

Agenda Item	A8
Application Number	25/00512/FUL
Proposal	Erection of thirteen dwellings and associated access
Application site	Land North West Of Sand Lane Warton Lancashire
Applicant	Oakmere Homes (Northwest) Ltd
Agent	Mr Daniel Hughes
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approve, subject to conditions and completion of Section 106 Agreement. Delegate back to Chief Officer - Planning and Climate Change to finalise legal agreement.

1.0 Application Site and Setting

- 1.1 The site relates to approximately 0.7 hectares of undeveloped field within the village of Warton. The site lies to the southwest of the main village centre and to the northwest of Sand Lane, with existing residential properties opposite and to each side. Sand Lane functions as the main vehicular route between Silverdale and Warton. Undeveloped agricultural land lies to the North of the site, with the Warton Crag Quarry Nature Reserve located approximately 500 metres further north. In terms of topography, the site falls in elevation from the southwest to the northeast by approximately 7 metres across an approx. 125 metre length. This gives the appearance of a gentle slope as opposed to a steep gradient.
- 1.2 On its southeast boundary, the application site is bounded by an existing hedge adjacent to Sand Lane and part of its northeast boundary. A public footpath also runs parallel to the site's northeast boundary which enables walking links to Crag Road before tracking West to connect to New Road. The existing footpath link is to be retained and is not to be relocated or diverted as a result of this development.
- 1.3 The site is located within the Arnside and Silverdale National Landscape (formally Area of Outstanding Natural Beauty) and the Countryside Area as identified in the Local Plan. Most of the development site is located within an allocation for residential development (site AS21 W88) within the Arnside and Silverdale AONB Development Plan Document. The application red edge does extend slightly further to the northwest, than the extent of the land allocation.
- 1.4 The site is located within a Mineral Safeguarding Area. It is also identified within the Councils Strategic Flood Risk Assessment (SFRA) as being at medium risk of groundwater flooding. Warton Crag to the north, is subject to ecological designations including: Limestone Pavement Order, Local Nature Reserve, Regionally Important Geological Site, SSSI and Biological Heritage Site.

Morecambe Bay is located to the south, this is subject to ecological designations including: RAMSAR, Special Area of Conservation (SAC), Special Protection Area (SPA), SSSI.

2.0 Proposal

2.1 Planning permission is sought for the erection of 13 dwellings with associated vehicular and pedestrian accesses, land level alterations, internal roads, infrastructure, open space, drainage and landscaping. The proposal incorporates a central access road leading from Sand Lane with minor spur roads extending from this. The development includes 5 house types as follows:

House Type	Plot Numbers	Design	Bedrooms	Quantity	Ridge height
Ambleside	1, 2 and 7	Two storey detached	4	3	8.3 metres
Brathay	3, 4, 5, 6, 9 and 10	Two storey semi detached	3	6	8.3 metres
Honister	8	Two storey detached	4	1	7.7 metres
Rothay	11, 12 and 13	Two storey terrace	2	3	8.3 metres

With respect to materials, the dwellings would be finished with a combination of stone and roughcast render and slate roofing. Other design features include low and open eaves design, modest vernacular detailing to the fenestration, and porch canopies.

3.0 Site History

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

Application Number	Proposal	Decision
20/00358/OUT	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses	Permitted
24/00389/VCN	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (Pursuant to the variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 22 on planning permission 20/00358/OUT to revise the plans and provide further details)	Refused
24/00443/REM	Reserved matters application for the erection of 12 dwellings	Refused
24/00948/VCN	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (pursuant to the variation of condition 2 on planning permission 20/00358/OUT to amend the location of the pedestrian access)	Permitted

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response provided
County Highways	No objection subject to the provision of footpaths around both side of the proposed access. A further request for a financial contribution towards the Lancaster Travel and Transport Infrastructure Strategy. Further advice is provided relating to the requirements/standards for road adoption and Sustainable Drainage design.

Environmental Protection	No response provided
Public Realm	No objection – Financial contribution requested to secure off-site public open space enhancements amounting to: Parks and Recreation – £14,102.50 Play Space (Youth) – £3,368.76 Amenity Green Space – £3,374.72 Outdoor Sports – To be confirmed
Property Services	No response provided
Ramblers Association	No response provided
Public Right of Way Officer	No response provided
Mineral Safe Policy Team	No response provided
Waste and Recycling Officer	Provides guidance on LCC waste collection requirements.
United Utilities	Requests conditions to secure final detailed drainage strategy.
Natural England	No objection subject to mitigation (Homeowner Information Packs) being secured by condition.
Planning Policy Team	Provides commentary on the requirements of relevant local planning policy. In particular, focus is paid to affordable housing requirements, landscape effects and sustainable design.
Strategic Housing Officer	No response provided
Arboricultural Officer	Proposal will require the removal of approximately 52 metres of hedgerow, with an aspiration to translocate 41 metres thus enabling it to be retained. Commentary is provided relating to the need for the translocated hedgerow to be protected as part of the wider tree protection scheme. Considers that the location of key landscaping outside of the domestic curtilage is a positive approach.
Arnside and Silverdale National Landscape Team	Objection <ul style="list-style-type: none"> - Expresses concern that the proposal does not meet the 50% affordable housing requirement. - Comments on design including the use of more limestone cladding and render detailing. - LLFA must carefully consider the drainage details. <p>The use of solar panels is compliant with policy Landscaping appears acceptable but more native species preferred.</p>
Lead Local Flood Authority (LLFA)	No objection subject to conditions to secure the final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Operation and Maintenance Manual, and Verification Report. Site specific drainage advice is also provided.
Engineering Team	No response provided
Environment Agency	No response provided
County Archaeology	The proposed development site has no archaeological or historical interest, archaeology does not need to be considered further for the proposed development.

NHS	Requests a financial contribution of £10,146 requested towards Ash Trees Surgery Carnforth to increase clinical capacity, objection if financial contribution is not secured.
Fire Safety Officer	Provides advice on building regulation requirements regarding layout and water provision.
County Active Travel	No response provided
County Education Authority	An education contribution is not required at this stage regarding this development.
Biodiversity Officer	Accepts the biodiversity baseline habitats and the conclusions of the Preliminary Ecological Appraisal. Further advice is provided regarding on-site post development habitat creation and sustainable drainage design.

