

Agenda Item A9	Committee Date 3 June 2019	Application Number 19/00088/FUL
Application Site Land Adjacent To Meadowcroft Hill Lane Nether Kellet Lancashire	Proposal Erection of a two storey dwelling with associated access and alterations to land levels	
Name of Applicant Mrs Cornthwaite	Name of Agent Mrs Nola Jackson	
Decision Target Date Extension of time agreed until 7 June 2019	Reason For Delay Negotiating changes and receipt of amended plans	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval	

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request was made by Councillor Mace for the application to be reported to the Planning Regulatory Committee due to the concerns relating to ground instability, increased flood risk, loss of amenity and the impact on the character of the Nether Kellet Conservation Area.

1.0 The Site and its Surroundings

1.1 The application site relates to part of a larger agricultural field located on the northern side of Hill Lane, close to the junction with Shaw Lane, at the southern end of the village of Nether Kellet. Hill Lane rises out of the village to the east, as do the levels of the field in which the site is located. The land also rises to the north, from Hill Lane, is mostly higher than the highway and contains some undulations. There is an existing field access into the site, towards the western end of its frontage, and there is a stone wall along the boundary with the highway verge. To the west of the site is a bungalow, 3 Hill Lane, which is situated at a lower level, and to the south, on the opposite side of the highway, is a converted barn and its associated garden.

1.2 The site lies adjacent to the Nether Kellet Conservation Area, which includes the bungalows to the west and Hill Lane to the south, extending up to an elevated farm complex to the east, Hill Top Farm. It is also within the Countryside Area, as identified on the Local Plan Proposals Map and partly within a Mineral Safeguarding Area.

2.0 The Proposal

2.1 Planning permission is sought for the erection of a detached dwelling and the creation of a new access. The dwelling was originally proposed as two storey with an attached garage, but amendments have been made to the scheme which have reduced this to single storey, with accommodation provided within the roof space. Engineering operations are proposed given the changes in levels across the site, and the building would be partly built into the rising land. The dwelling is proposed to be set back from the highway by approximately 15 metres and would be 13.5 metres wide, 7.5 metres deep and have a height of 3 metres to the eaves and 5.6 metres to the

ridge.

- 2.2 The existing access into the field is proposed to be retained for agricultural purposes and the boundary of the residential property would be set in from the western field boundary by approximately 7.4 metres. The retained access was not originally included within the application boundary. However, it has now been incorporated in order to allow for some levelling of this strip of land to make it more useable. A new access is proposed to serve the dwelling through the existing boundary wall, approximately 3 metres to the west of the field gate. This is proposed to be 4.5 metres wide, splayed to 7 metres at the edge of the carriageway.

3.0 Site History

- 3.1 The relevant site history is set out below:

Application Number	Proposal	Decision
18/00711/OUT	Outline application for the erection of a dwelling with associated access	Withdrawn
15/01035/PRETWO	Erection of two dwellings	Completed
15/00385/PREONE	Erection of two dwellings	Completed

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Object: visual impact due to the size of the dwelling, larger than nearby dwellings and not in keeping with the other properties and would impact on Listed buildings in the area; impact on residential amenity, will affect current open space and result in a loss of privacy; and increased flood risk. They maintain their objection despite the amendments made to the proposal.
Conservation Team	Object. The proposal would have a harmful impact on the setting of the Conservation Area, a Listed building and two non-designated heritage assets. This harm is considered to be less than substantial but is not outweighed by any public benefits of the proposal. Comments are awaited in relation to the amended plans.
Environmental Health	No comments received during the consultation period.
County Highways	No objections subject to conditions requiring: a scheme for the construction of the site's 4.5m wide means of access and associated 2m wide footway along the frontage of the site with Hill Lane; provisions to enable vehicles to enter and leave the highway in a forward gear; reduction of the boundary wall to 1 metre above the carriageway; visibility splays 2.4 metres by 30 metres in each direction; and surfacing of the first 5 metres of the access in a bound material.
United Utilities	Comments. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

