

<b>Agenda Item</b> A5	<b>Committee Date</b> 8 May 2017	<b>Application Number</b> 17/00165/OUT
<b>Application Site</b>  Land South Of Low Road And East Of Forge Lane Halton Lancashire		<b>Proposal</b>  Outline application for the erection of up to 90 dwellings with associated new access
<b>Name of Applicant</b>  Mr Martin Nugent Story Homes		<b>Name of Agent</b>  Louise Leyland
<b>Decision Target Date</b>  26 May 2017		<b>Reason For Delay</b>  None
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Subject to the Highway Authority being satisfied with the additional highway information submitted, planning permission can be approved.

### **Procedural Matters**

A site visit was arranged for the Planning and Highways Regulatory Committee members to view this site in advance of the application being reported to the committee. This took place on Monday 27 March 2017.

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to 5.14 hectares of agricultural land divided into three fields situated within the settlement of Halton. The site is accessed off Low Road opposite the community centre and playing fields. The site is bound by Low Road to the north (with residential and community uses beyond); existing residential development (Forgewood Drive) to the north east; an agricultural field benefiting from an outline planning permission for 60 dwellings to the south east; the redeveloped Halton Mills site to the south (including Lancaster Cohousing); and Town End Farm (now a residential conversion complex with paddock) to the west. The surrounding land uses are predominately residential, though there are existing employment uses abutting the site to the south within the Halton Mills site (Wenning House, Riverside House, and Out of the Woods). The surrounding built form comprises a variety of architectural styles and types of development with a mixed palette of material - reflective of the different periods of development.
- 1.2 The site is allocated in the saved Local Plan as a Geological Heritage Site (GHS) with the majority of the site protected for minerals (mineral safeguarding land). There are a number of protected trees within the site with the most notable being those located on the elevated part of the site in the south-eastern corner. The site is predominately in flood zone 1, with a slither of land to the far south east being in flood zone 2 and 3 (within 25m of the River Lune).

- 1.3 The proposed site is located adjacent to the village Conservation Area (the paddock to Town End Farm forms the boundary of the Conservation Area) which contains a number of Listed buildings. The Listed buildings closest to the site are Town End Farmhouse (and curtilage Listed barns – all grade II Listed) and the Grade II\* Manor House. The boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) is only 160m to the east of the site (at its closest point) and approximately 300m from the area identified as the developable area in the planning submission. The River Lune Biological Heritage Site and its associated recreational corridor is approximately 25m at its closest point (in the far south eastern corner) and approximately 155m from the developable area, albeit separated by development on the former Halton Mills site. The south eastern corner abuts the Lancaster Cohousing site where public footpath FP01 runs from Mill Lane through the Cohousing site along the northern banks of the River Lune towards the Crook of Lune.
- 1.4 The bulk of the site is positioned between Low Road and Forge Lane and appears predominately flat although the topographical survey shows that the levels range from 16m AOD along the western boundary to approximately 24m AOD to the eastern boundary with property on Forgewood Drive. Where the site wraps around Wenning House and Riverside House the land rises steeply to 36mAOD at its highest point. The protected belt of trees are positioned on a steep escarpment (between 24-34m AOD) with land falling to the south of the trees to approximately 21m AOD. In terms of boundary treatments, the site is made up of stone walls (to the north and west), a mature hedgerow to the eastern boundary (and a further hedgerow intersecting the site) and fencing with tree planting along the southern boundaries.
- 1.5 Halton is one of the District's most sustainable settlements with a range of services, including a primary school, doctor's surgery, community centre, sports facilities, public house and shops. The bus stops on Low Road are no longer serviced. Bus services can be accessed off High Road circa 435m from the site, with the national cycle route (no.69) situated to the south side of the River Lune accessed via Halton Bridge within approximately 450m of the site.

## **2.0 The Proposal**

- 2.1 The applicant seeks outline planning permission for up to 90 dwellinghouses with all matters reserved save for access. The proposed access shall be taken off Low Road as a single vehicular access/egress into the development site. The access junction would include a carriageway width of 5.5m with 2m side footways to either side of the carriageway and a junction radii of 10m with visibility splays of 2.4m by 43m. The application indicates that traffic calming measures will be formalised at the pinch-point at Town End Farm with new give way markings and signage and that a crossing facility will be provided within Low Road as part of the site access design. A pedestrian link between the site and the public right of way to the south is also proposed.
- 2.2 Trees and hedgerows are proposed to be retained except for 2 trees proposed for removal on grounds of poor condition. The area of land to the southern east which supports the belt of protected trees shall not be developed. Two small brick shelters will be demolished as part of the proposals.
- 2.3 The application indicates that the proposed dwellings would comprise a mix of two-storey detached and semi/mews 2, 3 and 4 bedroom units with off-street parking. The indicative layout suggests the provision of 1-bed units also. Based on the submitted Framework Plan the density works out at 31 dwellings per hectare based on 90 dwellings on a net developable area of 2.9ha.
- 2.4 The applicant proposes to deliver up to 40% of the dwellings as affordable housing with a 50:50 tenure split of intermediate and social/affordable rented units. This would be subject to any new viability evidence that could affect development viability being identified at the reserved matters stage.

## **3.0 Site History**

- 3.1 There is no planning history applicable to the site itself, apart from two recent Screening Opinions (Environmental Impact Assessment Regulations) relating to the proposed development. There have been several recent proposals immediately adjacent to the site. The most relevant have been included in the table below. The site sits adjacent to Halton Mills, which has been subject to a number of planning applications over the past 15 years. The original outline consent (00/00920/OUT) granted consent for a mixed use development comprising residential and industrial uses, a new access and open space and landscaping. Despite many years of uncertainty and stalled

development, most of the former Halton Mills site has now been developed (or under construction) albeit predominately for residential development. The remaining parcel has a consent for a nursing home.