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

- 5 letters of objection have been received by the Local Planning Authority, raising the following concerns:
 - Prolonged planning application determination period since 2020
 - This proposal seeks permission for an additional dwelling relative to the approved outline permission
 - Development should be located outside of the National Landscape
 - Increased traffic and associated highway safety concerns including speeding and parking along Sand Lane
 - Village does not have the infrastructure to support the development/increased population
 - Increased flood risk within the village
 - Loss of fields and impacts to countryside views and protected landscape
 - Impacts of access including the loss of hedgerow
 - Loss of agricultural land

5.0 Analysis

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

- Principle of development
- Housing need, mix, standards, and affordable housing
- Design and landscape
- Flood risk and drainage
- Highways
- Ecology
- Residential amenity
- Sustainable design
- Heritage
- Open space
- 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, EN2: Areas of Outstanding Natural Beauty, EN3: Countryside Area; Development Management DPD Policies DM1: New Residential Development and Meeting Housing Needs, DM4: Residential Development Outside Main Urban Areas, and DM44: The Protection and Enhancement of Biodiversity; Arnsdale and Silverdale AONB DPD Policies AS01: Development Strategy, AS03:

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. The application site is located within the settlement of Warton, adjacent to existing residential development. Warton is identified as a sustainable rural settlement and as such is a location in which the provision of housing would be supported; subject to the constraints of the Open Countryside and National Landscape credentials set out below.

5.2.2 What is more, the application site lies within an allocated site within the Arnsdale and Silverdale AONB DPD with the policy context for considering development of the site set out in Policy AS21 (W88) – Land North West of Sand Lane, Warton. Specifically, this policy sets out that development at this site is expected to accommodate approximately 12 dwellings, it also provides 8 site specific requirements and an indicative plan to guide development of this site.

5.2.3 It is noted that the site location plan (the 'red edge') which has been submitted with this application is larger than that identified within Policy AS21. This is because the site as drawn within the AONB DPD does not align with the rear garden boundaries of the adjacent dwellings to the northeast. If the proposed development was to strictly adhere to the site allocation as drawn under Policy AS21, the line of development would appear visually stepped and therefore more awkward when seen in the context of the existing development. In this scenario, the rear boundary treatments would not relate well to each other, and this would undermine the locality's visual amenity. As such, although the proposed site plan exceeds the allocated site area set out within Policy AS21, given the visual benefits that this delivers, this is considered to be acceptable in principle, as it allows for more consistent development along Sand Lane. This red edge layout has also already been accepted by the Council as part of the previously approved outline application.

5.2.4 Overall, by reason of the sites location and its identification within Policy AS21 (W88) for housing development, the principle of residential development at this site, subject to all other material planning conditions being satisfactorily addressed, can be supported.

5.2.5 At paragraph 190 (and footnote 67) of the NPPF, and Policy AS01, it is very clear that proposals for 'major' development within National Landscapes should be refused unless exceptional circumstances exist. The definition of 'major' in this context is not the same as the definition of 'major development' pursuant to the Development Management Procedure Order 2015. This, ultimately, is a matter of planning judgement for the decision maker, considering the nature, scale and setting of the proposal in the context of the purposes for which the area has been designated or defined.

5.2.6 In this instance, based on the submitted information and the site-specific factors, the scheme is not considered to constitute major development within the National Landscape. Whilst this conclusion does mean that the policy criteria for exceptional circumstances set out within the NPPF and Policy AS01 are not engaged, this does not preclude the need for or prejudice the ability of the Local Planning Authority to carefully and stringently assess all material planning considerations, which importantly includes landscape matters. However, based on this conclusion, the principle of housing can be supported in this location. All other pertinent planning considerations will be addressed in the following sections of this report and considered in the planning balance at the conclusion of this recommendation.

5.2.7 Loss of agricultural land

The loss of 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. Paragraph 187 of the NPPF and footnote 65 states '*planning policy and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological*

value and soils'. It goes on to state that 'planning policy and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'

5.2.8 The best and most versatile (BMV) land is defined as Grades 1, 2 and 3a. The development site consists of agricultural land; however, the proposal has not considered the nature or quality of this land in agricultural terms. The Natural England Provisional Agricultural Land Classification (ALC) map indicates that the land falls within Grade 3. However, the ALC map does not differentiate between Grade 3a and Grade 3b. It is therefore not possible to conclude based on this information that the site does not constitute Grade 3a best and most versatile agricultural land. The application is not supported by a site-specific agricultural land classification assessment. However, the majority of the site is allocated for housing within the Local Plan, as such the loss of this agricultural land to facilitate housing has already been accepted by the Council when allocating this site for development. For this reason, 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.

5.2.9 Mineral safeguarding

The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

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

5.2.10 A Mineral Resource Assessment has not been provided to support this application, however, when considering this proposal against the requirements of the Joint Lancashire Minerals and Waste Local Plan Policies, it is considered that prior extraction activities would be unfeasible in this location due to the surrounding residential dwellings which would be unacceptably impacted by extraction activities. Whilst prior extraction may be temporary, the impacts on neighbouring residential amenity could also be profound. Furthermore, given the small size of the site and therefore the underlying mineral reserve, it is not an unreasonable assertion that prior extraction would also be unviable. Accordingly, the development would not conflict with the policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

5.3 **Housing need, mix, standards and affordable housing NPPF Chapter 5 Delivering a sufficient supply of homes; Development Management (DM) DPD policies DM1: New Residential Development and Meeting Housing Needs, DM2: Space and Accessibility Standards and DM3: The Delivery of Affordable Housing; Arnsdale and Silverdale AONB DPD Policy AS03: Housing Provision; Meeting Housing Need SPD and Viability Protocol SPD.**

5.3.1 Housing need

Paragraph 61 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement identifies a housing land supply of 2.8 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, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as National Landscapes, 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. Assessment of the appropriate balance to be adopted in this determination is set out within the planning balance section of this report.

5.3.2 However, given the acute under supply of deliverable housing against the Councils overriding housing requirements, the provision of new residential development (in this case 13 dwellings) is a benefit of the proposal that must be given significant weight in the overall planning balance.

5.3.3 Housing mix

Policy AS03 of the Local Plan requires that, within the NL, the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current housing needs evidence at the time of the application. Similarly, Policy DM1 of the Local Plan supports development that seeks to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council’s latest Strategic Housing Market Assessment (SHMA). The application is not supported by any up-to-date village housing needs assessment.

5.3.4 The current evidence available for Warton is the 2018 SHMA and the 2014 Warton Parish Housing Needs Survey Report. The SHMA does not provide detailed evidence to parish level, however, for the Silverdale and Warton sub-area in which the site is located, it indicates that demand is highest for detached housing ranging in size from 2 to 4 beds or more. The required housing mix 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 is as follows:

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)

5.3.5 The 2014 Warton Parish Housing Needs Survey Report is now of some age, but this assessment does provide evidence to the parish level. This sets out that there is a need for both open market and affordable housing predominantly focussing on smaller 2-bedroom units.