5.0 Neighbour Representations

- 5.1 In response to the original submission 9 pieces of correspondence have been received which raise an objection to the application and include the following concerns:
- Increased flood risk to neighbouring properties due to run-off from the hill, including as a result of the proposed ground excavation;
 - Loss of open space due to development on green field agricultural land;
 - Development is located outside the village outline, would have an urban sprawl effect, exacerbated by retained field access which could also lead to further development;
 - Loss of residential amenity, particularly due to proximity to the boundary, scale and elevated position of dwelling and garage, including loss of light and privacy, and overbearing impact;
 - Scale, design and materials, including parking area, are not in keeping with the character of the area and the dwelling will have a detrimental impact on the visual amenity of the area;

- The development would not preserve or enhance the Conservation Area and be detrimental to its setting;
- Impact on the setting of Listed buildings in the area;
- Impacts from ground instability at the site;
- Unclear how foul water will be disposed and there are issues with the existing public sewer capacity;
- Little demand for new dwellings in Nether Kellet, and of the scale proposed, would not meet an identified local need or be affordable;
- New residential development should be focused in Lancaster;
- Risks from pollution;
- Contrary to the Human Rights Act;
- A preference should be given to the re-use of Previously Developed Land;
- Could set a precedent for further development.

5.2 In response to the amended plans, 5 additional pieces of correspondence have been received, objecting to the proposal. These raise similar concerns to above, but specific to the amendments they raise the following additional concerns:

- Additional flattening of land at field access raises concerns regarding future development as this does not appear to be used to access the field, and would result in an increased visual impact on the surrounding area;
- Amendments do not alter size of plot and extent of hardstanding and would still be in an elevated position;
- Overlooking from access track and impact from dwelling closer to 3 Hill Lane.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraphs 77, 78 and 79 – Rural housing

Paragraph 108, 109 and 110 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 170 – Contributing to and enhancing natural and local environment

Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

Paragraph 178 – 179 – Land instability and contamination

Paragraphs 185, 192, 193-197 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan Saved Policies

E4 – Countryside Area

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.5 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development affecting Conservation Areas
DM32 – The Setting of Designated Heritage assets
DM33 – Development Affecting Non-Designated heritage assets or their Settings
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources and infrastructure
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

6.6 Joint Lancashire Minerals and Waste Local Plan (Site Allocations and Development Management Policies) (adopted September 2013)

M2 - Safeguarding Minerals

6.7 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of residential development
- Layout, scale, design and impact on heritage assets
- Impact on nearby residential amenity
- Impact upon trees and ecology
- Highway impacts including parking
- Land contamination and stability and drainage
- Mineral safeguarding

7.2 Principle of the development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD sets out a list of villages where new residential development will be supported, of which Nether Kellet is one. The site is located at the southern end of the village, in close proximity to existing residential development. This policy does also include general requirements for new residential development, and there are also other factors to consider, which are discussed in detail below. However, the principle of a new dwelling in this location is considered to be acceptable.