Application Number	Proposal	Decision
16/01527/EIR	Screening request for residential development circa 85 no. dwellings	Not EIA development
17/00229/EIR	Screening request for residential development for up to 90 dwellings	Not EIA development
14/01344/OUT	Outline application for the development of 60 dwellings with associated access (NB: land to the south of Forgewood Drive and east of the proposed site)	Permitted
15/00510/OUT	Outline application for the erection of a nursing home and creation of a new vehicular access (NB: Land to the south of the proposed site beyond Forge Lane)	Permitted

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways (LCC)</b>	<p><b>Objection</b> due to deficiencies within the Transport Assessment and concerns over pedestrian connectivity. Notwithstanding this LCC Highways have accepted the following:</p> <ul style="list-style-type: none"> <li>the scheme represents a sustainable form of development in a sustainable location;</li> <li>the creation of a simple “major/minor” priority style junction to the site; and</li> <li>the proposed access details (geometry of access, footways and visibility splays).</li> </ul> <p>If the Local Planning Authority is minded to approve the following conditions/off-site highway works are required by condition:</p> <ul style="list-style-type: none"> <li>a pedestrian footway along the frontage of the site and extending in a westerly direction to the narrowing of Town End Farm and easterly towards 152 Low Road to be provided;</li> <li>relocation and upgrading of street lighting;</li> <li>construction of a pedestrian refuge facility on Low Road in the vicinity of the accesses to the site and The Centre;</li> <li>highway improvements to influence vehicle speeds along Low Road at its junction;</li> <li>implementation of signing and lining through the narrow section of carriageway at Town End Farm;</li> <li>upgrades to existing bus stops to quality bus stop standard;</li> <li>access details to be agreed;</li> <li>protection of visibility splays;</li> <li>internal roads to be built to adoptable standards; and</li> <li>construction method statement.</li> </ul>
<b>Parish Council</b>	<p><b>No objections</b> in principle and relatively supportive of the infill development and the provision of open space particularly the ridgeline to the southeast of the development. The Parish does, however, have some concerns/requests:</p> <ul style="list-style-type: none"> <li>housing applications within the village threaten the infrastructure which in the past has been noted as 'at capacity', in particularly the drainage system, school places and the highway network;</li> <li>to address road safety two crossing points on Low Road should be provided;</li> </ul>

	<ul style="list-style-type: none"> <li>• need for the bus services to resume on Low Road and the need for suitable bus turning route within the development;</li> <li>• an off-site contribution towards the existing recreational area rather than stand alone provision on site is preferred and discussions to this effect have been advanced between the developer and Parish Council;</li> <li>• routing high speed broadband through the development site is desirable; and</li> <li>• the Parish would wish to see the formalising of a footpath from the development to the riverside walks.</li> </ul>
<b>Lead Local Flood Authority (LCC)</b>	<b>No objections</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Surface water drainage scheme to be agreed and implemented in full before occupation.</li> <li>• Surface Water Management and Maintenance Plan</li> </ul>
<b>United Utilities</b>	<b>No comments received</b> during the statutory consultation period.
<b>Environment Agency</b>	<b>No objections</b> on the basis the development will be limited to flood zone 1.
<b>Environmental Health Service</b>	<b>No comments received</b> during the statutory consultation period.
<b>Contaminated Land Officer</b>	<b>No objections initially</b> subject to an unforeseen land contamination condition. Further information has been provided which the Council's Contaminated Land Officer has considered and asked further questions. This matter is still ongoing. <b>A verbal update will be provided.</b>
<b>Strategic Housing Officer</b>	<b>No objections</b> to the principle of development and the provision of 40% affordable units based on a 50:50 intermediate:rented tenure split, subject to viability at reserved matters. However the Strategic Housing Officer insists the development must deliver some 1 bedroom units and that 2 bed units must be in the form of houses and not apartments. Failure to do so would be an objection to the proposal.
<b>Conservation Officer</b>	<b>No objections</b> in principle, but indicates that to keep the impact/harm to the setting of the Conservation Area to a minimum (when viewed from the east), development should be of a scale, set back from the stone site boundary and constructed in natural materials, applicable to the character of the Conservation Area.
<b>Lancashire Archaeology Advisory Service</b>	<b>No objections</b> subject to a scheme of archaeological investigation being conditioned.
<b>Greater Manchester Ecology Unit (GMEU)</b>	<b>No objection</b> subject to a condition secure the retention of trees (as set out in the application); limiting works to trees/shrubs or earth works during the bird nesting season; survey for invasive plant species and any scheme for avoidance and eradication (if required); condition for method statement to protect the River Lune from accidents during construction; and an ecological mitigation and enhancement plan.
<b>LCC Schools Planning Team</b>	<b>No objection</b> subject to securing a contribution of £458,134.02 towards primary school places (equivalent to 34 primary school places).
<b>Tree Protection Officer</b>	<b>No objection</b> subject to conditions relating to the submission of a full arboricultural report at the reserved matters stage.
<b>Lancashire Constabulary</b>	<b>No objection.</b> The Constabulary makes a number of "Secure by Design" recommendations to be considered prior to reserved matters stage but also recommends a management plan condition to address site security during construction due to the increase in reported burglaries at construction sites throughout Lancashire.
<b>Canal &amp; Rivers Trust (C&amp;RT)</b>	The proposed application falls outside the C&RT remit to provide comments.
<b>Public Realm Officer</b>	Lack of detail regarding amenity size and location. Suggests a s106 contribution, noting that 90 dwellings will lead to wear and tear on facilities.
<b>GeoLancashire</b>	GeoLancashire has confirmed that it seems unlikely that there would be direct impacts on the geological/geomorphological interest of the GHS. However, they have indicated that this is based on the south eastern part of the site (the area which rises towards the river), which is considered to be part of a geomorphological feature, being unaffected by the actual building proposals.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, 43 letters of objection have been received. A summary of the main reasons for opposition are as follows:

**Principle concerns** including lack of housing need and demand(houses for sale in the village); cost of housing and provision for affordable housing questioned; the land is supposed to be kept for community use as playing fields; unnecessary and unprecedented growth - amounts to a nearly 10% increase to the amount of residential development in the village; building on green land (*referred to as green belt by some residents*) should be the last resort; loss of valuable farmland; significant increase in development threatens the sense of community; Halton already allocated land for housing; this is inappropriate piecemeal development in the village.

