



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 25 APRIL 2022

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 28th February 2022 (previously circulated).

The meeting scheduled for 28th March 2022 was postponed for public safety reasons following lack of power at Morecambe Town Hall (Urgent Business 127).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered

within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

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|---|--|---|------------------------------|----------------------------|
| 5 | A5 <u>20/01442/FUL</u> | Land North of Whernside Road
Watery Lane Lancaster | Skerton
West Ward | (Pages 5 -
27) |
| | | Demolition of existing dwelling and erection of 78 dwellings (C3) with associated vehicular and pedestrian access, internal roads, footpaths and parking, re-grading of land and retaining structures, drainage infrastructure and the provision open space and equipped play area. | | |
| 6 | A6 <u>21/00798/REM</u> | Land At Higher Bond Gate
Abbeystead Road Dolphinholme
Lancaster | Ellel Ward | (Pages 28 -
39) |
| | | Reserved matters application for the erection of 18 dwellings | | |
| 7 | A7 <u>21/00799/REM</u> | Land At Higher Bond Gate
Abbeystead Road Dolphinholme
Lancaster | Ellel Ward | (Pages 40 -
51) |
| | | Reserved matters application for the erection of 9 dwellings. | | |

8	A8 21/00695/FUL	Land North of A683 Bay Gateway, Heaton With Oxcliffe	Overton Ward	(Pages 52 - 57)
<p>Installation of a 99.9MW battery storage facility with ancillary development including 3m high fencing, battery storage containers, substation, transformers, switchroom, control room, welfare cabin and storage room, construction of internal access points, creation of hardstanding and turning area, erection of gates and 4m high CCTV columns, creation of temporary compound area, raising of land levels and construction of new access onto the A683 Bay Gateway.</p>				
9	A9 21/01295/FUL	Hawthorne House Bye-pass Road Bolton Le Sands	Bolton and Slyne	(Pages 58 - 66)
<p>Demolition of existing restaurant and erection of five new dwellings (C3) with associated landscaping and altered access.</p>				
10	A10 22/00237/CCC	Dunald Mill Quarry Long Dales Lane Nether Kellet	Kellet Ward	(Pages 67 - 69)
<p>County Council Consultation request for the variation of condition 1 of planning permission LCC/2016/0061 to allow for continued operation of the concrete batching plant until 21 February 2034, with all buildings, plant and associated equipment being removed and the site restored by 21 February 2035.</p>				
11	A11 22/00041/FUL	Furness College Tower Avenue Lancaster University Lancaster	University and Scotforth Rural Ward	(Pages 70 - 74)
<p>Change of use of second floor offices (E) to 7 cluster apartments for student accommodation (Sui Generis) comprising of 1 7-bed, 3 8-bed, 2 9-bed and 1 11-bed and installation of louvers to all elevations.</p>				

12 Delegated List (Pages 75 - 82)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Keith Budden (Chair), Sandra Thornberry (Vice-Chair), Paul Anderton, Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Cleet, Tim Dant, Kevin Frea, June Greenwell, Mel Guilding, Janice Hanson, Cary Matthews, Robert Redfern and Malcolm Thomas

(ii) Substitute Membership

Councillors Alan Biddulph (Substitute), Mandy Bannon (Substitute), Jake Goodwin (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), Debbie Jenkins (Substitute), Joyce Pritchard (Substitute) and Peter Yates (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democracy@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 31st March 2022.

Agenda Item	A5
Application Number	20/01442/FUL
Proposal	Demolition of existing dwelling and erection of 78 dwellings (C3) with associated vehicular and pedestrian access, internal roads, footpaths and parking, re-grading of land and retaining structures, drainage infrastructure and the provision open space and equipped play area.
Application site	Land North of Whernside Road Watery Lane Lancaster Lancashire
Applicant	Oakmere Homes
Agent	Mr Daniel Hughes
Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Approve (Subject to the achieving a net gain in biodiversity and subject to Section 106).