7.3 Layout, scale, design and impact on heritage assets

- 7.3.1 The proposal relates to the erection of a single dwelling on land adjacent to Hill Lane at the southern end of Nether Kellet, which forms part of a larger field and appears to be used to graze animals. The land rises quite considerably from the boundary with 3 Hill Lane to the east. As a result, excavation of the land is required to accommodate the dwelling and it is proposed to be partly set into the rising land. As set out above, amendments have been made to the originally submitted scheme and the dimensions of the proposed dwelling are set out at paragraph 2.1.
- 7.3.2 The southern and eastern boundaries of the site abut the Nether Kellet Conservation Area. To the east and north east are a number of bungalows dating from the early 1960s. On the opposite side of the highway is Heathfield Farm and Wren Cottage, a farmhouse and converted barn. Heathfield is considered to be a non-designated heritage asset and both buildings are present on the 1840s OS map. Hill Lane leads up from the site to the east to Hill Top Farm, which is also within the Conservation Area boundary. This is one of the main focal points of the village, forming a backdrop which looms over the settlement due to the sharp rise of the land. Hill Top Farm is not listed, but is also considered to be a non-designated heritage asset. Approximately 50 metres to the south west of the site is a Grade II Listed building, Channel Head.
- 7.3.3 In response to the original scheme, the Conservation Team raised concerns in relation to the impact on the heritage assets discussed above. In particular, it was considered that the dwelling would impact upon the setting of Heathfield in terms of the surroundings within which it is perceived. Another impact is on the setting of Hill Top Farm on its eastern approach, which is currently open and agricultural in character. It was also considered that the dwelling would impact on the rural setting within which the Grade II Listed building (Channel Head) is perceived. It was acknowledged that the setting of these heritage assets has clearly changed over time, as the village has expanded, and the greatest impact has clearly come from the building of Meadowcroft in the 1960s. However, as a result, it is considered to be more significant in terms of providing a setting for the heritage assets as it is the remaining view at the south east end of the Conservation Area. There were also some concerns raised regarding the design, which was considered to appear too much like a barn conversion, and the impacts of the associated terracing and landscaping.
- 7.3.4 Consideration has been taken with regards the layout to aim to work with the topography of the site. However, there were concerns regarding the scale and design of the original proposal, particularly given the rising landform and elevated nature of parts of the site. The extent of the land level changes make a dwelling on this site, in addition to its associated garden, difficult to accommodate, particularly given the relationship to the heritage assets and the existing adjacent houses to the east. The original plans show that the dwelling would be significantly elevated above the adjacent bungalow. In terms of the design, there were concerns that this had the potential to appear as a poor barn conversion rather than a well-designed new building that responds well to the character of the area. Whilst it is considered that there is merit in designing a dwelling that acknowledges the agricultural link to the site, the submitted design would potentially confuse the historic legibility of the area as there was not a stone barn in this location.
- 7.3.5 As a result of the concerns, the agent submitted amended plans. The finished floor and site levels are proposed to be similar to the original submission, requiring a similar level of excavation. The dwelling would mostly be sited on a newly created level area, at 70.75 metres AOD, which is around 1-1.2m higher than the boundary line close to the dwelling at 3 Hill Lane, and just above the level of the highway close to the access point. Terracing is proposed on part of the front of the site, adjacent to the access and turning area, to provide a stepped garden up to the grassed area at the eastern boundary. This allows the eastern end of the building to be built into the rising landform. The main changes from the original submission relate to the removal of the proposed attached garage, resulting in the western elevation of the dwelling being located 14.5 metres from the side wall of the bungalow at 3 Hill Lane, and 13 metres from its boundary, the reduction in height of the dwelling and an alteration to the design.
- 7.3.6 The dwelling is now proposed to be more akin to a bungalow, although accommodation is proposed within the roof space. The length and width has been mostly kept the same, although a single storey projection at the rear has been removed. The ridge height has been reduced by 0.9 metres and the eaves height by 1.8 metres, creating a steeper roof pitch with a larger expanse of roof slope. In terms of the design, the dwelling is now proposed to be finished in timber cladding with a slate roof and aluminium powder coated doors and windows. Whilst these materials are not similar to any

dwellings in the immediate area, it is considered that it would provide a modern interpretation of a timber barn, that would clearly appear as a contemporary dwelling, rather than an attempt to replicate a more traditional and substantial stone building. By reducing the eaves height in particular, the overall massing would be considerably reduced, better relating this to the adjacent bungalows. The dwelling will still be higher than the bungalows, and set at a higher level, but it is now considered that it would not visually dominate these and would provide more of a gradual step, responding to the rising levels. It is acknowledged that the footprint and extent of the garden is larger than the adjacent bungalows. However, there is a mix of size of plots and scale of dwellings in the vicinity, including the converted barn to the south which has a large garden to the side roughly in line with the eastern extent of the application boundary. Its orientation, with the roof slope facing the highway, responds to that of the more historic buildings in the area.