5.3.6 This application proposes the following mix:

No. of bedrooms	Total	Percentage
2	3	23%
3	6	47%
4	4	30%
Total	13	100

5.3.7 The proposed housing mix prioritises 3-bed units (47%) but also provides an acceptable mix of 2-bedroom and 4-bedroom dwellings. Based on both the 2018 SHMA and earlier 2014 Warton Parish Housing Needs Survey Report, the proposal contributes towards addressing the two more pressing needs with respect to dwelling types, that being 2 and 3 bed units. On this basis, it is considered that the proposed housing mix is acceptable.

5.3.8 Housing standards

Policy DM2 of the Local Plan requires that all new dwellings meet the Government’s Nationally Described Space Standard (NDSS), and it also expects that at least 20% of new affordable housing and market housing on schemes of more than ten dwellings should meet Building Regulations Requirement M4(2) Category (accessible and adaptable dwellings). In this case, all the dwellings would meet the NDSS, as confirmed in paragraph 7.34 of the supporting Planning Statement, which is acceptable. The application is also supported by an M4(2) compliance statement which confirms that plots 3, 4, 9 and 10 will accord with the M4(2) requirements. A condition to secure compliance with Policy DM2 with respect to M4(2) compliance can be recommended.

5.3.9 Affordable housing

Whilst the allocated nature of the site is duly noted, in considering the principle of development, policy AS03 (Housing Provision) is also relevant. This policy provides that within the National Landscape, proposals of two or more dwellings will be supported where at least 50% onsite affordable housing is provided. This high quantum is justified as it would be inappropriate for suitable

development sites to accommodate development that did not meet local affordable needs. To do so would mean that those needs would remain unmet and/or more sensitive sites within the National Landscape may have to be developed to meet that need, in turn causing harm to and compromising the primary purpose of the protected landscape designation. Only when the identified affordable housing provision is demonstrably unachievable will a lower percentage be supported (e.g. viability issues must be demonstrated through a financial viability appraisal). It is worth noting that the previously approved scheme secured 50% on-site affordable housing (policy compliant), which equated to 6 out of the approved 12 dwellings.

5.3.10 This application has been submitted with a Financial Viability Assessment (FVA), which in the first instance sought to demonstrate that it was not viable for the developer to provide any on-site affordable housing, and instead a commuted sum was offered by the applicant. This FVA was independently reviewed on behalf of the Council by viability consultants, CPV. Within their initial response, CPV considered that a number of adjustments to the applicant's appraisal were necessary. Following these adjustments, CPV's appraisal agreed with the applicant that the scheme could not viably support the 50% on-site affordable housing policy requirement plus identified S106 costs. However, contrary to the findings of the applicants FVA, CPV did conclude that the scheme can viably support either:

- 4 on-site shared ownership units (30.77%) plus a quantum of S106 payments.
- 1 rented and 2 shared ownership units (23.08%), plus a quantum of S106 payments.

5.3.11 Subsequent correspondence and negotiation regarding various parameters between the applicant, the Council and CPV ensued. This included the submission and assessment of additional appraisals and associated rebuttals. Key areas of disagreement focussed on build costs, infrastructure and abnormal costs amongst other matters. Following discussions on this matter, CPV robustly concluded that the development would be viable with 2 affordable units (15.38%), both provided as shared ownership properties, along with s106 financial contributions amounting to £14,304.00.

5.3.12 As set out above, Policy AS03 of the Local Plan states that new housing development in the NL will be supported where it provides no less than 50% affordable housing. A lower level may only be accepted where it is clearly demonstrated that delivering 50% is not viable. In this case, officers are satisfied that the applicant has now demonstrated that providing 50% affordable housing on the site is not viable. Having reviewed the viability evidence, officers are satisfied that the provision of two on-site affordable dwellings (as shared ownership units) is acceptable. It has been agreed that these will be plots 9 and 10, both of which are three-bedroom semi-detached homes. These units will also be built to Building Regulation M4(2) standards. The affordable housing provision will be secured through a legal agreement.

5.4 **Design and landscape NPPF Chapter 8 Promoting Healthy and Safe Communities, Chapter 12 Achieving Well-Designed Places, Chapter 15 Conserving and Enhancing the Natural Environment; Strategic Policies and Land Allocations (SPLA) DPD policies SP8: Protecting the Natural Environment, EN2: Areas of Outstanding Natural Beauty, EN3: The Open Countryside; Development Management (DM) DPD policies: DM4: Residential Development outside Main Urban Areas, DM29: Key Design Principles, DM43: Green and Blue Infrastructure, and DM46: Development and Landscape Impact; Arnside and Silverdale AONB DPD Policies AS01: Development Strategy, AS02: Landscape, AS08: Design and AS21 (W88): Land North West of Sand Lane, Warton.**

5.4.1 The NPPF seeks to protect and enhance valued landscapes. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues. Similarly, Policy EN2 of the Local Plan states that the landscape character and visual amenity of the district's AONBs (now National Landscapes) and their settings will be conserved and enhanced and requires that all development within these landscapes be consistent with this primary purpose of the designation.

5.4.2 Furthermore, as noted above, the Levelling-up and Regeneration Act 2023 now requires the Council to "seek to further" the statutory purposes of protected landscapes (i.e. conserving and enhancing the natural beauty, wildlife and cultural heritage therein), which means the Council must be satisfied that the proposed development would leave the natural beauty, wildlife and cultural heritage of the National Landscape unharmed.