**Highway safety/accessibility concerns** including increase in traffic and traffic congestion through the village (already alleged to be exacerbated by the Bypass); roads are already in a poor state of repair; traffic capacity concerns at the Low Road pinch point between Town End Farm and Manor House and risk of increased accidents; traffic routing for construction traffic should avoid the village; lack of safe pedestrian/cycle connectivity between the site and its surroundings (Halton Mills and River Lune); lack of consideration of alternative travel (other than car); bus services should be provided/improved to mitigate increase car use; introduction of traffic calming and 20mph zone along Low Road needed together with pedestrian crossing provision on Low Road; the development will cause further delay for the adoption of Forge Lane.

**Infrastructure concerns including** increased flood risk as the site acts as a soakaway; pressure on existing drainage system (water treatment plant); limited local infrastructure to support further development (few shops and poor bus services); overcrowded schools (primary and high schools); the developer should contribution to cumulative impacts on local infrastructure given other permitted development in the area.

**Landscape, design and biodiversity concerns including:** impacts such as overbearingness, loss of light and overlooking; future design should ensure the development does not appear “squeezed in” and are of appropriate scale taking into account neighbouring development heights; development should not back onto Forge Lane to encourage passive supervision; there is little discussion over the use of the public open space to the south-east of the site – this should not become abandoned wasteland and should include provision for bins; proposed density too high; Story Homes’ housing is not sympathetic and neither reflects the existing dormer style development or the modernistic housing development at Halton Mills; detrimental impact on the village character – this field forms a “green focal point” in the village adjacent to the Conservation Area; impact on wider landscape character,

Other issues – the paddock adjacent to Town End Farm should be protected from housing development in perpetuity

*4 letters neither objecting or supporting but raising following comments:*

- *requesting a pedestrian crossing Low Road;*
- *whilst Forge Lane remains un-adopted the landowner objects to any interface, access rights or use of Forge Lane during or as a result of the development;*
- *the adoption of Forge Lane has been delayed as a consequence of other developments and therefore the landowner of Forge Lane objects to any proposals for access between the site and Forge Lane at present – requesting a solid boundary along its length.*
- *the development should consider the relationship (proximity and window positions) between proposed dwellings and the existing office building abutting the site.*
- *planners should look at all developments in the village and ensure developers contribute to local infrastructure, such as roads, schools, healthcare, shops, to mitigate the impacts of the development;*
- *the public open space should be used to enhance the local ecological value in the area – use as allotments or public orchard would be nice. The public open space should be protected by planning condition with controls to dissuade disruptive and intrusive activities.*

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 32, 34, 35, 36, and 39 – Promoting Sustainable Transport

Paragraphs 47, 49, 50 and 55 - Delivering High Quality Homes

Paragraphs 56, 57, 58, 60, 61, 62, 64, 65, 66) – Requiring Good Design

Paragraphs 69, 70, 72 and 73 – Promoting Healthy Communities

Paragraphs 100 to 104 – Flood Risk

Paragraph 109, 112, 118, 119, 120 and 121 – Conserving the Natural Environment

Paragraph 120 to 125 – Land contamination, noise and light pollution and air quality considerations

Paragraphs 187 – Decision Taking

Paragraphs 188 to 190 – Pre-application Engagement

Paragraphs 196 to 197 – Determining Applications

Paragraphs 203, 206 – Planning Conditions

Paragraph 173 – Ensuring viability and deliverability

Paragraphs 204 and 205 - Planning Obligations.

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### **6.3 Saved Lancaster District Local Plan Policies:**

E4 Countryside Area

E17 Sites of County Conservation Importance

### **6.4 Lancaster District Core Strategy**

SC1 Sustainable Development

SC3 Rural Communities

SC4 Meeting the District's Housing Requirements

SC5 Achieving Quality in Design

- 6.5 **Development Management DPD**  
DM20 – 23 Transport, Accessibility and Connectivity  
DM25 – 26 Green Corridors and Open Space  
DM27 Protection and Enhancement of Biodiversity  
DM28 Development and Landscape Impact  
DM29 Protection of Trees, Hedgerows and Woodland  
DM31 – 32 Development affecting Conservation Areas and setting of Designated Heritage Assets  
DM35 Key Design Principles  
DM38 Development and Flood Risk  
DM39 Surface Water & Sustainable Drainage  
DM41 New Residential Dwellings  
DM42 Managing Rural Housing Growth  
DM48 Community Infrastructure

- 6.6 **Other Material Considerations**  
Lancashire Minerals and Waste Development Framework – Core Strategy policy SC1 and policy M2 of the Minerals and Waste Local Plan.  
Lancashire Minerals and Waste Local Plan Guidance Note on Policy M2 – Safeguarding Minerals (MSA), December 2014  
Meeting Housing Needs Supplementary Planning Document (February 2013)  
Housing Land Supply Statement (March 2017)  
National Planning Policy Guidance (NPPG)  
Strategic Housing Land Availability Assessment (SHLAA, 2015)  
Halton with Aughton Neighbourhood Plan Area Designation Consultation Report (May 2015)  
Halton with Aughton parish Plan (2013)

## **7.0 Comment and Analysis**

- 7.1 The main planning issues relate to the following:
1. Principle of development;
  2. Housing needs;
  3. Connectivity, access, and traffic impacts;
  4. Landscape, residential amenity and heritage considerations;
  5. Flood risk and drainage;
  6. Ecology;
  7. Other considerations (contaminated land, noise and POS)

- 7.2 **Principle of Development**  
Core Strategy policy SC1 requires new development to be as sustainable as possible, in particular to be sustainably located where it is convenient to walk, cycle and travel by public transport between the site (homes) and employment, shops, schools and leisure and community facilities. This is reflected in the DM DPD (policies DM20, DM35 and DM41). Core Strategy policy SC3 allowed there to be a proportion of development growth (10%) in key rural settlements to support the overarching aim to achieve sustainable development. The Development Management DPD sought to allow greater opportunity (above the Core Strategy policy) for growth in the rural areas and identified a number of additional rural settlements which could be regarded sustainable. Halton is one of those villages. Halton is one of the District's most sustainable settlements offering a range of services, facilities and local amenities to support the local community. The site is located close to the strategic cycle network, has access to local bus services and is now within easy reach of the strategic road network (the M6 and the Bay Gateway).