- 7.3.7 As a result of the changes to the scheme, it is considered that the impact within the landscape has been reduced. The proposal will still involve the development of a small section of a large agricultural field which provides the setting for this end of Nether Kellet and its Conservation Area. It will result in domestication by the siting of the dwelling but also from the hardstanding and terracing at the front. However, given the set back from the road, the dwelling would not interrupt views up to Hill Top, and the agricultural land beyond the site would still be discernible and continue to provide a setting to the Conservation Area and the designated and non-designated heritage assets. In relation to the Grade II Listed building, it should be noted that there is intervening development between the site and this building, including more modern bungalows of a poor design, and this has more of a relationship to the open land and edge of the settlement on the western side of Shaw lane, rather than the application site.
- 7.3.8 Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As discussed above, it is considered that the amended proposal would not cause harm to the setting of the Listed building. In terms of the setting of the Conservation Area, this is not protected in law as with a Listed building. However, it is covered by the both national and local planning policy. The NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Policy DM31 sets out that only development which preserves or enhances the character and appearance of the Conservation Area will be permitted. Policy DM32 relates specifically to the setting of heritage assets and contains similar wording to Policy DM31. It goes on to say that the greater the negative impact on the significance of the heritage asset and its setting, the greater the benefits that would be required to justify any approval.
- 7.3.9 It is considered that the proposal will have some impact on the setting of this part of the Conservation Area, by the encroachment into the open and rising land. However, it is acknowledged that the development on the opposite side of the highway extends beyond the existing built form on the northern side. The proposed site boundary would be roughly in line with the eastern boundary of the garden to the converted barn, although this garden screened by a large boundary wall. In addition, the bungalows adjacent to the site are of a poor overall design, finished in a mix of brick and render with concrete tile roofs and some including flat roof dormer windows. These detract from the more traditional buildings in the area. It is considered that the harm caused by the encroachment into this land would be mitigated by the high quality design, sensitive boundary treatments and care over land levels, all of which could be covered by conditions. As discussed above, given the set back of the dwelling, views would still be available across the rising land and up to Hill Top, and whilst the terracing at the front would be more domestic in appearance, it would retain a gradual slope, and would also be seen in the context of the existing bungalows, their gardens and a wide area of pavement. As a result it is considered that the impact would be minimal. The pavement is proposed to be extended up to the new access, on the existing verge. Given the relatively limited length of this and the presence of the existing pavement and hardstanding on the other side of the road, it is considered that this would not be harmful to the character or appearance of the area.
- 7.3.10 Given the existing development adjacent to the site and the proposed design and scale of the dwelling, it is considered that it would not have a detrimental impact on the setting of the Conservation Area or the other designated and non-designated heritage assets in the vicinity of the site and would therefore comply with both local and national planning policy.

7.4 Impact on nearby residential amenity

7.4.1 The proposed dwelling would be located 13 metres from the boundary with 3 Hill Lane and 14.5 metres from the side wall of this bungalow. It would be sited closer to the road than this neighbouring dwelling and, given its orientation, it would not extend along all of the side wall of the dwelling. There are habitable room windows in the side wall of the bungalow which face towards the application site. The supporting text to policy DM35 advises that there should normally be 12 metres between a blank wall and habitable room windows. Whilst the dwelling would be in a slightly elevated position, given the height of the dwelling, the separation distance and position on the site, it is considered that the proposal would not result in a significant loss of light or overbearing impact to the occupants on the neighbouring property.

7.4.2 A gap has been deliberately left between the side boundary of the new residential property and the boundary of 3 Hill lane. Whilst concerns have been raised from neighbouring properties regarding the reason for this, it has been suggested by the Local Planning Authority in order to help prevent overlooking and loss of light to this dwelling, given its close proximity to its eastern boundary. The agent had previously suggested that this could be planted with trees, though there were concerns that this could block light to 3 Hill Lane. By stepping the boundary away, it allows a more substantial boundary treatment to be put in place which would not in itself impact on light to the neighbouring property. This strip of land has been shown as retained for access to the field and there were some concerns that this would not be practical because of some of the levels. It has now been included within the application boundary to allow for this, but it is not envisaged that this change would be significant or that the strip of land would be surfaced. However, the precise details of the level changes can be covered by condition. Concerns have been raised by the immediate neighbour in relation to increased overlooking from this access, but the land can currently be used and accessed for agricultural purposes so it is unlikely that there would be a significant increased impact.