- 5.4.3 In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- 5.4.4 Policy DM46 requires proposals within National Landscapes to be sustainable, consistent with the primary purpose of the designation, and to support the special qualities of the National Landscape. The policy goes on to state that development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.
- 5.4.5 Policy AS02 sets out that proposals will be required to demonstrate how they conserve and enhance the landscape and natural beauty of the area. Proposals will not be permitted where they would have an adverse effect upon the landscape character or visual amenity of the AONB. It also provides a set of design criteria that proposals should adhere to. Policy AS21 of the Arnside and Silverdale DPD offers bespoke guidance on the site's design constraints and it requires the submission of a Landscape and Visual Impact Assessment (LVIA) to suitably assess the landscape effects arising from the proposal and to ensure that the site's design and layout is suitably sympathetic towards the NL's landscape character.
- 5.4.6 The Arnside & Silverdale Landscape and Seascape Character Assessment describes the key elements and qualities that make the area distinctive and classifies character types and areas. The inherent sensitivity of the landscape and seascape character and its capacity for change is also identified, to inform land use planning and land management decisions. Within this assessment, the development site is identified within Site D4: Warton Coastal Pasture Landscape Character Area (LCA). This LCA extends west and north from the village of Warton, and includes the rolling pasture lands located above the Warton Marshes to the west. The LCA is characterised by medium scale field patterns used for grazing and separated by hedgerows and limestone walls. Warton Crag and its wind-sculpted woodland provide an imposing and impressive backdrop to the village and LCA, and this is a distinctive feature of the area.
- 5.4.7 The character of the development site is that of a typical band of agricultural grazing land which flows down from the higher ground associated with Warton Crag to the lower landscape areas adjacent and to the north east of Main Street and Sand Lane. However, the site is not experienced in isolation, as it is also influenced by its proximity and relationship with existing residential dwellings located along Sand Lane. It currently forms a gap within an otherwise continuous development frontage that is present along both sides of Sand Lane and which merges with Main Street/Mill Lane. As such, one of the characteristics of Sand Lane, and therefore this part of the LCA, is the continuous ribbon character of this western part of Warton Village.
- 5.4.8 The submitted LVIA sets out a description of the site and of the wider study area to establish the landscape baseline conditions, including identification of the approximate locations from which the development is likely to be visible. This includes identification of visual receptors including motorists on the local highway network and users of surrounding public rights of way. Viewpoints chosen for assessment include from elevated and more distant positions upon Warton Crag and Crag Road, from public rights of way to the northwest and southeast, and from various points along Sand Lane.
- 5.4.9 Following detailed site assessment by officers, it is clear that, whilst the site forms part of a larger agricultural field, the element that forms the development site is already influenced by the existing surrounding residential development of the village. This part of the field is more visually attached and closely related to the developed edge of the village and as a result of this, this part of the site is of a lower sensitivity to development and change overall.
- 5.4.10 The LVIA assesses the potential landscape and visual effects arising from the development during its construction, operational (year 1) and post development (year 15) stages. The assessment concludes that the potential effect on the landscape character of the site and immediate area would, depending on the viewpoint assessed and the development phase, range from negligible adverse to moderate adverse effects, the latter being considered as significant. This is predominantly a consequence of a permanent change from the current agricultural land with its replacement with 13 dwellings with associated infrastructure.

- 5.4.11 The LVIA therefore concludes that embedded design measures are required so as to mitigate this harm and to provide opportunities for furthering the landscape character in the longer term. Objectives to achieve this are, to a certain extent, described within Policy AS21 itself which sets out design requirements for this housing allocation. This includes restricting development to the lower/southern section of the field (close to Sand Lane), as well as ensuring that identified key views of Warton Crag through the site achieved from Sand Lane are retained within the development layout.
- 5.4.12 The proposal has sought to respond to these constraints by positioning the main group of dwellings in the upper section of the site (plots 1-8) a notable distance from the site's highway boundary. This in turn serves to reduce the visibility of the dwellings to only their upper sections/roof structure due to level changes within the area and relative to Sand Lane. Furthermore, the retention and relocation of the majority of the existing boundary hedge would largely retain the existing highway frontage appearance when viewed from Sand Lane.
- 5.4.13 The general location of the dwellings within the site will also allow for the continuation of the current views of Warton Crag over the site. In this view, glimpsed views of the upper levels of the proposed dwellings would be experienced, but this would be within the context of existing views of 10 Sand Lane and Town End Fold. Furthermore, as advised within Policy AS21, two gaps between plots 2 and 3 and 8 and 9 are also provided within the layout which will also ensure views of the attractive landscape behind the development site are retained from Sand Lane.
- 5.4.14 The group of dwellings in the north eastern section of the site, plots 9-13, are positioned in line with the ridge of the existing neighbouring dwelling, 10 Sand Lane. This siting will help to visually assimilate the buildings into the street scene, as they would appear as a coherent continuation of the ribbon development that characterises Sand Lane, therefore reducing the magnitude of perceived change overall.
- 5.4.15 Clearly, due to the level changes within the development site, dwellings would appear as stepping up the gently sloping topography towards Town End Garage. The proposal will require alterations to the site levels to form appropriate development platforms and associated external levels. The way in which the proposal would approach these levels is detailed within the proposed site levels drawing, the proposed street scene drawing and proposed gardens sections. Relative to the neighbouring dwelling 10 Sand Lane, plot 13 would have an increased ridge height, however, bearing in mind the separation between these dwellings, this ridge height increase is acceptable. Within the site, there would be incremental ridge height increases, and this will positively reflect the stepped profile of the existing dwellings located on the opposite side of Sand Lane. The uppermost dwelling, plot 1, would have a similar ridge height to the adjacent bungalow at Town End Garage. Overall, it is considered that the proposed levels are acceptable. A condition to ensure that the development is undertaken in accordance with the external, finished floor and ridge levels indicated on these drawings is recommended.
- 5.4.16 To successfully assimilate the development into this highly sensitive landscape, the use of appropriate high-quality materials is essential. The application sets out that the development would consist of limestone cladding and roughcast render to the elevations, in accordance with the layout indicated on the material finishes drawing. It is important that the roofscape also be finished with an appropriate slate. The general design of the dwellings, which clearly adopts a more traditional appearance and includes appropriate features such as open eaves, modest vernacular detailing to the fenestration, and porch canopies. Given the sensitivities of the landscape, a condition to secure details and samples of materials and dwelling design features is recommended.
- 5.4.17 As advised within Policy AS21, external landscaping including boundary treatments are also important, particularly due to the visibility of the rear of the site from viewpoints to the northwest. The application is supported by a boundary treatment plan, which indicates the retention of existing stone walls and hedgerows, as well as new boundary treatments including new stone walling, feather edge fencing (of varying heights) and stock proof fencing. The use of fencing in the locations and heights detailed on the drawing are supported in general, however, a condition to secure their precise details is necessary. This would also apply to the stone walling details.