- 7.3 **Site Designations**  
Notwithstanding the above, the site is protected as a Geological Heritage Site (GHS) (also known as a Local GeoDiversity Site (LGS)) under saved local plan policy E17. This policy states that "*development likely to destroy or damage a GHS will not be permitted unless the need for the development demonstrably outweighs the need to protect the site*". The policy goes on to state that "*where development is permitted, developers will be required to minimise adverse impacts and to compensate for these by appropriate habitat creation and enhancement measures within the site and immediate local area*".

- 7.4 Consultation with GeoLancashire has been carried out in order to assess the application in accordance with saved policy E17. The principle interest of the GHS (Halton Gorge and Quernmore Valley) relates to features connected with glaciation and deglaciation of the Lune Valley (geomorphology) including the formation of the modern course of the River Lune. The application site is entirely within the designated GHS but forms only a small part of a much larger designated area. GeoLancashire has confirmed that it is unlikely that there would be any direct impacts on the geological/geomorphology interest of the GHS from the construction work arising from the development. It was clear from GeoLancashire's representations that the rising land to the south east of the site forms part of a drumlin and has more geomorphological interest than the land between Low Road and Forge Lane. GeoLancashire has confirmed that the development of the land adjacent to Forge Lane would have least impact and the closer any developed area encroaches on the immediate valley of the Lune the less desirable it would become. However, they would not object to the development of the south-eastern corner of the site provided they were given opportunities to record any features of interest. In this case, the applicant has confirmed that the land to the south east would not be built upon and this land would be retained as open space. In short, the development would not destroy or damage the GHS and would not conflict with policy E17. Habitat creation and enhancement measures would be expected in order to comply with this policy and also paragraph 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment. This matter will be addressed below.
- 7.5 In addition to the GHS designation, the site is also located in a Mineral Safeguarding Area. The relevant policies seek to protect mineral resources from sterilisation by future development where extraction is feasible now or in the future. These policies encourage mineral extraction prior to other forms of development if it is practical and environmentally feasible. The application has been submitted by a Planning Statement which considers the proposal in context with its minerals safeguarding designation. This is not a particularly thorough minerals assessment. However, having regard to the Minerals and Waste policy and guidance not, given the sites position surrounded by existing residential development; the close proximity to the Conservation Area and proximity to the River Lune (Biological Heritage Site); the existing site levels (difference between the site levels and neighbouring ground levels – especially to the west) together with the nature of the local highway network, it is contended that the site is already sterilised and that prior extraction of minerals would not be practical or environmentally feasible – let alone commercially viable given the size of the site. On this basis, it is contended that the development would not conflict with the relevant policies controlling and protecting the land for mineral safeguarding.
- 7.6 Loss of Agricultural Land  
There have been concerns raised about the loss of agricultural land. The site is classified as Grade 4 agricultural land which is defined as 'poor quality'. Planning policy (NPPF and DM27 of the DM DPD) seeks to protect the best and most valuable versatile agricultural land. On this basis, it is contended that there are no planning grounds to resist the principle of the development due to the loss of this 'poor quality' agricultural land.
- 7.7 Overall having regard to the site's sustainable location and the land use designations affecting the site, it is accepted that the principle of residential development on this site would be acceptable, provided the proposal complies with the general requirements set out in DM42 (referred to as the policy tests below), which requires proposals to:
- 1) be well related to the existing built form;
  - 2) be proportionate to the existing scale and character of the settlement;
  - 3) be located where the environment and infrastructure can accommodate impacts of expansion; and
  - 4) demonstrate good siting and design and where possible enhance the character and quality of the landscape.
- 7.8 The site is a greenfield site (not greenbelt as alluded by some objectors) designated as Countryside Area, which sweeps across the entire village. The site (ref: 680) has previously been identified in the Strategic Housing Land Availability Assessment (SHLAA, 2015) as a deliverable housing site but within the 6-10 year phase of the plan period. Having assessed that the development of the site would not affect the GHS designation and the applicant is committing to only develop (the dwellings and roads) the area identified as the 'developable area' in the submission (land between Low Road and Forge Lane), the proposal is considered to represent a logical infill to development in this part of the village. The development of the site would not encroach into the countryside area beyond the



natural boundaries of the built-up area of the village and therefore is well-related to the existing built form of the settlement.

7.9 The village is a sizeable settlement (population of 2,277 and 980 households - 2011 census data) sustainably located close to the strategic road network and cycle network with good access to Lancaster and a range of community services and facilities within the village itself. Despite concerns to the contrary, the village is considered suitable to accommodate growth and whilst the proposal is for a relatively large number of new dwellings, it is not considered a disproportionate expansion of the settlement. On this basis, the proposal satisfies the first two policy tests of DM42 set out above. Assessment of the third and fourth policy tests will be assessed in the following sections of this report.

#### 7.10 **Housing Need considerations**

As Members will be acutely aware, the Council's Five Year Housing Land Supply Position (September 2015) illustrates that only 3.9 years of housing supply can be demonstrated. As such, a 5 year supply of housing land cannot currently be evidenced which means for housing applications the presumption in favour of sustainable development is engaged (paragraph 49, NPPF). For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Needless to say, the proposal would make a positive contribution to the supply of market and affordable housing in the District. This represents a significant benefit and is a significant material consideration in the determination of the application. The following sections of this report will set out the key material considerations associated with the proposal to establish whether the proposal represents sustainable development (in the context of paragraph 7 of the NPPF) and whether the benefits of the scheme outweigh any impacts.