(i) **Procedural Matters**

The proposed site and its immediate surroundings were visited by representatives of the Planning Regulatory Committee on the Monday 21st February 2022. The application was also prepared for the Planning Regulatory Committee on the 28th March 2022, which was cancelled on the day due to unforeseen power outage problems at Morecambe Town Hall. This report has been updated to reflect some matters initially intended to be verbally updated on the 28th March 2022.

1.0 Application Site and Setting

1.1 The application site is located on the northern fringe of the built-up area of Lancaster, lying to the north of the Ryelands and west of the Skerton suburbs, approximately 1.3 miles to the north west of the city centre. The application site relates to a 4.1 hectare greenfield meadow consisting of a small group of connecting fields, sub-divided by post and wire fencing or hedgerows with a distinctive pond in the northern most field. The site is positioned to the rear of properties on Watery Lane (east) and Whernside Road (south) within the urban area of North Lancaster. Between the site and properties on Whernside Road is a slither of land used as a small-holding. The site borders Lancaster Crematorium and Barley Cop Woods to the north with the Vale of Lune Rugby Club and associated playing pitches to the west. A mature bank of protected woodland along the western boundary separates the proposed development site from the Vale of Lune Rugby Club. The landscaping buffer and gardens around the crematorium, along with Barley Cop woods, also form strong landscape features to the north of the site. The topography of the site is notable within the urban landscape. It occupies a prominent and elevated position above the surrounding residential and area. The site slopes up from Watery Lane to its highest point (mid-way in the site at approximately 34m AOD) and then falls sharply towards the Vale of Lune Rugby Club (approx. 20m AOD).

- 1.2 Access to the site is via Watery Lane itself, leading to the south via Scale Hall Lane to the A589 Morecambe Road around half a mile to the south, linking the city with Morecambe to the north west and to the strategic road network at Junction 34 of the M6 motorway (via the A683 Bay Gateway) around 2 miles to the north east.
- 1.3 The site is located approximately 2km to the centre of Lancaster City Centre with local shops (Spar c350m), and schools (Rylands Primary School c420m, Lancaster and Morecambe c680m), located much closer to the site. The site is located within 160m of the closest bus stops on Watery Lane (Route 8 City Centre – Rylands – St Chads) and c325m to the bus stops on Torrisholme Road (Services 1, 1A, 100). The closest cycle route is located approximately 650m south east of the site at Rylands Park. There are no public rights of way through the site. The closest is Footpath 1, which links Watery Lane to Barley Cop Lane, through Barley Cop Wood.
- 1.4 The site is an unallocated site (white land) within the Lancaster District Local Plan. It is not constrained by landscape, heritage or any nature conversation designations and lies within floodzone 1 (suitable for development). There are no definitive public rights of way through the site but informal paths are apparent. There has previously been informal access between the site and Barley Cop Woods, though this is now closed off by post and wire fencing.

2.0 Proposal

- 2.1 The application seeks full planning permission for the erection of 78 dwellings with associated access, infrastructure, open space and landscaping. To facilitate the access into the site, a single detached dwellinghouse (39B Watery Lane) is proposed for demolition.
- 2.2 The breakdown of the proposed development is as follows:
- 8 No. one-bedroom cottage-style apartments
 - 2 No. one-bedroom bungalows
 - 4 No. two-bedroom houses
 - 40 No. three-bedroom houses
 - 24 No. four-bedroom houses
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The proposed housing types comprise two-storey (some split-level) detached and semi-detached houses, cottage-style apartments and bungalows. The proposed materials consist of reconstituted buff stone, off-white render under grey concrete tile roofs. An equipped play area shall be provided in the centre of the site, with amenity greenspace and landscaping provided largely to the west and along the boundary with Barley Cop Wood. The proposal seeks to retain (but reengineer) the existing pond within the centre of the site, together with all the trees and hedgerows around the periphery of the site. Owing to the site topography, extensive earthworks are required to create the development platforms across the site.

- 2.3 The proposed access shall be formed between 39A and 41A Watery Lane. The access consists of a simple priority-controlled junction comprising a 5.5 metre carriageway width with 1.8 metre footways to either site, a 5 metre radii and viability splays of 33 metres in both directions. The existing carriageway in the vicinity of the proposed access is proposed to be realigned to provide a 6.5 metre wide carriageway (to secure an appropriate access design).