- 5.4.18 The application is also supported by a detailed hard and soft landscaping strategy. This includes extensive tree, hedgerow and shrub planting, which also incorporates the proposed 600mm high bund to the rear boundary of the site. A condition to secure the final details of the soft landscaping of the site, which should be provided alongside the sites final Biodiversity Net Gain Plan, is recommended. The details indicated on the surface treatments plan are also generally acceptable, though a condition to secure their specific detail is also recommended.
- 5.4.19 When taking account of the proposed design approach and mitigation, the LVIA concludes that the residual effects of the development at year 15 would reduce to no effect from a number of viewpoints, negligible adverse from public footpath FP0135001, and to negligible beneficial from the public right of to the northwest. Beyond Year 15, the existing and newly planted vegetation will continue to mature, further filtering and visually assimilating the residential development within views and integrating it into the landscape. Therefore, overtime, and as landscaping develops further, Officers consider that the effects would further reduce the development effects to neutral.
- 5.4.20 Dark skies are also an important component of the National Landscape. The development site sits between and within the context of existing residential development and highway lighting infrastructure. As such, the site already experiences a degree of external lighting/light spillage during hours of darkness. The proposal would lead to further development producing light from dwellings and external lighting infrastructure. This is unavoidable given the nature of the development, however, appropriate design measures can be secured to minimise the level of impact. For this reason, a condition is recommended to secure details of external lighting design for the estate roads and open space areas.
- 5.4.21 Given the sensitivity of the protect landscape to change, the visibility of this development site within the wider landscape, and the level of change which is available through the General Permitted Development Order, it is considered reasonable and necessary to impose a planning condition removing specified permitted development rights. This will enable the Local Planning Authority to appropriately consider any future changes and their potential impacts upon the National Landscape.
- 5.4.22 Officers conclude that, over time, the development can be successfully integrated into the village and wider landscape setting, without resulting in unacceptable harm to landscape character and importantly the protected landscape. The opportunity to secure high quality landscaped greenspace surrounding the dwellings as well as suitably designed and detailed dwellings would help the proposal assimilate into the wider built form of the village. This would accord with both the landscape requirements set out in national and local planning policy and, importantly, this would be consistent with the statutory purpose of the National Landscape, that is to conserve and enhance the natural beauty of the area.
- 5.5 **Flood risk and drainage** NPPF Chapter 14 Meeting the challenge of climate change, flooding and coastal change; Strategic Policies and Land Allocations (SPLA) DPD policy SP8: Protecting the Natural Environment; Development Management (DM) DPD policies DM33: Development and Flood Risk, DM34: Surface Water Run-off and Sustainable Drainage, DM35: Water Supply and Wastewater and DM36: Protecting Water Resources, Water Quality and Infrastructure; Arnside and Silverdale AONB DPD policy AS12: Water quality, sewerage and sustainable drainage and AS21 (W88): Land North West of Sand Lane, Warton.
- 5.5.1 **Flood Risk**
Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and aim to reduce flood risk overall. This approach is consistent with the NPPF, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.
- 5.5.2 The site lies within flood zone 1. However, the Councils Strategic Flood Risk Assessment (SFRA) identifies areas of groundwater flood risk within the site. The SFRA states that this risk relates to subsurface assets and that surface manifestation is unlikely. The application is accompanied by a site-specific flood risk assessment which has included assessment of all flood risk sources. It is also accompanied by a supporting letter from JBA consulting which seeks to address further the groundwater flood risk identified within the Councils SFRA (which was also produced by JBA). This supporting letter indicates that the groundwater data contained within the Councils SFRA is not

designed for the assessment of flood hazard at the scale of a single property or site. This is due to how the mapping was created and the data used in the construction of the maps. Accordingly, the SFRA itself sets out that groundwater should be considered on a site-by-site basis in development planning (Para 4.5.3).

5.5.3 To more accurately understand the risk from this flood source, above and beyond that indicated within the Councils SFRA, the site-specific flood risk assessment sets out that a series of trial pits and soakaway trial pits were undertaken throughout the site, as part of the intrusive survey of the site. These trial pits were undertaken in January 2024 and June 2024, these ranged in depth with the maximum depth achieved being 2.7 metres. No groundwater was identified in any of the trial pits undertaken, including at depths greater than 2 metres. Whilst a greater number of recordings throughout the wetter winter months would provide a more detailed evidence base on which to assess the proposal, it is considered that, based on this monitoring exercise undertaken in January (2024), groundwater depths have been determined to be at greater than 2 metres below ground level, it is considered that this would represent a relatively low risk to development infrastructure. The sloping topography of the area would also suggest that groundwater would be more likely to be located at the lower topographical areas within the village, such as the area around and to the east of Main Street, before emerging or presenting a risk to development within this site.

5.5.4 For this reason, despite the findings of the Councils SFRA with respect to groundwater, given the site-specific assessment shows that development would be in areas where groundwater levels are situated at more than 2 metres below ground level, it is considered that the development would be at low risk of flooding from this source. On this basis, the risk from groundwater flooding does not trigger the need for the flood risk sequential test, nor any specific mitigation. The site specific FRA has demonstrated the development would not be at risk of flooding, nor cause increased flood risk elsewhere, now or in the future. In this regard, the proposal would not conflict with national or local planning policy in respect of flood risk.

5.5.5 Drainage Strategy

Paragraph 182 of the Framework requires that applications with potential impacts on drainage should incorporate SuDS to control flow rates and reduce runoff volumes. These systems should be proportionate to the scale and nature of the development and, wherever possible, deliver multiple benefits. For major developments, SuDS should:

- Take into account advice from the Lead Local Flood Authority (LLFA);
- Have appropriate minimum operational standards;
- Include maintenance arrangements to ensure effective operation for the lifetime of the development.

5.5.6 Policy DM34 of the Development Management DPD sets out that surface water must be managed sustainably in all new development. The Council expects proposals to utilise SuDS as a priority, particularly naturalistic solutions integrated into the site's soft landscaping, delivering multifunctional benefits as part of a high-quality green and blue environment. The proposed drainage strategy demonstrates that the site cannot be drained via infiltration or a connection to an existing watercourse. It is therefore proposed to utilise below ground attenuation with a controlled discharge to a nearby existing United Utilities combined sewer. The Lead Local Flood Authority and United Utilities have raised no objections on flood risk/drainage grounds; subject to appropriate conditions to secure final details of the suitable scheme design and implementation. Whilst the proposal incorporates the use of below ground attenuation tanks, it does also include a swale feature to help capture overland surface water flows, which is then directed into the below ground attenuation tank. This will provide some landscape and ecological merit as part of the sites drainage infrastructure.

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. UU have raised no objection to the foul drainage proposals. Final details of the foul drainage strategy are to be secured by condition.

5.6 **Highways** 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; 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, and DM62: Vehicle

