1 metre high and is not considered to be a “remnant structure” as referenced on the demolition plans. It would require explicit consent for demolition and is not specifically referred to in this application.

As set out within the update for A5, the boundary wall along Edward Street is not covered by the demolition application. The wall could be reduced for visibility if necessary and would be dealt with by the listed condition 5 (boundary and surface treatment) in the report.

The submitted plans indicate land level changes on the car park area to the west of Brewery Lane. It is considered reasonable and necessary to condition details of the finished land levels and access ramp.

The submission does not include details of how the car park will be operated and managed. As such it is considered necessary to condition details of any necessary parking management infrastructure.

**Officer Assessment/Comments**

The additional consultee comments are noted and the concerns regarding the heritage harm are acknowledged within the Officer report.

Having regard to the additional consultee response from the Conservation Team the matters raised regarding surface treatment will be covered by the listed condition 5 (boundary and surface treatment) in the report.

The following amendments and additional conditions are recommended:

- Boundary condition to include details of gates
- Details of site levels and ramp
- Details of any necessary parking management infrastructure (such as barriers, ticketing and cameras etc)

RECOMMENDATION

Approve as per the recommendation within the main report with the following changes to conditions:

- Condition 5 to include details of gates.
- An additional condition for the submission of details of site levels and the ramp structure.
- An additional condition for the submission of details of parking management infrastructure (such as barriers, ticketing and cameras etc)



Planning Regulatory Committee

Written Update

Agenda Item:	A8	Application reference:	21/00987/FUL
Site Address:	Land At Lawsons Bridge Scotforth Road Lancaster Lancashire		
Proposal:	Erection of a food store (Class E) with land regrading, access, cycle route, landscaping and swales and the provision of associated infrastructure, including car and cycle parking facilities, vehicle charging spaces, pedestrian access routes and servicing		

Further Information

The following further information has been submitted by the applicant/agent:

Further discussion with the applicant/agent regarding the proposed permitted opening/trading hours of the store. Officers had recommended a condition to restrict opening/trading hours to 08:00-22:00 Monday – Saturday and 09:00-17:00 on Saturday, Sunday and Bank Holidays. The applicant/agent have requested that this be amended to the following:

- Monday to Saturday 0800 to 2200
- Sunday 1000 to 1800
- Bank Holidays 0800 to 2000

These opening/trading hours are the same as those permitted for the Aldcliffe store, which has a similar relationship to surrounding residential dwellings and is considered to successfully operate without resulting in unacceptable impacts to residents. In this case, Officers consider amending the opening/trading hours in the manner proposed to be reasonable. As such, condition 36 will need to be updated to reflect the opening/trading hours listed above.

In addition, the applicant/agent has requested an additional condition to secure the details of a temporary construction phase access, which would be utilised for the construction phase only. The addition of a further condition to secure the design and implementation of the construction phase access prior to commencement of works on site is reasonable and would enable construction to commence on-site in a more timely manner. The precise details of the construction phase access would be reviewed by the Highways Authority at the discharge of condition stage. The imposition of an additional condition to secure the design and implementation of the construction phase access is recommended.

For clarity, the trigger for condition 5, which requires the agreement of the precise design of the site access and off-site work and their subsequent implementation, will need to be updated. At present, this is recommended as a 'prior to commencement' condition, however, following the imposition of the construction phase access condition described above, this can be updated to be a 'Prior to occupation/first use' condition. This will require the precise details of the operational phase site access, and the off-site highway works, to be both agreed (in consultation with the Highways Authority) and implemented in full prior to the occupation or first use of the food store.

**Additional Representations**

The Highways Authority has confirmed that its full financial contribution request should be secured as part of this development. As such, the recommendation set out within the committee report to only secure the contributions set out in paragraph 5.3.15 and not secure the contribution described in paragraphs 5.3.16 - 5.3.17 of the committee report does conflict with the Highways Authority's request.

1 additional letter has been received neither objecting nor supporting the proposal. The letter sets out the need to consider highway safety impacts carefully and the need to provide safe crossing points across the A6 corridor.

Corrections to report / matters of clarification:

N/A

Officer Assessment/Comments

Having regard to the additional information, it is proposed to accept the store opening/trading hours as requested by the applicant/agent. Condition 36 would be updated to reflect this.

Furthermore, a further condition to secure the details of a construction phase access is required, whilst condition 5 would be updated to enable the full and precise details of the operational phase access to be provided at a later stage.

With respect to the additional representation provided by the Highways Authority, whilst its request is noted, for the reasons set out within the committee report regarding this matter, Officers still conclude that, as described within committee report paragraph 5.3.17, securing a further contribution towards a scheme in Galgate would not meet the relevant tests necessary to impose this obligation.

RECOMMENDATION

Approve as per the recommendation in the main report with the following changes/additional conditions:

- Condition 5 amended trigger to prior to first use/occupation.
- Condition 36 amended opening hours as set out in this update report.
- An additional prior to commencement condition to secure details and implementation of the construction phase access.



Planning Regulatory Committee

Written Update

Agenda Item:	A9	Application reference:	25/00887/VCN
Site Address:	Land Adjacent Galgate Mill, Chapel Lane, Galgate, Lancashire		
Proposal:	Erection of two industrial/employment buildings comprised of 11 units (Class B2/E(g)) with associated parking/turning area, landscaping and associated infrastructure (pursuant to the variation of condition 2 on planning permission 23/01353/FUL to amend previously approved plans)		

Further Information

- N/A

Additional Representations

The following further representations have been received:

Conservation Team – A further sample of the proposed stone cladding system has been provided in 'Rustic Gneiss.' The more muted colours in this sample better reflect the material palette of buildings surrounding the proposal site. The level of harm posed by the introduction of this material to the significance of surrounding heritage assets would therefore be reduced.

No amendment has been made to the proposed use of Kentdale slate. For this reason, the proposals continue to present some risk of harm to the significance of the surrounding Listed Building, albeit to a lesser extent. The harm would be 'less than substantial' in the context of the NPPF and must therefore be weighed against any public benefits.

Corrections to report / matters of clarification:

None

Officer Assessment/Comments

Having regard to the additional consultation response, the Conservation consultee has identified harm from the Kendale (Spanish) roof slate. The original approval included details for natural slate, and given the shallow roof pitch, predominantly finished in Solar PV panels, this harm is considered to be minor. For the reasons set out above and in the main report, this further objection, does not alter the assessment, planning balance or recommendation set out in the main report.

RECOMMENDATION

As recommended – no changes to the main report.