#### 7.11 **Connectivity, access, and traffic impact considerations**

National and local planning policy encourages new development to be located where walking, cycling and the use of public transport can be maximised, and the need to travel and the reliance of the private car can be minimised. In this case, the proposed site is located within a sustainable settlement where several key services/facilities are available within a reasonable walking distance. Most the key services are situated on High Road, including the local primary school, health centre and shop. Access to High Road can be made by foot via a lit, level-surfaced footpath linking Low Road and High Road (through the community centre site). This footpath is not flat but its gradient is accessible for most uses. The site is also within the recommended distances to the strategic cycle network offering great opportunities for residents to travel by cycle, particularly if working/visiting Lancaster (circa 3.5km from the site). A distance of 5km is generally accepted as a distance where cycling has the potential to replace short car journeys. Finally, whilst bus services have reduced in the rural areas in recent years, Halton is still served by relatively frequent services between Warton and Lancaster (bus service no. 49). Bus services no longer operate and stop at the existing bus stops on Low Road. The closest bus stop is located approximately 435m from the site on High Road, accessed via the existing footway network. Overall, the site is suitably located to maximise the use of sustainable transport.

7.12 Whilst there are opportunities to walk, cycle and use public transport, the development site is separated from the existing pedestrian network, which provides safe access to the local services/facilities, by Low Road. Low Road is lit with footway provision to the northern side of the carriageway and is subject to a 30mph speed limit near the application site. During consideration of the application and having regard to some of the public objections, officers have secured the provision of a pedestrian crossing on Low Road. This has also been a request of the Highway Authority. The applicant has agreed to provide a pedestrian refuge as part of the site access arrangements. The details of such may be suitably controlled by planning control, though a revised access drawing has been requested. The provision of a crossing will ensure future residents of the site (and existing residents to the south side of Low Road) can safely cross Low Road and access services and facilities in the village centre.

7.13 The Highway Authority has also requested the provision of a 2m wide footpath along the site frontage, but also extending westwards towards the existing pinch point at Town End Farm and

eastwards towards 152 Low Road. The applicant has argued this is not required but has not (at this stage) evidenced why not. Officers are still pursuing negotiations in relation to this matter in the interests of securing enhancements to the pedestrian environment and to ensure suitable connectivity between the site and surrounding development. Officers do not share the view that it is necessary or reasonable to request the applicant to provide a footway to the west of the Forge Lane junction beyond the existing footway towards the pinch point. There is an existing footway to the north side of Low Road which extends up to the pinch point. An additional footway to the south at the pinch point does not appear necessary. However, a footway along the site frontage linking to the existing footpaths to the south side of Low Road does appear a reasonable requirement.

- 7.14 In terms of the proposed vehicular access the Highway Authority has raised no objections to the proposed access details including its location, geometry and the proposed visibility splays which are easily achievable given the depth of the existing grass verge. The access details can be secured by planning condition. The access location is situated close to the access to the community centre. Subsequently, the inclusion of a pedestrian refuge as part of the site access design is both practical and convenient to future and existing residents in this part of the village. On this basis, it is contended that the site can provide safe and suitable access for all users as required by the NPPF (paragraph 32).
- 7.15 The proposed development will lead to an increase in traffic – this is inevitable. Subsequently the application has been supported by a detailed Transport Assessment. The assessment includes traffic impact analysis taking account of future growth, trip distribution, trip generation and capacity assessments of the site access/Low Road junction and the mini-roundabout junction (Low Road/High Road/Church Brow/Foundry Lane). The assessment indicates the development will generate a two-way total of approximately 45 movements in the am and pm peaks. The assessment has assumed a worst-case scenario that all trips head in a westerly direction towards the mini roundabout junction. The capacity assessments have been undertaken utilising the 2022 'with development flows' and conclude that the priority controlled site access junction will have sufficient capacity to accommodate the proposed development traffic and that the mini-roundabout junction will also continue to operate well within its theoretical capacity. The applicant therefore concludes that the development will not materially impact the operation of the local highway network.
- 7.16 The Highway Authority has questioned the highway capacity analysis on the grounds that they believe the traffic count is not wholly representative as the counts were undertaken shortly after the new M6 link was opened and therefore traffic movements are likely to have still been in a state of flux; little information about two-way traffic flows and residual queuing at the Town End Farm pinch point; questions the reliability of the use of the roundabout geometry details for capacity flow modelling; and questions the absence of traffic modelling associated with the neighbouring outline planning permission for 60 dwellings.
- 7.17 A rebuttal has been provided by the applicant in response to the Highway Authority's queries and concerns. In summary, the applicant contends that the flows along Low Road including the development traffic is somewhere between 450 and 500 two-way traffic flows near the site. Even if allowing a small increase in flows because of the M6 link (if LCC believe this to be the case), it would still represent flows operating well within the link capacity of Low Road. With regards to the pinch point at Town End Farm, the increase in traffic flows would be a maximum of a further 45 two-way movements in the am and pm peaks equating to less than an additional vehicle every minute during the peak periods of the day. The applicant contends the use of the roundabout geometry in the junction modelling is appropriate on the basis that this junction is a roundabout; and finally, that the adjacent development is likely to generate similar levels of traffic (if not less) to this development which will have minimal impacts on the network particularly given both of the junctions that have been assessed operate with substantial reserve capacity (both operating at substantially less than 50% of capacity). The Highway Authority has been consulted on this additional information. Assuming they are satisfied with the response, there would appear to be no highway safety reasons to resist the development. A verbal update will be provided on this matter.
- 7.18 The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. Local planning policy seeks to ensure that new development proposals make the best use of existing public transport and where appropriate provide opportunities for improving and sustaining the viability of those services; there is convenient access for walking and cycling to local facilities and it creates places that are easily accessible for the whole community. Recognising that the development will lead to an intensification of use and traffic

in the area, the applicant proposes to formalise the pinch point as a traffic calming feature with new give way markings and signage; provide a pedestrian refuge within Low Road to aid safe pedestrian crossing and accepts the Highway Authority's requirements to upgrade the existing serviced bus stops to quality stop standard. The provision of appropriate cycle/pedestrian links between the site and Forge Lane are desirable given the location of and proximity to the strategic cycle network. However, at present Forge Lane is unadopted and such links would not be possible. However, it seems reasonable to require a suitable link to be provided in the event Forge Lane does become adopted; the provision of which could be secured by condition. The Case Officer is still in negotiation over this matter and a verbal update will be provided. Finally, in accordance with policy DM21 which seeks to protect and enhance access to the established public rights of way in the District, the applicant also proposes a footpath link between the development site and public footpath FP01 to the south of the site. The provision and details of such a link can be adequately secured by condition.