- 5.6.1 From a National Planning Policy perspective, paragraph 115 of the NPPF advises that schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should be taken up and encouraged. This requirement is reflected in policy DM29 which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, car alternative forms of travel.
- 5.6.2 This application incorporates a new priority controlled vehicular access onto Sand Lane. This would include an internal access road leading to two minor shared surface spur roads which would then provide access to a number of the dwellings and a shared car parking area located to the rear of plots 9-13. The internal access road will feature a width of 5.5 metres and will feature 2 metre wide pavements to each side. Visibility splays of 2.4m x 43m to the north and 2.4m x 52.4m to the south are provided from the access point onto Sand Lane. A new pedestrian pavement is then provided leading along the frontage of the site to the north, to terminate and the junction with the access track which passes along the northeastern boundary of the site. The shared surface access roads will comprise of an alternative surfacing material to denote the change in nature of the road.
- 5.6.3 Within its consultation response, the Local Highway Authority (LHA) has confirmed that the proposed access design as submitted is acceptable for the most part, including its location, available sight lines and footway link along the frontage of the site along Sand Lane. However, the LHA requested that a 2 metre wide footway be provided around both sides of the access radius in order to help protect the required visibility splays at the junction. This has now been included within the access design. Furthermore, a condition to secure and protect the visibility splays denoted on the proposed site plan and described in paragraph 5.6.2 is also recommended. In addition to this, a further condition is recommended to secure the final details of the access design along with the off-site pedestrian pavements along the site frontage.
- 5.6.4 Within its consultation response, the LHA had also clarified that the internal layout, in particular the shared access roads, is not to adoptable standards. It is intended that the sites internal roads would not be offered for adoption and that these would be privately maintained. The general layout and dimensions of the internal arrangement, including parking layouts, is acceptable. Appropriate provision for the on-going management and maintenance of this infrastructure is to be secured through legal agreement. A condition to secure the provision of the internal access roads, turning heads and car parking spaces is recommended.
- 5.6.5 The LHA had also indicated within its consultation response that it would request a financial contribution towards the Lancaster Travel and Transport Infrastructure Strategy (LTTIS). However, within subsequent correspondence, the LHA has confirmed that, due to the size of development and its location in relation to the transport initiatives within the LTTIS, it will not be requesting a S106 contribution.
- 5.6.6 Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and access to public transport. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure. In accordance with the requirements of Policy AS21 (W88), the site layout has incorporated a new pedestrian access link from the development site to the existing public right of way which leads past the northeastern boundary of the site. The provision of this active travel link will provide minor benefits in the form of encouraging active lifestyles, particularly for the occupants of the development. A condition to secure the provision of this active travel link is recommended.
- 5.6.7 In relation to cycling, the site is located near to designated on-road cycle networks. Easy access for cycles to the village and Carnforth, is available. Cycling would be a realistic mode of travel for future residents of this development. Cycle parking within each dwelling will be required in accordance with DM62, details of cycle parking infrastructure would be secured by condition. Given the lack of garaging as part of this proposal, cycle parking is to be provided within a shed-type garden structure, these should be designed to Secured By Design Status and controlled by planning condition.

- 5.6.8 Overall, the development is considered to positively contribute towards a safe and accessible environment and provides opportunities to encourage active travel. In this regard the development accords with the NPPF and policy DM60 and DM61 of the DM DPD.
- 5.7 **Ecology** NPPF Chapter 15 Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD policies SP8: Protecting the Natural Environment; Development Management (DM) DPD policies DM29: Key Design Principles, DM43: Green and Blue Infrastructure, DM44: Protection and Enhancement of Biodiversity and DM45: Protection of Trees, Hedgerows and Woodland; Arnsdale and Silverdale AONB DPD policy AS04: Natural Environment and AS21 (W88): Land North West of Sand Lane, Warton.
- 5.7.1 Strategic policy SP8 recognises the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigated. Policy DM45 seeks to maximise and encourage new tree and hedgerow planting of native species to mitigate the wider impacts of climate change and to enhance the character and appearance of the district. Finally, policy AS04 requires development to protect and contribute to the appropriate enhancement of the extent, value and/or integrity of the natural environment.
- 5.7.2 Impact on Designated Sites
The site is located approximately 500 metres from the 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 associated Special Scientific Intertest (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. This application is supported by a Shadow Habitat Regulations Assessment.
- 5.7.3 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. In relation to recreational disturbance, the development will lead to a small increase in the local population which could lead to additional recreational pressure, which has the potential to impact upon foraging and roosting/wintering birds. To mitigate against residual risk, Homeowner Information Packs will be required. The purpose of such is to highlight the importance of the designated sites, set out relevant codes of conduct and share details of alternative areas for recreation away from the designated sites. The provision of Homeowner Information Packs can be secured by planning condition. The application has therefore sufficiently demonstrated, to the satisfaction of Natural England, that the development would not directly impact the designated sites subject to the mitigation being secured.
- 5.7.4 Ecological Impacts
This application is supported by a Preliminary Ecological Appraisal (PEA). The assessment concluded that the site mostly comprises species-poor modified grassland, bounded by low diversity hedgerows and occasional trees. No evidence of invasive species was found. The site was deemed to have low ecological value, with no significant botanical interest or notable habitat features. Species surveys found no direct evidence of badger setts, bat roosts, or brown hare activity. Bats and birds have been recorded in the wider area around the site; however, the site is concluded to offer limited habitat quality for these species. It is accepted that nesting by common birds may occur in hedgerows within the site, as such this will need to be managed accordingly.
- 5.7.5 Mitigation measures are recommended and these include the retention and enhancement of boundary vegetation, use of native species in landscaping, protection of tree roots, and installation of bat and bird boxes. Any vegetation clearance should avoid bird nesting season or be preceded by appropriate checks. These mitigation measures can be secured by planning condition. A scheme

to secure habitat provision, including the identified bat and bird boxes, is also to be secured by planning condition.

5.7.6 Trees and Hedgerows

An Arboricultural Impact Assessment (AIA) supports the application. The AIA identifies one length of hedgerow located along the highway boundary. This does not constitute an important hedgerow as confirmed within the PEA. This mature hedge consists of sycamore, hawthorn, blackthorn and snowberry and has a maximum height of 1.8 metres and constitutes a C2 retention category. To facilitate the required site access and the associated visibility splays, a section of hedgerow would require removal, whilst section either side of this would require translocated in accordance with the translocation methodology provided.

5.7.7 To facilitate development of this site in accordance with the site allocation, a new access is required and this would impact the existing hedgerow. This is accepted within Policy AS21 which states '*Development must retain the mature trees and hedges on the south eastern (subject to achieving satisfactory access)...*'. It is accepted within the policy that some hedgerow loss would be required. It is considered that the submitted scheme appropriately balances the need to secure a safe and suitable access in highway terms, with the need to retain as much hedgerow as possible in the interests of ecological and landscape matters. The proposal to translocate the existing sections of hedgerow either side of the new access, rather than larger scale removal is welcomed. As such, the proposal to remove and relocate sections of hedgerow in the manner proposed is acceptable. A condition to ensure that the development is undertaken in accordance with the submitted Arboricultural Impact Assessment (AIA) is recommended.

5.7.8 In accordance with the requirements of policies AS04 and AS21, the site includes a detailed landscaping proposal. In order to mitigate the loss of the identified sections of hedgerow, and to meet the development criteria set out within the site allocation policy, the landscaping of the site includes the creation of landscaped boundaries including extensive lengths of new hedgerow planting, tree planting and shrub planting. A condition to secure the final details of the soft landscaping scheme is recommended.

