

Agenda Item	(A6 Background Paper)
Application Number	22/01542/OUT
Proposal	Relevant demolition of part of front boundary wall, demolition of existing building and outline planning application for the erection of up to 51 dwellings and the creation of new vehicular and pedestrian accesses, retaining walls and regrading of land
Application site	Land East of The Limeburner's Arms Main Road Nether Kellet Lancashire
Applicant	Oakmere Homes
Agent	Mr Dan Ratcliffe
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	Subject to Natural England concurring with the Council's HRA, approve subject to s106.

(i) **Procedural Matters**

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

1.0 Application Site and Setting

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

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

2.0 Proposal

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

3.0 Site History

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

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

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

4.0 Consultation Responses

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

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

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

	<p>undertaken at the wrong time of year. However, does not consider this a matter which could substantiate an ecological reason for refusal.</p> <ul style="list-style-type: none"> • Recommends reasonable avoidance measures for protected species to be covered by condition and informed by updated surveys (given the age of the report). • Recommends reasonable avoidance measures for mammals and amphibians. • Further bat surveys to be undertaken is the Ash trees are to be removed. <p>Following the submission of the BNG metric, GMEU note an overreliance on urban trees within the metric, with concerns raised over the implications of the Ash trees if felled and where new urban trees would be provided on the site. However, GMEU indicate that whilst there are still potential areas of disagreement, they agree the site has potential to achieve BNG on site, or at worst, off-site compensation could be feasible.</p>
Lancashire County Council School Planning Team	No objection. The education assessment dated 20 May 2024 determines no primary or secondary school places would be required.
Environmental Health Service	<p>No objection</p> <p>Comments received in relation to the proximity of the development to the operational quarries and the Limeburner's public house. A summary of the position is: -</p> <ul style="list-style-type: none"> • Based on the current operation of the nearest quarry (Dunald Mill Quarry), the Council's EHO is satisfied that there would be 'no' or 'lowest observed adverse effect levels' in respect of noise and vibration to any future occupiers of at this site. • Whilst the submitted acoustic assessment has failed to assess the potential noise impacts from the public house, the EHO officer would not be unduly concerned about the potential for unreasonable noise impacts associated with its current operation. <p>Following comments from Lancashire County Council Planning Policy Team, the Council's EHO considers it unnecessary to revisit their comments and maintains from the information available at the time of commenting, there are no grounds to believe or suspect significant effects arising from quarrying operations close to the site.</p>
Lancashire Policy Team	<p>Comments as follows:</p> <p>"The proposal would not bring development closer to the quarry than the properties that already exist on the eastern end of Ashmeadow Road as such there does not appear to be a significant risk of encroachment and associated sterilisation of the mineral resource. However, the EHO is correct to note that the proposal is in a key mineral's extraction area, and an area of minerals resource of regional significance as such there may be further applications for minerals extraction in the future.</p> <p>It should be noted that quarrying activities have not been undertaken at Dunald Mill Quarry for a number of years, including the most recent 6 year period they have considered, so the number of complaints received should not be considered a reliable indicator of the existing conditions ability to control noise impacts upon potential future residents of the proposal. Your EHO may wish to revisit their comments in light of the above."</p>
Public Realm	<p>No objection subject to the following requirements:</p> <p>Onsite Amenity Greenspace 928.2m2 based on 51 3-bedroom dwellings.</p> <p>Off-site contributions as follows:</p> <ul style="list-style-type: none"> • £56,288.70 towards outdoor sports provision at Nether Kellet School and Nether Kellet Village Green. • £66,300 towards the equipped play area on Nether Kellet Village Green • £26,520 towards young persons provision Nether Kellet Village Green • £15,912 towards Parks and gardens at Sparrow Park in Warton or Nether Kellet Village Green
Arboricultural Officer	The Arboricultural Officer initially objected to the application on the grounds the submitted Arboricultural Implications Assessment did not accurately reflect the proposed site plan and needs to be updated. Following the submission of amendments, a summary of the comments are as follows:

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

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

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

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

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

Principle matters including:

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

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

Heritage concerns including:

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

Traffic and highway concerns including:

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

Amenity (residential and landscape) concerns including:

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

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

Environmental concerns including:

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

Infrastructure concerns including:

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

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

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

Others:

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

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

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

5.0 Analysis

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

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

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

5.2 **Principle of Development** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 5 (Delivering a Sufficient Supply of Homes), Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District) and EN3 (Countryside Area); Development Management DPD Policies DM4 (Residential Development Outside Main Urban Areas), DM44 (The Protection and Enhancement of Biodiversity) and the Joint Lancashire Minerals and Waste Local Plan Policies M1 (Managing Mineral Production) and M2 (Safeguarding Minerals) and Guidance Note (December 2014).