- 7.19 Subject to the Highway Authority being satisfied with the applicant's rebuttal and further negotiations in relation to footpath provision and connections, it appears that the proposal satisfies the relevant national and local highway-related planning policy and that permission should not be prevented on highway grounds.
- 7.20 **Landscape, Residential Amenity and Heritage considerations**  
The NPPF requires planning to secure high quality design, good standards of amenity, and proposals that take account of different roles and characters of different areas. It requires planning to recognise the intrinsic character and beauty of the countryside and to conserve and enhance heritage assets and their settings. This can be encapsulated through well-planned development and good design. Whilst the proposal is in outline form and therefore matters such as layout, scale, appearance, and landscaping are not for consideration at this stage, it is essential to consider whether up to 90 dwellings on the site can be suitably accommodated and can demonstrate that there are opportunities to deliver good design at the reserved matters stage.
- 7.21 The application was initially submitted with a Framework Plan identifying development platforms and areas of open space. This has been simplified into a further plan which identifies the applicant's proposed 'developable area' (i.e. the area where dwellings and associated access roads are proposed). This plan clearly illustrates that the proposed built form will be restricted to the land between Low Road and Forge Lane and will not encroach uphill towards the wooded ridgeline. This is a welcomed approach and one advocated at the pre-application stage.
- 7.22 The application has also been supported by a number of documents to demonstrate that the development of the site would not lead to significant adverse impacts on the local landscape, the existing built form and the character of the village. This includes a Design and Access Statement, Landscape and Visual Impact Assessment, a preliminary Arboricultural Report and Heritage Statement. All these documents in one way or another support the applicant's proposal to limit the built development to the lower parts of the site.
- 7.23 In the case of trees, the applicant seeks to retain all existing trees, except for 2 due to their poor condition. The trees along the ridgeline are prominent landscape features and will be unaffected by the development proposals. The protected mature Sycamore tree in the centre of the site (T18) is also a very important feature which is also proposed to be retained. The only feature lost as a consequence of the development is the intersecting hedgerow (H15). The Council's Tree Protection Officer has considered the proposal and supporting information and is satisfied with the proposal subject to a condition securing the requirement for a full arboricultural report and tree protection plan. The loss of the intersecting hedgerow will need to be suitably mitigated through a detailed landscaping plan at the reserved matters stage.
- 7.24 The application site is not located within a designated landscape but it is very close to the boundary of the Forest of Bowland AONB. Policy DM28 of DM DPD and saved policy E4 requires proposals to be in scale and in keeping with the character and appearance of the area. A detailed LVIA has been submitted which systematically assesses the effects of change on the landscape (landscape and visual effects) as a consequence of the proposals. Through the assessment, proposals should be designed to avoid negative landscape and visual effects. The site comprises semi-improved grassland predominately surrounded by existing residential development with the paddock associated with Town End Farm to the west and adjoining fields (but benefiting from planning permission for housing) to the south east. At a local level a greater impact on landscape character will be occur due to the inevitable loss of grassland to new residential built form. Given the

surrounding development it is accepted that the landscape in this immediate location has the capacity to accept this change without leading to adverse landscape effects. Limiting the construction of dwellings to the 'developable area' and retaining the important protected trees within the site and around the site boundaries will help limit the landscape effects. The visual effects of the proposal will, again, be limited to a localised area with immediate neighbouring residents most affected. The susceptibility and sensitivity of these residential visual receptors is considered to be high. The visual effects for receptors travelling along the road, using the public rights of way are considered not significant. Long distance views of the development will be limited by intervening buildings, land and vegetation reducing the magnitude of visual effects. Mitigating the visual effects of the proposal to reduce the overall effect can be achieved through appropriate landscaping and an appropriate layout which respects the nature and proximity of surrounding development - to be addressed at the reserved matters stage. A landscape strategy has been included with the submission which aims to retain and supplement existing landscape features with new planting. Overall, restricting the development to the 'developable area' and securing the retention of important protected trees and the boundary hedgerows will limit the landscape and visual impacts of the development to ensure suitable compliance with saved policy E4, policy DM28, DM29 and DM35 of the DM DPD, Core Strategy E1 and the relevant sections of the NPPF. Clearly the precise details of the development will be revealed at the reserved matters stage where there will be further examination of the design, amenity and landscaping considerations of the development.