5.7.9 Biodiversity Net Gain (BNG)

The application is subject to mandatory BNG, and the application is supported by a Biodiversity Net Gain baseline assessment. This sets out that the site comprises a total of 1.29 biodiversity habitat units and 0.8 terrestrial linear biodiversity units. Based on the proposed development layout, and the proposed site landscaping strategy, the proposal has the potential to deliver a total of 2.12 biodiversity habitat units and 0.92 terrestrial linear biodiversity units. This equates to a change of 64.2% (habitat units) and 14.46% (hedgerow units). On this basis, the development proposal has the capacity to provide notable net gains in the ecological value of the site. For this reason, it is considered that the final details of the mandatory BNG requirement for this development can be secured through the s106 legal agreement. Furthermore, the costs of the authority's obligation to monitor this (£4,293.00) should also be secured through legal agreement.

5.8 Residential Amenity NPPF Chapter 8 Promoting healthy and safe communities, Chapter 12 Achieving well-designed places, Chapter 15 Conserving and enhancing the natural environment; Development Management (DM) DPD policies DM29: Key Design Principles and DM57: Health and Well-Being.

5.8.1 Policy DM29 and paragraph 135 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. In particular, this policy states that development should not have a significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking and pollution. To provide an acceptable standard of amenity, policy DM29 requires all development to ensure suitable levels of privacy can be met and encourages minimum garden sizes, given the importance private garden space can provide to the health and well-being of future residents. Minimum separation distance of 21 metres between elevations with opposing windows (particularly those which serve habitable rooms) and 12 metres where windows face blank elevations should be secured. There should also be an increase in separation distances where finished floor levels vary. All private rear gardens should be a minimum of 10 metres deep, and a minimum 50m² for a 2 bedroom property with 10m² increases for each additional bedroom.

- 5.8.2 Based on the submitted site plan, the aforementioned minimum interface distances are provided within the layout of the scheme. Following the amendments to the site levels, all gardens are of acceptable size and gradient. For this reason, the level of amenity provided for future residents is acceptable and accords with policy DM29.
- 5.8.3 Turning to the impact of the development on the amenity of existing residents, it is paramount that the potential effects that the development may have on the amenity and enjoyment of neighbouring homes is fully considered. This is an important material planning consideration. In this case, given that acceptable separation distances (in excess of 28 metres) can be provided between the proposed dwellings and existing residential dwellings, it is considered that the proposal would retain acceptable standards of residential amenity for existing residents.
- 5.8.4 Contaminated land
Paragraph 196 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 197 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. In light of the agricultural use of the site, there is potential for contamination to be present. An appropriate contamination survey and remediation strategy can be secured by condition.
- 5.9 **Sustainable design** NPPF Chapter 12 Achieving well-designed places and Chapter 14 Meeting the challenge of climate change, flooding and coastal change; Development Management (DM) DPD policies DM29: Key Design Principles, DM30a: Sustainable Design and Construction, DM30b: Sustainable Design and Construction – Water Efficiency, and DM53: Renewable and Low Carbon Energy Generation.
- 5.9.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the impacts of new development in the District and possible necessary mitigation measures to minimise such impacts, will be a significant consideration in the assessment of development proposals.
- 5.9.2 The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.9.3 The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a and DM30b which provide specific requirements in relation to sustainable design and construction and also made changes to some other policies, to bolster their requirements with respect to climate mitigation.
- 5.9.4 The application is supported by an Energy Statement as stipulated by policy. This document shows that the development will deliver notable percentage improvements with respect to thermal efficiencies over the Part L Building Regulation Requirements. The proposed scheme will achieve a carbon reduction of 82.33% over the building regulations standards, which exceeds the 75% reduction set out in policy DM30a. In conjunction with Air Source Heat Pumps and solar panels, this will reduce the predicted carbon emissions of the development. As such, the proposal demonstrates compliance with the requirements of policy DM30a.
- 5.9.5 The submitted statements support the approach set out in DM30a to adopt a fabric first approach and proposes to meet the policy requirements through well insulated buildings with high degree of air tightness and the provision of decentralised/low carbon heating systems. The statement does not address the requirements of Policy DM30b (water efficiency). However, this requirement can be appropriately secured by condition. This would require the submission and approval of an updated Sustainable Design Statement including an Energy and Carbon Statement, prior to the commencement of development.
- 5.10 **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; Arnsdale and Silverdale AONB DPD policy AS07: Historic Environment.

- 5.10.1 The site is not within a Conservation Area or affected by/within the setting of other designated or non-designated heritage assets. As such, the proposed development would not result in any harm to heritage assets or conflict with the identified planning policies in this regard.
- 5.10.2 With respect to archaeological matters, the proposal has been reviewed by the Historic Environment Team at Lancashire County Council, who have confirmed that the proposed development site has no archaeological or historical interest, archaeology does not need to be considered further for the proposed development.
- 5.11 **Open Space** NPPF Chapter 8 Promoting Healthy and Safe Communities, Chapter 12 Achieving Well-Designed Places; Development Management (DM) DPD policies: DM27: Open Space, Sports and Recreational Facilities, DM29: Key Design Principles and DM57: Health and Well-Being; Arnsdale and Silverdale AONB DPD policy AS05: Public Open Space and Recreation.
- 5.11.1 The provision of open space forms an important aspect in place-making and securing high quality design. It also contributes to the health and well-being of communities. It is strongly advocated within the NPPF, in particular sections 8 and 12. Given the scale of the proposed development and the application site, the inclusion of areas of open space is essential to ensure the scheme is policy-compliant and to support the delivery of a well-designed, inclusive, and attractive residential environment. The areas of on-site landscaped areas are essential in achieving this, as such, the provision of these landscaped open space areas and their ongoing management and maintenance will be secured through legal agreement.
- 5.11.2 Policy DM27 of the Development Management DPD and associated appendix D requires the provision of open space. For a scheme of this scale, a financial contribution in lieu of on-site provision will normally be the best method of delivering open space. The Councils Public Realm team have reviewed the proposal and has identified deficiencies in and contribution requirements for the following:
- Parks and Recreation – £14,102.50
 - Play Space (Youth) – £3,368.76
 - Amenity Green Space – £3,374.72
 - Outdoor Sports – To be confirmed
- 5.11.3 In light of the outcome of the development viability appraisal, the development is only able to support Section 106 contributions amounting to a total of £14,304.00. As such, to ensure appropriate enhancements and benefits to local community infrastructure can be provided, the applicant has agreed to provide a financial contribution of £14,304.00, which is to be directed towards enhancement of the Warton Village play area. The identified financial contribution would be secured by way of a Section 106 agreement in order to ensure compliance with policy DM27.
- 5.12 **Infrastructure** NPPF Chapter 8 Promoting healthy and safe communities; Development Management (DM) DPD policies DM57: Health and Wellbeing and DM58: Infrastructure Delivery and Funding; Arnsdale and Silverdale AONB DPD policy AS10: Infrastructure for New Development.
- 5.12.1 **Health**
The NHS Integrated Care Board has made representations on the application and seeks a contribution towards local health care infrastructure amounting to £10,146 requested towards Ash Trees Surgery Carnforth to increase clinical capacity. The response sets out that the NHS Integrated Care Board objects to the proposal if the financial contribution is not secured.
- 5.12.2 The development site falls within the catchment area of Ash Trees Surgery. The response sets out that this contribution would be directed towards the extension and reconfiguration at Ash Trees Surgery Carnforth for additional clinical capacity. However, during further discussions on this matter, the NHS indicated that the Carnforth project is likely to be completed by April 2026. This project would therefore be completed long before any financial contribution secured through this development would be made available, particularly as the trigger for payment of the requested contribution is likely to be prior to first occupation of the development. This would mean that, in