3.0 Site History

- 3.1 The applicant approached the local planning authority for pre-application advice for residential development of up to 104 dwellings in late 2018. The advice offered at this time acknowledged that if the Local Plan was found sound and adopted (thus removing the Green Belt designation) the site would not be subject to any strategic allocations, therefore, offering more scope for future development, subject to all other considerations being acceptable. Our pre-application advice equally raised concerns over the access arrangements and the potential effects this would have in terms of design and residential amenity. Later pre-application discussions focused on a reduced number of dwellings (80) and mainly design matters. Aside from this recent pre-application engagement, several relevant applications relating to this site have previously been received by the

Local Planning Authority. All of which were refused and are noted by some of the public representations opposing the scheme. These are set out in the table overleaf:

Application Number	Proposal	Decision
2/1/5016	Erection of 41 houses and 15 bungalows	Refused on open space and landscape impacts
1/76/675	Erection of two pairs of semi-detached houses and five detached houses	Intrusion of open space and impact on residential amenity
1/75/871	Outline application for residential development (51 houses)	Intrusion of open space and impact on residential amenity

4.0 Consultation Responses

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

Consultee	Response
County Highways (LCC)	Initial concerns have been addressed. LCC offer no objection , subject to the following conditions: <ul style="list-style-type: none"> • Construction Method Statement • Scheme for the site access and off-site highway works • Arrangements for the future maintenance of estate roads (captured by s106) • Scheme for the full engineering, drainage, street lighting and construction details to adoptable standards of the internal estate roads • Roads to be provided to base course before first occupation and completed in full before completion of the development. • Drives and parking areas to be constructed in a bound porous material and to be available and maintained for as long as the development is occupied. • Provision of cycle and EV charging (minimum of 7kW) to each dwelling • Framework Travel Plan
United Utilities	Following the submission of amended drainage details, United Utilities have been able to remove their initial objection. UU have no objection to the development subject to the implementation of the amended drainage scheme with an appropriate management and maintenance regime.
Lead Local Flood Authority	No objection subject to the following conditions: <ul style="list-style-type: none"> • Implementation of Drainage Scheme • Construction Surface Water Management Plan • SuDS Operation and Maintenance Plan • Verification of Constructed Sustainable drainage System
Arboricultural Officer	No objection , subject to the following comments: <ul style="list-style-type: none"> • Pleased to see increased separation between the development and Barley Cop Wood and increased planting to provide a suitable buffer; • Existing woodland to the west now includes degree of successional planting with additional tree planting, with the remainder of the tree planting still in a circular area, surrounded by species rich grassland. The Arboricultural Officer suggests planting should be used as a buffer to the woodland area to create a diverse edge habitat. • Queries whether fencing could be used to prevent tramping within the woodland areas. • Provision of a clear Tree Protection Plan.
GMEU	Initial concerns included: Insufficient information in relation to the following:

	<ul style="list-style-type: none"> to assess the ecological impacts of the proposal, namely lack of Great Crested Newt surveys; amendments and additional consideration needed in relation to woodland habitat to the north; further clarification needed in relation to the retained pond clarification needed in relation to the BNG calculations proposed landscaping fails to maintain and develop habitat connectivity through the site. <p>Following the submission of further information, GMEU have raised no further concerns in relation to the impact on Great Crested Newts or other protected species.</p> <p>GMEU initially confirmed the applicant's BNG report was inadequate and contained errors, resulting in the percentage net gain likely to be less than suggested. The applicant's latest BNG Assessment has corrected errors but there remains uncertainty from GMEU over the condition of the grassland and how this should be considered in the matrix (BNG assessment). GMEU are therefore going to undertake a site visit and a survey themselves to inform their formal position on this matter. A verbal update will be provided.</p>
Natural England	No objection and concur with the Council's HRA. A condition must be secured to deliver the required mitigation (homeowner packs).
RSPB	No comments received.
Woodland Trust	No comments received.
LCC Planning Policy Team	Issues raised: <ul style="list-style-type: none"> loss of open space; archaeological interests; need for a heritage statement (archaeological desk-based assessment). Conflicting information over the housing mix/affordable housing mix Notes the council only has a 3 year supply of housing and paragraph 11 of the NPPF is triggered.
LCC Strategic Housing	No formal comments received.
LCC Waste and Recycling Team	At present, the waste management of several areas of the development is falling short of what is required, and is not viable or sustainable in the long term. Amendments to the layout of the scheme are recommended. No further comments provided following the submission of amendments and further consultation.
Sport England	No objection – concludes that the proposal will have no prejudicial impact on the use of the adjacent playing field.
Lancashire County Council School Planning Team	No objection - no education contribution required (as of 24 January 2022).
Lancashire Historic Environment Team (Archaeology)	No objection subject to condition securing the implementation of a programme of archaeological works.
Environmental Health Service	No objection on the grounds of air quality, noise or ground contamination subject to mitigation as set out in the submission. The mitigation (listed below) shall be secured by condition. <ul style="list-style-type: none"> EV charging points rated at a minimum of 7kW Travel Plan (inc. range of measures) Construction Emissions Management Plan Acoustic mitigation in accordance with submitted assessment Implementation of the recommendations set out in the submitted Phase II Site Investigation report.
Property Services	No comments received.
Public Realm	No objections subject to the provision of on-site amenity space (1409.8 square metres, equipped play area (to be enclosed), link to Barley Cop Woods and an off-site contribution towards Rylands Park (changing facilities to support the sports pitches) totalling £123,174.30.
Conservation	No comments

Civic Society	Objection on the following grounds: <ul style="list-style-type: none"> • Loss of open green space • Uniformly bland and unimaginative house designs • Houses densely arranged on site leaving little space between plots • Access is scarcely adequate for construction traffic and emergency vehicles • Increase traffic • Flood risk concerns downstream
CSTEP	No objection The amended ESP when supported by the NSAfC KPIs is acceptable and demonstrates a commitment to support local employment and upskilling during the construction of the development.
Morecambe Bay Clinical Commissioning Group	No objection , subject to a contribution of £25,609 towards the extension and reconfiguration at Lancaster medical practice for additional clinical capacity.
Lancashire Constabulary	Comments received in relation to 'secure by design' measures, including: <ul style="list-style-type: none"> • Safe permeability through the development • Design and integration of open space and landscaping • Access control and suitable boundary treatment to segregate public from private space • Provision of security lighting to the dwellings and street lighting • Physical security to the dwellings (types of windows/doors/glazing/alarms) • Site security during construction
Lancashire Fire and Rescue Service	No objection – standing advice issued in relation to Part B5 Access and facilities for the Fire Service (Building Regulations)
Cadent Gas	No objection

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

98 number of representations to the original proposal opposing the development. A summary of the main reasons are as follows:

Principle issues including:

- Similar proposals have been rejected historically because of the loss of open space and impacts on residential amenity - these issues remain the same.
- The land is within Green Belt and should be resisted.
- The SHLAA concluded the site was undeliverable.
- Concerns over loss of a single house to provide access for 80 dwellings.
- Loss of green open space (referred to as 'public space' by some) will negatively impact community well-being. The woodland and field have brought the community together (especially during the pandemic).
- The green space is highly valued, described as 'unique and precious' to the community.
- Brownfield sites should be developed in favour of greenfield sites which lead to significant environmental damage.
- Benefits to the community do not outweigh the costs against it.
- Existing homes were purchased because they were previously in the Green Belt and thought the land would be protected.
- Lack of affordable homes.
- The public use the site to observe firework displays, recreational walks and dog walking, nature study groups, children observing nature in its natural setting.
- The Council's Open Space Assessment describes it as one of the last remaining open space measures in the immediate area. Failure to designate the site as a Local Green Space does not undermine its value to the community, a reassessment of the designation of this site should be taken.
- The site is not sustainable and is around 2.5 miles to Lancaster city centre.
- Lack of a housing need noting excessive amount of student accommodation and empty homes in the city which could be provided as family homes instead.