7.4.3 There would be no overlooking into 3 Hill Lane from the proposed dwelling, as no windows have been proposed in the side wall. However, there is the potential for overlooking from the garden area. A hedge has been proposed around the boundary which would be expected to grow to an appropriate height to provide privacy. Whilst a fence would be considered inappropriate given the rural location, it may be an option as a temporary measure to ensure that privacy is afforded to the occupants before the new dwelling is occupied. The garden level is likely to be higher further from the boundary and care would need to be taken to ensure that the boundary treatment was successful in preventing overlooking. This would be considered in combination with precise ground levels of all the external areas, including at the point where the hedge is planted, which can be covered by condition. The boundary treatments would also ensure that there was no overlooking to the bungalows to the rear of 3 Hill Lane on Meadowcroft, which are further from the site. Given the floor level of the dwelling and its separation, it is considered that there would not be a loss of privacy to the properties on Meadowcroft from the new dwelling.

7.4.4 There is also a residential property to the south of the site, on the opposite side of the highway. The new dwelling would face towards the garden area of this, and would be separated by approximately 17 metres. Given this and the design of the dwelling, it is considered that there would not be a significant impact on the occupants of this property by way of overlooking.

7.5 Impact upon trees and ecology

7.5.1 The site has been used for the grazing of animals and there are no trees or hedgerows impacted by the development. As a result it is considered that there would not be a significant loss of biodiversity. The scheme does propose hedgerows along some of the boundaries, which could enhance the overall biodiversity of the site, providing nesting and foraging habitat.

7.6 Highway impacts including parking

7.6.1 A new access is proposed to serve the development from Hill Lane. This road is subject to a speed classification of 60 mph, though the carriageway width and alignment provides a natural control of vehicle speeds in the vicinity of the site. In addition, Hill Lane is not a through road, and it appears that the only development it serves to the east of the site is the farm. Therefore vehicle speeds are likely to be considerably less than the carriageway's speed classification, and it is unlikely to be a heavily trafficked road. The Highway Authority has raised no objections to the proposal which provides a 4.5 metre width access, subject to visibility splays of 2.4 x 30 metres. This would require

a lowering of the boundary wall, extending just outside the eastern extent of the site to 1 metre above the carriageway.

7.6.2 A small section of extended footway is also proposed to link to the new entrance to the site, in order to provide safe pedestrian access. This is in the location of an existing verge. Sufficient parking and turning has been provided within the site for the size of development proposed. It is considered that the proposal would not have a significant adverse impact on highway safety.

7.7 Land contamination, land instability and drainage

7.7.1 In relation to land contamination, there is no evidence that the land has been subject to levels of contamination which would cause significant risk to the proposed development. However, as the land has been used for agricultural purposes, it would seem reasonable to include a condition requiring the assessment and remediation of any unforeseen contamination found at the site during construction.

7.7.2 Concerns have been raised by occupiers of nearby residential properties in relation to the instability of the land, and this has been supported by two reports. One of these reports is brief and just sets out that: *“there are very significant soluble rocks in the area. Information provided by the BGS indicates there are places where the underlying ground may have dissolved with some recorded subsidence. There is a moderate potential of localised subsidence occurring naturally”*. The second is from the British Geological Survey (BGS) and gives an indication of the potential for any significant natural ground instability to occur within 50 metres of the site. This is a desk based assessment based on 1:50,000 digital geological maps and the interpretation of other records in the possession of BGS at the time and the answer given should therefore only be treated as indicative for the search area.