5.2.1 **Principle of housing growth**

The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Policy SP2 aims to direct significant growth to the main urban areas of the district but also identifies a number of sustainable rural settlements that will provide the focus for rural growth outside the main urban areas. Nether Kellet is one of the district's identified sustainable rural settlements.

5.2.2 The application site is not allocated for housing (or any other land use). It lies within designated Countryside Area defined by the Lancaster District Local Plan. Policy EN3 of the SPLA states that the Council has designated areas of open countryside that define the rural context of the district. It goes on to state that any development proposals located within open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management (DM) DPD relating to development in the rural areas. Policy DM4 of the DM DPD sets out that the Council will support proposals for residential development outside main urban areas where they reflect sustainable patterns of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the SPLA DPD. Accordingly, the principle of housing growth within Nether Kellet can be supported.

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

5.2.4 **Loss of Agricultural Land**

The loss of the agricultural land is a material planning consideration and a matter of principle. Policy DM44 states development proposals '*should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable*'. The NPPF equally reinforces the need to protect the highest quality agricultural land. Paragraphs 180, 181 and within footnote 62 states '*planning policy and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils*'. The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a. The site is considered Grade 4 agricultural land, which is defined as poor quality and not BMV. Accordingly, the loss of agricultural land is not a constraint to the proposed development and would not conflict with policy DM44 or the framework in this regard.

5.2.5 **Mineral Safeguarding Land**

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

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

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

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

5.2.12 There are several key issues discussed above to help establish whether the principle of residential development is acceptable. In summary, whilst located in the open countryside, the site is located on the edge of an existing sustainable rural settlements where housing growth in principle could be supported, subject to consideration of all other relevant planning policies; the land is not considered best and most versatile land, and the prospect of mineral extraction is limited. Therefore, housing development on the site may be considered acceptable as a matter of principle, subject to the other key material considerations set out below.

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

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

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

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

5.3.2 Access Strategy

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

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

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

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

5.3.5 Traffic Impacts

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

5.3.6 Sustainable travel

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

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

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

5.3.8 Parking

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

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

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

5.4 Landscape Character and Visual Effects NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN3 (The Open Countryside); Development Management (DM) DPD policies: DM4 (Residential Development outside Main Urban Areas), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact) and GVLIA3 Guidelines for Landscape and Visual Impact Assessment (Landscape Institute 3rd Edition).

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

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

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

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

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

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

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

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

- 5.5.6 The applicant has set out that there may be two possible ways in which to manage surface water drainage on the site. Whilst both have their challenges and require further investigation, it would be unreasonable to resist the application on the grounds the site cannot drain as such an argument could not be substantiated at this stage. However, it is imperative the applicant undertakes thorough investigations and further percolation testing over the winter period to explore their first option for an infiltration only based system. If this fails, the applicant would then need to obtain all necessary consents to discharge to the watercourse and provide full details of either drainage scheme before any development commences on site. In the circumstances a pre-commencement condition is deemed necessary to ensure the development can drainage without causing a flood risk elsewhere.
- 5.5.7 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. United Utilities has raised no objection to this but insists surface water drainage does not connect to the public sewer in Main Road.
- 5.5.8 The highway authority has also made it clear any exceedance flows would not be permitted on the local highway network. It is understood this is due to existing flooding that occurs on Main Road in the vicinity of the site entrance. Accordingly, the applicant will need to ensure exceedance flows can be captured on site through the use of additional sustainable drainage features and/or directed elsewhere and away from other property. It is also anticipated that to deliver an infiltration based scheme on site, and accounting for the land level changes, a series of drainage features may be required to help slow flows and gradually capture surface water as it flows downhill, such as swales or a series of attention/infiltration basins stepping down the site. The local planning authority would expect these features to be mainly above ground features in accordance with good design and emerging policy. The applicant will also need to be aware that the provision of soakaways for infiltration also needs to be located certain distances (usually 5 metres) from property and roads. When combining these factors, it is highly likely that more land will be required on the site for sustainable drainage features. This will affect the layout and number of units capable of being accommodated on the site. Consequently, it is deemed necessary that as well as the drainage scheme being submitted and approved before any development takes place, it is submitted and determined concurrent to the first reserved matters application.
- 5.5.9 Subject to the imposition of pre-commencement conditions to secure the final drainage scheme (and other conditions relating to management and maintenance and verification the approved scheme has been implementation), it is accepted the site can be capable of being drainage without causing a flood risk off site in compliance with national and local planning policy.
- 5.6 **Residential Amenity and Pollution** (NPPF: Chapter 8 (Promoting Healthy and Safe Communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Ground Conditions and Pollution); Development Management DM) DPD DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.6.1 Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be if high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.6.2 **Residential Amenity**
The proposed development has the potential to impact existing residential development on Ashmeadow Grove, Ashmeadow Road, Springfield Gardens and Halton Road. It is acknowledged many local residents have objected over concerns relating to overlooking, loss of privacy and overshadowing. For outline planning application where layout and scale are not for determination (as is the case here) it is not possible to determine whether the development would or would not