Highway concerns including:

- Additional traffic served by a small access and narrow road heavily congested with parked cars (Watery Lane) will lead to adverse highway safety impacts (to people and property) and will exacerbate existing difficulties for emergency vehicles and the local bus service navigating Watery Lane.
- The junctions onto Torrisholme Toad are narrow and cannot accommodate additional traffic.
- Active bus stops are over 400m from the site (contrary to the TA).
- Challenges to the robustness of the TA and the traffic survey undertaken.
- Lack of visitor parking on the new estate which is likely to exacerbate parking on Watery Lane.
- A second access route should be considered to mitigate impacts to Watery Lane.

Amenity concerns including:

- harmful visual impacts elevated above the local area affecting the skyline of the site (and views from Torrisholme Barrow),
- its scale and density would be completely out of character.
- loss of outlook, overlooking and loss of privacy from the development at a higher elevation,
- loss of light, increased noise and disturbance, light and air pollution, removes emergency escape routes to the rear of exiting property, loss of views, access arrangement adversely affect residential amenity (noise/headlights),
- loss of peace and tranquillity to the area and immediate homes.

Environmental concerns including:

- Increase flood risk.
- Loss of valuable wildlife habitat and species.
- Impact on wider biodiversity by loss of biodiversity corridors and linkages between habitats.
- Inadequate mitigation - bird and bat boxes are tokenistic.
- Excessive earthworks required given sloping nature of the site (to the detriment to existing natural features).
- Loss of green space fails to help mitigate against the impacts of climate change.
- Negative impacts on Barley Cop Woods.
- Landscape impacts – the site offers a similar landmark feature to Torrisholme Barrow.
- No consultation with the Friends of Barley Cop Woods and link from the development to the woods in the wrong location and would include trees to be felled.
- Long term landscape and habitat management to be included in the s106 and potentially enabling collaboration with local groups, such as Friends of Barley Cop Wood.

Infrastructure (and other) concerns including:

- Lack of school places, impact on GP resources, impacts on existing drainage infrastructure.
- Queries over the robustness of soakaway testing for drainage, the pond should be treated as a watercourse (spring with flowing water).
- Impacts on house prices, if approved houses losing their views over the field should have their Council Tax band reduced.
- Loss of privacy to mourners visiting the Crematorium and consideration of the Crematoria Act.

A petition opposing the scheme has also been received with 25 signatures.

Following the submission of amendments and re-consultation, a further 37 representations have been received opposing the development. A summary of additional comments to those already raised above are as follows:

- Granting consent would be a disgrace it is unsustainable development and must be rejected.
- The assessment of LGS should be reviewed.
- Visual impacts would be imposing and overbearing.
- Concerns over public comments not been considered and lack of faith in the planning process.

- Concerns that the application has taken over a year to determine, suggesting the decision is already made and it is a foregone conclusion to support the scheme (once the drainage scheme is acceptable).
- Traffic impacts will worsen despite the 'experts' suggesting otherwise.
- Loss of two units is not substantive to address concerns.
- Local children play on the field – its loss to housing will have impact on the quality of lives of many.
- The environmental impacts are significant with zero added value to the local community.
- Comments reinforcing errors in the submission, particularly in relation to the pond, which local residents state is spring-fed.
- Drainage scheme does not resolve previous concerns.
- Concerns over NE position regarding homeowner pack mitigation.
- A public enquiry should take place if the application is approved.

1 letter of support has been received (with no further comment).

5.0 Analysis

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

- Principle of development and housing need
- Transport and accessibility
- Biodiversity
- Residential amenity
- Flood risk and drainage
- Landscape, open space and design
- Other Matters

5.2 Principle of Development (Housing Matters) NPPF paragraph 7 – 12 (Achieving Sustainable Development), 47 (Determining applications), 54-57 (Planning Conditions and Obligations) and Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District and SP6: The Delivery of New Homes; Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards) and DM3 (Delivery of Affordable Housing).