- 7.25 Officers have also secured an indicative layout plan for illustrative purposes only to assess whether the amount of development proposed is achievable within the 'developable area'. This indicative plan demonstrates that up to 90 units can be delivered on site. Where there are concerns with the suggested layout (for example sub-standard interface distances, the orientation of some dwellings, proximity to neighbouring development), the suggested plan illustrates that with changes to housing types and alterations to the layout up to 90 dwellings should be possible and should be capable to complying with the Council's residential design standards (DM35). The density has been calculated based on the net developable area (the development platforms on the framework plan) at 31 dwellings per hectare. This density would reduce slightly if less public amenity space and landscaping was proposed on the developable area given the extent of land available to provide open space on the south-eastern part of the site. That said the inclusion of open space and landscaping in the 'developable area' will be essential to achieve good design. Surrounding densities vary with higher density development on Halton Mills and slightly less to Forgewood Gardens area. The proposed density does not appear overly problematic and can be accommodated given the nature of surrounding development. Whilst there are objections from neighbouring residents with concerns relating to overlooking and loss of privacy, such matters can be addressed at the reserved matters stage.
- 7.26 In terms of heritage considerations, the application site sits immediately adjacent to the Conservation Area which contains a number of Listed buildings. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states "In considering whether to grant planning permission for development which affects a Listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Similarly, section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving and enhancing the character or appearance of Conservation Areas.
- 7.27 Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) and s72 of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the statutory presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give significant weight to the desirability of preserving the heritage asset.
- 7.28 A detailed and thorough heritage statement has been submitted in compliance with national and local planning policy. In summary, this concludes that the development will have no impact on the nearby Schedule Monument as it is far enough away from the site and there will be limited intervisibility between them, and; that the setting of the nearby Listed buildings and Conservation Area will not be adversely affected due to the presence of existing modern development to the south of the site which already impacts the significance of the Conservation Area's setting. The setting of

the Conservation Area when viewed from the east on approach to the village is compromised by existing development. However, the current field (development site) does provide a degree of openness to the setting of the Conservation Area. The Council's Conservation Officer has assessed the proposal and is satisfied the proposal would not lead to a harmful impact on the setting of nearby Listed buildings but indicates that to keep the impact/harm to the setting of the Conservation Area to a minimum (when viewed from the east), development should be of a scale, set back from the stone site boundary and constructed in natural materials, applicable to the character of the Conservation Area. Overall, it is accepted that the principle of developing the site would not lead to harm and that the redevelopment of the site can through appropriate layout, appearance and use of materials conserve and enhance the setting of the Conservation Area. These are matters which are capable of being addressed at the reserved matter stage. The applicant has also considered the archaeological interest of the site within their Heritage Statement. LAAS have assessed the scheme and agree that the archaeological potential is limited but emphasises that this is not negligible. Subsequently a condition requiring further archaeological investigation is recommended. There are no heritage grounds to resist the granting of planning permission.

**7.29 Flood risk and drainage considerations**

The Flood Risk Assessment confirms that all the proposed dwellings would be situated within flood zone 1 which fully accords with policy to locate such development in the areas at least risk of flooding. On this basis no sequential/exception testing is necessary. The FRA indicates that the 1 in 100yr plus climate change level in this area is 11.9m AOD and that flood levels should be set a minimum of 0.6m above this level (12.5m AOD). The lowest ground level within the site is 12.6m in the south western corner. Subsequently finished floor levels will be significant higher than this provided a freeboard well in excess of the 0.6m minimum. Subsequently there are no concerns that the site is at risk from flooding (from the River Lune). In terms of flood risk elsewhere, the development of a greenfield site will alter the natural drainage regime and increased impermeable surfacing. To address this, an indicate drainage proposal has been provided which demonstrates that the ground drains well and that site wide infiltration (soakaways) will be feasible. A detail drainage strategy has been provided to this effect. The precise details of such would be secured by condition as required by the Lead Local Flood Authority. Essentially, the drainage scheme would be designed to retain surface water on site with no discharge off-site. This approach is compliant with the SuDS hierarchy and both national and local planning policy. United Utilities has yet to comment on the application in relation to the proposed drainage strategy, in particular foul drainage which is proposed to drain to the pubic sewer. A verbal update will be provided. The Environment Agency has raised no objections.

**7.30 Biodiversity considerations**

The application site consists of a large area of improved grassland separated into three field compartments by hedgerows and fences containing a number of important protected trees species. The loss of this grassland has the potential to affect local biodiversity and so an ecological assessment has been submitted. Planning policy requires local planning authorities to conserve and enhance biodiversity but principally to avoid harm. Where harm cannot be avoided adequate mitigation of the impacts is required, or as a last resort providing compensation.

**7.31** The applicant has sufficiently demonstrated that the proposal would not lead to significant harm to protected species and that the loss of relatively species poor grassland habitat can be suitably mitigated with new native shrub and tree planting. The Council's ecology consultants have reviewed the application and supporting documentation and are satisfied with the applicant's conclusions. However, they maintain that whilst the site is generally of low ecological value, given the scale of the development, without mitigation there would be a negative impact on biodiversity. Given the proximity to the River Lune there are also significant merits in enhancing biodiversity value given the close proximity to this nearby ecological corridor. Conditions include further bat surveys to be undertaken if trees are later proposed to be removed (this is unlikely as it is recommended to condition the development be carried out in accordance with the submitted Arboricultural report which seeks the retention of the trees); no works during bird nesting season; survey for invasive species to be undertaken included methods for eradication if found; method statement to protect the River Lune from accidental spillages, dust and debris; and an ecological mitigation and enhancement plan. With the imposition of these conditions, the proposal will not lead to an adverse impact on biodiversity and would be compliant with relevant national and local planning policy.