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

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

5.6.4 Noise

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

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

5.6.6 Contaminated land and land stability matters

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

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

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

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

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

5.8 Housing needs, affordable housing, housing standards and mix NPPF Chapter 5 (Delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

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

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

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

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

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

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

5.8.5 Policy DM2 relates to housing standards, requiring all new dwellings to meet the Nationally Described Space standards and at least 20% of new affordable housing and market housing to meet building regulations M4(2) Category (accessible and adaptable dwellings). To secure these standards at the detailed design stage (reserved matters) planning conditions are proposed as part of this recommendation.

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

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

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

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

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

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

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

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

- 5.9.11 Taking into account the public benefits of the development of up to 51 dwellings in this location, including the affordable units, it is considered that this outweighs harm that has been identified to the significance of the identified heritage assets. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.

5.10 **Biodiversity and Trees** (NPPF: Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).

- 5.10.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.

5.10.2 **Habitat Regulations Assessment**

The site is located approximately 2.6km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. has been submitted with the application. It is considered that mitigation is required in relation to potential adverse effects and therefore an Appropriate Assessment has been undertaken. The Local Planning Authority has undertaken its own Habitat Regulations Assessment (and Appropriate Assessment) to fulfil the duty as the competent authority.

- 5.10.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas subject to appropriate mitigation being secured by condition. For potential impacts during construction, this relates to the production and implementation of a Surface Water Construction Method Statement, to include appropriate pollution prevention control measures to ensure no construction related pollutants or run-off enter the sewer networks in the highway towards the culverted watercourses which provide potential pathways to the designated areas. For impacts during the operational phase, this requires the implementation of a suitable foul and surface water drainage scheme and the provision of homeowner packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of alternative areas for recreation, in particular dog walking. These measures shall be controlled by planning condition. Natural England has been consulted on the Council's Appropriate Assessment but has yet to provide their statutory comments. Subject to Natural England concurring with our conclusions, it is considered the development, with mitigation, would accord with the requirements of the Habitat Regulations, strategy policy SP8 and policy DM44 of the DM DPD.

5.10.4 **Ecological Impacts**

The application has been supported by a preliminary ecological appraisal (PEA). This concludes the site comprises poor semi-improved grassland bound by a combination of species poor and species rich hedgerows, some which contain trees. The site also includes two mature Ash trees and two younger Cherry trees that sit in the lower most field. The PEA concludes the grassland is of low

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

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

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

5.10.5 Trees and Hedgerows

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

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

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

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

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

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

5.10.10 **Biodiversity Net Gain (BNG)**

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

5.10.11 The application has been supported by an updated Biodiversity Net Gain assessment (July 2024, 2024). The site comprises a mix of area habitat (6.76 biodiversity units) and linear habitat (3.82 biodiversity units). The assessment indicates there will be substantial areas of habitat loss arising from the development. However, if the habitat enhancements and habitat creation as set out in the submitted BNG report can be provided (this includes at least 24 medium sized urban trees and approximately 87m of two staggered rows of native hedgerow planting 40-60cm in height) it is possible to achieve net gains in biodiversity over 10% for area habitat (13.56%) and linear habitat (15.34%). This is based on one of the indicative plans and is subject to change.

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

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

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

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

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

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

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

6.0 Conclusion and Planning Balance

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

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

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

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

Recommendation

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

The legal agreement shall secure:

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

subject to the following conditions:

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

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

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

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

Background Papers

None