5.2.1 The proposed site is unallocated (white land) in the Local Plan. It lies within the urban area of Lancaster and therefore the proposed development complies with the overall development strategy for the district (policy SP3), which seeks to promote an urban-focussed approach to new development. As part of the Local Plan evidence base, the Strategic Housing and Employment Land Availability Assessment (SHELAA) did not consider the site deliverable for housing (largely on highway grounds) and as such the site is excluded from policy SP6 (housing allocations). At this juncture it is also important to note that prior to the adoption of the current Local Plan, the site formed part of the North Lancashire Green Belt (NLGB). For this reason, the land was protected from significant development. However, following the NLGB Review (2018) and the adoption of the Local Plan, the proposed site has been removed from this designation with the NLGB boundary moving north beyond the Bay Gateway. In land use planning terms, the principle of housing in the urban area of Lancaster on an unallocated site can, in principle, be supported. In this case, the main issues relate to the technical constraints associated with development the site for housing. These considerations will be addressed below.

5.2.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes and chapter 5 sets out the priorities that local planning authorities should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need (OAN). Policy SP6 of the SPLA DPD sets out the Council's OAN and its housing requirements over the plan period, which amounts to 10,440 new dwellings required over a 20-year period. Despite local objection over housing needs, there is a clear and evidenced housing

need in the district. The most recent five-year housing land supply position statement confirms that the Council is currently only able to demonstrate 2.6 years' worth of supply of deliverable housing. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole (Paragraph 11d of the NPPF – the tilted balance). Given the acute undersupply of housing in the district, the delivery of 78 new dwellings weighs substantially in favour of the proposal.

5.2.3 Affordable Housing and Housing Mix

Policy DM1 of the DM DPD states the Council will support proposals for new residential development which ensures land is used effectively taking into account the characteristics of locations and specific circumstances of individual sites including viability and are located where the natural environment, services and infrastructure can be, or could be, made to accommodate the impacts of development. Policy DM1 offers support for new housing development where it promotes inclusive and balanced communities and meets evidenced housing needs (set out in the Strategic Housing Market Assessment (SHMA)).

Table 4.1 within policy DM1 (based on the SHMA) provides an indicative approach to housing mix. This is set out in the table below with comparisons made to the proposed development.

Dwelling Type	Strategic Housing Market Assessment guidance (%)	Original Submitted scheme (%) of 80 dwellings	Current Proposal (%) of 78 dwellings
1 / 2 bed house	20	7.5	2.56
3 bed house	35	46.25	51.28
4 bed plus house	25	28.75	30.76
Bungalow	10	5	5.12
Flat	10	12.5	10.25
Total	100	100	100

5.2.4 The proposed scheme does not strictly align with the housing mix aspirations of the SMHA and policy DM1. This is partly a result of design negotiations leading to a loss of the two-bedroom apartments and two-bedroom dwellings in favour of one-bedroom cottage style apartments and a greater number of 3-bedroom dwellings. The scheme has also been subject to detailed viability considerations. Increasing the number of smaller properties and bungalows to comply with the SHMA would have been preferable, however, this would worsen the financial viability position, which has already evidenced no affordable housing as part of the development. Whilst there remains a significant portion of four-bedroom units, the three-bedroom dwellings form the predominant house type, which accords with the indicative aspirations of table 4.1. Therefore, refusal based on the proposed mix is not considered justified given the terms of the tilted balance set out in the NPPF.