- 7.32 **Other considerations (contaminated land, noise and open space)**  
The application has been submitted with ground investigation and contaminated land reports. It has also been supported by a noise assessment having regard to the nature and compatibility of surrounding uses. The Council's contaminated land officer raises no objections in principle and initially sought an unforeseen contaminated land condition. Officers contend it more appropriate to condition the development to be carried out in accordance with the reports submitted, requiring appropriate remediation (where relevant) and verification. There is a minor outstanding issue in relation to additional information submitted concerning ground gas. A verbal update will be given in relation to this matter. Environmental Health has provided no comments on the noise report, but it is clear that the neighbouring employment uses are not unneighbourly uses and already coexist with existing residential development. Wenning House is the closest unit and is an office based operation therefore unlikely to present any compatibility issues with the proposed development, as confirmed in the noise report submitted. Provided the layout accommodates suitable separation between employment and residential development (having regard to window openings etc) this should be sufficient to ensure an acceptable relationship between these differing uses – a matter to be addressed at the reserved matters stage. The noise report makes recommendations in relation to the construction of properties facing Low Road. Such mitigation can be secured by condition.
- 7.33 The inclusion of legible open space within development proposals has an important role to play in facilitating social interaction and creating healthy, inclusive communities. This is integral to good design and will be advanced at the reserved matters stage. The developer has adequately demonstrated at this stage, that suitable and adequate open space can be provided within the development site. Similarly, it is essential that residents have suitable access to a range of open space (amenity space, play areas, sports facilities). In this case, Halton benefits from an excellent range of facilities. The recreation fields, community centre and play areas are located directly opposite the proposed site. With the inclusion of the pedestrian crossing as part of the proposed access, the development has direct, safe and good access to these facilities and so would be compliant with section 8 of the NPPF and policy DM26 of the DM DPD. Local policy requires development proposals located in areas of deficiency to contribute towards open space provision. Through the applicant's pre-consultation engagement with the Parish it was apparent that the existing quality of the football pitch was the main area of deficiency identified. On this basis, a contribution has been secured to enable improvements to the playing pitch to help the local football club/Parish provide facilities that aim to meet the Football Association requirements. There are no other areas of deficiency identified. The proposed development also offers a large area of open space with a pedestrian link to the riverside public right of way. This informal "woodland" walk and amenity land will provide added benefit to the development and the wider community and is of a size well in excess of the policy requirements. The formal amount of POS to be provided on site can be secured by planning obligation, along with the off-site contribution. The details of other open space and landscaped areas can be secured by condition.

## **8.0 Planning Obligations**

- 8.1 The application accepts the provision of up to 40% affordable housing to be delivered on site in accordance with the Council's policy, subject to a review at the reserved matters stage. This review is on the basis that if upon further ground investigations viability evidence becomes known and is justified which affects development viability the provision of affordable housing is reduced accordingly. Such flexibility is provided for within our policy, though if the site was not a greenfield site the expectation would be the provision of 30% affordable units on site. The s106 would need to be suitably worded to ensure that the provision of affordable housing could only be reduced with sound and justifiable viability evidence. In addition, given the comments from the Strategic Housing Officer, it is also contended that the s106 should include an affordable housing scheme to be agreed which should (unless evidence is provided to state otherwise) provide provision for 1-bedroom rented units.
- 8.2 The s106 shall also include the payment of an education contribution (maximum of £458,134.02) but to be reassessed at the reserved matters stage in accordance with LCC's adopted methodology. The applicant is agreeable to this.
- 8.3 An off-site playing pitch improvements contribution which shall be included in the s106. The figure is still to be confirmed but it is likely to be in the region of £15,000. A verbal update can be provided on this matter. The s106 shall also include provision of on-site amenity space to be calculated at the reserved matters stage and the ongoing management and maintenance of any open space,

private roads, landscaping and SuDS within the development site including the land to the south east.

## **9.0 Conclusions**

- 9.1 Subject to the Highway Authority being satisfied with the applicant's highway rebuttal in relation to the traffic capacity analysis and agreement on pedestrian connectivity, the proposed development is located in one of the District's identified rural settlements where housing proposals can be supported. It is anticipated that an appropriate layout and design delivering of up to 90 dwellings within the 'developable area' can be achieved without leading to any significant adverse impacts to the natural and built environment and neighbouring residential amenity. The scheme will provide affordable and market homes that will positively contribute to the shortfall of housing in the District and will mitigate the impacts of increased pressure on the village through the provision of contributions towards education and public open space. The site is sustainably located with proposals to improve pedestrian connectivity to enable safe and convenient access to the village's key services and public transport. These are all benefits of the proposal. There do remain are some public concerns associated with the development and localised landscape and visual effects associated with developing this greenfield site. Such impacts and concerns, however, would not significantly or demonstrably outweigh the benefits of the proposal and so the presumption in favour of sustainable development should be engaged. Subsequently, Members are recommended to support the proposal.

## **Recommendation**

That Outline Planning Permission **BE GRANTED** subject to a s106 securing up to 40% affordable housing (to be reviewed at reserved matters stage only with justifiable viability evidence); the education contribution (to be reviewed at reserved matters stage); an off-site playing pitch improvements contribution; the provision and calculation of informal amenity space (POS) on site, and; mechanisms for 'in-perpetuity' maintenance and management of open space, landscaping, private roads and SuDS; and the following conditions (though delegated back to the Chief Officer to refuse the application if the required legal agreement is not signed and completed on or before the determination date):

1. Standard outline time limit condition
  2. Development to be carried out in accordance with the 'developable area' plan
  3. All other plans illustrative only
- Pre-commencement
4. Surface Water Drainage scheme to be agreed
  5. Archaeological Investigation
  6. Ground levels for roads/landscaped areas/POS/SuDS and finish floor levels to dwellings to be submitted and agreed including details of retaining features
  7. Submission of ecological mitigation and enhancement plan (including method statement to protect River Lune from construction pollution)
- Pre-construction
6. Details of the on-site open space to be provided, managed and retained
  7. Survey for invasive plant species and any scheme for avoidance and eradication
- Pre-occupation
8. Surface water management and maintenance plan
- Control conditions (some with details to be agreed)
9. Access to be provided in accordance with agreed plan (TBC – awaiting amended plan)
  10. Protection of visibility splays
  11. Off-site highway works (to be listed in condition/TBC re footway provision) to be implemented before first occupation (or alternative phased timetable to be agreed with the LPA in advance).
  12. Development to be carried out in accordance with the recommendations of the Arboricultural Report
  13. Development to be carried out in accordance with the recommendations of the Noise Report
  14. A pedestrian footpath shall be provided between Low Road and the PROW (FP01) before first occupation details of such to be first agreed with the LPA.
  15. Within 6 months of Forge Lane and the associated verges to the north side becoming adopted a formal cycle/pedestrian link between the site and Forge Lane shall be provided in accordance with details first to be agreed in writing with the LPA.
  16. Development to be carried out in accordance with contaminated land reports, with verification reports to be provided before occupation.

17. Development to be carried out in accordance with the Flood Risk Assessment

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

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

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

**Background Papers**

None