effect, the NHS request would be securing retrospective financial contributions to a project that appears to have already been funded and will have been delivered, which isn't appropriate and would not meet the tests set out in paragraph 58 of the NPPF. As such, regrettably, the Local Planning Authority is not seeking to secure a financial contribution to health infrastructure in this instance.

5.12.3 Education

Paragraph 100 of the NPPF requires local planning authorities to take a proactive, positive and collaborative approach to ensuring there is sufficient choice of education places available and great weight should be given when there is a need to create, expand or alter educational facilities in plan-making and decision-taking. Accordingly, the local planning authority has consulted Lancashire County Council Schools Planning Team who have confirmed there is no requirement for an education contribution as part of this proposal.

6.0 Conclusion and Planning Balance

- 6.1 The Local Plan sets out the district's housing requirement at policy SP6. This sets a requirement of 10,440 new homes over the plan period (2011-2031) based on an incremental approach rising from 400 dwellings per annum, up to a total of 695 dwellings per annum (2029/30-2030/31). At present, based on this incremental approach, the Council should be facilitating the delivery of 685 dwellings per annum until 2028/2029. However, the Council's Housing Land Monitoring Report (HLMR) (July 2025) confirms a continued fall in completions, with only 196 new dwellings completed for the period 2024/2025, which includes 12 dwellings which were a result of new student housing. This represents just 29% of the annual dwelling requirement (685) for that period, and this follows a similarly low level of completions in 2023/24. The HLMR concludes that as of the 1 April 2025 the outstanding commitment for the district stood at 2,179 dwellings (including student accommodation and older persons accommodation). This demonstrates a significant shortfall in housing delivery in the district, which is reflected in the latest Housing Land Supply Statement (September 2025) which confirms that the Council cannot demonstrate a five-years supply of housing sites and in fact is only able to demonstrate a 2.8 years' worth of supply of housing.
- 6.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Footnote 8 of the NPPF which relates to paragraph 11(d) confirms that the lack of a five-year supply renders the policies most important for determining applications out-of-date. Paragraph 11(d) states that where policies are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the proposed development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The assessment set out within this report has concluded that there are no policies relating to areas or assets of particular importance which would provide a strong reason for refusing the development, nor would any adverse impacts significantly and demonstrably outweigh the benefits that the proposal brings forward, therefore the presumption in favour of development must be engaged.
- 6.3 In accordance with the strategic development strategy for the district as set out within policy SP3, the application site is located within the settlement of Warton. Warton is a sustainable rural settlement where housing growth is supported in principle. Even the modest provision of up to 13 dwellings to meet locally identified needs 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 2 on-site affordable dwellings, in an area where there is a clear need for such housing. The provision of both market and affordable housing attracts significant weight. Other benefits arising from the development include a contribution towards off-site improvements to public open space facilities, along with the provision of notable areas of on-site landscaping and biodiversity net gain, all of which can deliver enhancement to the site's visual appearance, ecological value and its role within the protected landscape, which will deliver benefits the wider community as well as future residents of the development. These facets of the proposal should each 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.

6.4 In the context of the presumption in favour of sustainable development, the assessment of this proposal against the NPPF taken as a whole, concludes that there are no clear strong reasons for refusing the application which would effectively disengage the tilted balance. Therefore, in applying the tilted balanced, the test is whether any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal. This is a matter of planning judgement. Overall, due to the site specific characteristics of this development site, combined with the importance and significant weight to be afforded to the provision of housing, it is concluded that the benefits of the proposal outweigh the identified negative aspects of the scheme and for that reason, it is recommended that planning permission be granted.

Recommendation

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting, and subject to the conditions listed below. If a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, to delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured:

The legal agreement shall secure:

- The provision of 2 on-site affordable units (both shared ownership).
- £14,304.00 Public Open Space contribution towards Warton Village Play Area.
- Submission of an updated BNG Baseline matrix and provision of on-site Biodiversity Net Gain in accordance with an approved BNG Plan and Landscape and Ecological Creation and Management Plan.
- BNG monitoring costs - £4,293.00.
- Setting up of a Management Company; and
- Management and Maintenance of all on-site open space, landscaping, unadopted roads/pavements, lighting and drainage infrastructure.

Condition no.	Description	Type
1	Timescale	Standard
2	Approved plans	Standard
3	Construction Surface Water Management Plan	Pre-Commencement
4	Final Surface Water Sustainable Drainage Strategy	Pre-Commencement
5	Final Foul drainage details	Pre-Commencement
6	Precise construction details of main vehicular site access and off-site pedestrian pavement	Pre-Commencement
7	Final soft landscaping details	Pre-Commencement
8	Contaminated land investigation	Pre-Commencement
9	Submission of a Sustainable Design Statement including Energy and Carbon Statement	Pre-Commencement
10	Details and samples of materials and construction details	Prior to above ground works
11	Details of all boundary treatments, fences, walls and gates	Prior to above ground works

12	Final details of hard landscaping	Prior to above ground works
13	Scheme for external lighting (street lighting and lighting of open space areas)	Prior to above ground works
14	Habitat Creation Plan – Species	Prior to above ground works
15	Sustainable Drainage System Operation and Maintenance Manual	Prior to occupation
16	Verification Report of Constructed Sustainable Drainage System	Prior to occupation
17	Provide and protect visibility splays	Prior to occupation
18	Provide internal roads, turning heads and car parking spaces	Prior to occupation
19	Provide active travel link and maintain accessible	Prior to occupation
20	Details and provide secure cycle storage	Prior to occupation
21	Details of Homeowner Information Packs	Prior to occupation
22	Identified dwellings to meet M4(2) requirements	Control
23	All dwellings to achieve Building Regulations Requirement G2: Water Efficiency	Control
24	Development in accordance with approved external levels, finished floor levels and ridge levels	Control
25	Removal of permitted development rights	Control
26	Development in accordance with ecological mitigation measures	Control
27	Development in accordance with Arboricultural Impact Assessment	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