7.7.3 The BGS report identifies that significant natural ground instability is possible in the area and the hazard level is identified as D, on a scale of A to E (low to high). It sets out that this is as a result of soluble rocks in the area that can dissolve and develop underground cavities that may lead to surface collapse and hollows. The soluble rock identified is limestone and the report advises that limestone is not very soluble and is removed very slowly over a geological time scale. In relation to the risk identified, the report sets out that members of the public should consider obtaining specialist advice before loading the land or undertaking building work and seek specialist advice before disposing of surface drainage to the adjacent ground and maintain any drainage infrastructure. The advice it gives for specialists for new build development is that specialist site investigation and stability assessment may be necessary before construction and construction work may cause subsidence. Surface drainage should be isolated from the karst system (a topography formed from the dissolution of soluble rocks such as limestone) and groundwater, and increased construction costs are possible.

7.7.4 Whilst the report raises concerns regarding land stability issues, it does not advise against development and it is likely that, in the event that there are issues at the application site, there would be an engineering solution. Whilst the concerns from neighbouring properties are noted, with regards impacts on them from the development, the granting of planning permission would not give anyone the right to carry out works that would cause damage to another property. Given this, it is considered that the risks identified are not sufficient to justify the refusal of the application on this ground. However, it would be expected that detailed surveys were undertaken of the site before construction was undertaken to ensure that any risks identified could be adequately mitigated. This would be in the interests of the person constructing the property.

7.7.5 The concerns regarding land instability also link into the drainage of the site. It is likely that foul drainage would be connected to the mains sewer, and there is one within the vicinity of the site so this is likely to be feasible. It does not appear to be immediately adjacent to the site so it would seem reasonable to attach a condition to ensure that the method of foul drainage is agreed prior to the commencement of any development. If a different system is required then it is possible that a new application would be required in order to accommodate this. In terms of surface water, the site's specific ground conditions will have a bearing on this. The underlying rock is limestone, which is permeable, though there may be issues with ground instability, as discussed above. From the report it appears that infiltration to the ground would not be ruled out in principle, but would require further investigation. It may be that a more engineered solution would be required. It would seem unreasonable to insist that detailed surveys, which may include the requirement for boreholes, are

undertaken before a decision is issued, particularly given that the proposal relates to a single dwelling. However, it would be appropriate that a scheme for surface water is agreed before works start on site to ensure that there is an appropriate solution. Overall, it is considered that this can be adequately covered by a condition to ensure that there is no increased flooding to neighbouring property, flooding to the application site, or an exacerbation of ground stability issues.

7.8 Mineral Safeguarding

7.8.1 A small part of the eastern section of the site is located within a Mineral Safeguarding Area for limestone. However, given the proximity to the edge of the village it is unlikely that the working of minerals would be undertaken close to the site. In addition, given the small scale of the development, the encroachment is minimal and there would be little benefit in extracting any limestone during the course of the development.

8.0 Planning Obligations

8.1 There are no planning obligations to be considered as part of this application.

9.0 Conclusions

9.1 The site is considered to be located in a sustainable location, on the edge of the village of Nether Kellet, and therefore represents an appropriate location for new residential development. As a result of the submission of an amended scheme, the scale, design and layout is considered to be acceptable and would not have a detrimental impact on the setting of the Conservation Area or the other designated and non-designated heritage assets. It is also considered that the proposal would not have a significant adverse impact on residential amenity, highway safety or biodiversity and does not suffer from a level of ground instability that would justify the refusal of the application for this reason. The proposal is therefore considered to be acceptable and in accordance with both national and local planning policy.

Recommendation

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

1. Standard timescale
2. In accordance with the approved/ amended plans
3. Submission of a foul and surface water drainage scheme (prior to the commencement of development)
4. Land stability assessment and associated construction methodology
5. Detailed finished floor and ground levels, including in relation to retained field access
6. Details of materials including: slate; timber cladding; windows and doors; eaves verge and ridge details; rainwater goods; external surfacing materials; boundary treatments
7. Landscaping scheme
8. Unforeseen contamination
9. Creation of extended pavement
10. Creation of access, parking and turning, and visibility splays
11. Removal of Permitted Development rights – alterations, extensions and outbuildings and boundary treatments (Parts 1 and 2)

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

In accordance with the above legislation, the City Council can confirm the following:

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 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