5.2.5 In terms of affordable housing, for greenfield sites in Lancaster, the policy position (DM3) requires 30% of the total number of dwellings to be affordable homes, unless this has a disproportionate and unwarranted negative impact on the viability of the proposed development. In accordance with policy DM3, the application has been supported by a financial viability appraisal (FVA) to evidence why the development cannot support any on-site affordable housing contribution (the applicant's position). This has been independently assessed by the Council's Viability expert (CP Viability), with support from an independent Quantity Surveyor, who concurs with the applicant's overall conclusion that the development is unable support any affordable housing. The applicant's proposed profit margin to bring the site forward is 17.5% on net revenue for the market dwellings. This is accepted by the Council's expert as a reasonable profit margin. In terms of land values, the applicant allowed for a benchmark land value of £250,000 per developable acre (or £155,709 per gross acre). However, the applicant did not justify this position. Subsequently, the Council's expert has reviewed this and concluded a reasonable benchmark land value (based on existing use value (£10,000 per acre) plus a premium (15 times the existing use value) would equate to £946,500 for the net developable area and a further £38,211 when combined with the remaining land (at its existing use value). The overall benchmark land value would be £984,711 (or £97, 197 per acre). The Council's expert has reappraised the viability with appropriate adjustments to the assumptions in the appraisal, but this does not alter the negative viability outcome.

- 5.2.6 The viability pressure on this scheme is so high due to the sales values being lower than other parts of the city in this particular location and the external/site specific and abnormal costs being relatively high (despite some reductions through the independent FVAR). The consequence results in a residual land value considerably below the benchmark land value, rendering the scheme unviable with affordable housing and other planning policy contributions.
- 5.2.7 The lack of affordable housing is very disappointing. However, in accordance with both policy DM3 and the NPPF, the applicant has justified this position. A refusal on the grounds of a lack of affordable housing could not be substantiated given the policy position to allow viability to be considered. Officers are considering an affordable housing claw back mechanism in the s106, however, there remains ongoing discussion with the applicant over this matter. A verbal update will be provided.
- 5.3 **Traffic impacts, access, parking and sustainable travel** (NPPF: Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-design places); Strategic Policies and Land Allocations (SPLA) DPD policies SP10 Improving Transport Connectivity and T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM57 Health and Well-being, DM58 Infrastructure Delivery and Funding, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan.
- 5.3.1 The Local Plan transport/accessibility policies seek to direct new development to sustainable locations and to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. Policy requires development to make positive contributions to the walking and cycle network. The proposed development includes the provision of footways within the access design to enable safe and convenient walking environment between the development and the surrounding area. As part of negotiations, off-site highway works to enhance the pedestrian environment will be provided as part of the development. This shall include a new central pedestrian refuge on Torrisholme Road, together with reductions to the radii and tactile paving at the junctions of Barbon Place, Rylands Road and watery Lane. There are no proposals to enhance the cycle network as part of the scheme, though provision for cycle parking is catered within the layout of the scheme. To offer further enhancements, the applicant is agreeable to a planning condition requiring a new path between the development and Barley Cop Woods. Due to the steep gradient of the site to the west and land ownership constraints, it is not feasible to create new pedestrian/cycle connections between the development and the residential area to the south (Pendle Road/Ingleborough Road).
- 5.3.2 Despite the local topographical constraints, the proposed site falls within the urban area of Lancaster within recommended Department of Transport walking and cycling distances. There is equally good access to regular public bus services, which supports the locational sustainability of the site. This, combined with modest enhancements to the pedestrian route between the site and Rylands Park (along Torrisholme Road) and the potential for a pedestrian connection to Barley Cop Wood, ensures compliance with policies DM60 and DM61 of the DM DPD. Whilst the proposal does not make any contribution to the enhancement of local cycle routes, the development would not adversely impact existing cycle networks or cycle users. Cycle parking provision will be provided for each dwelling in accordance with policy DM62. Subsequently, the lack of provision for cyclists within the housing layout and off-site within the highway network would not lead to a material conflict with policy DM61. The applicant's Framework Travel Plan and the provision of EV charging points for each dwelling will make a small contribution to the sustainability of the site (and the promotion of more sustainable modes of travel).
- 5.3.3 Policy DM60 requires development proposals to be accessed safely during construction and operational phases of development. It equally requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be serve.

- 5.3.4 The sole means of vehicular access to the development site is a new priority junction from Watery Lane in the location of 39B Watery Lane. The access design has been the subject of pre-application discussions with the local highway authority (LHA). The access comprises a 5.5m wide carriageway with 1.8m footways to both sides. Buildouts are proposed on Watery Lane to secure an appropriate radii and visibility splays of 33 metres (for 85% speeds on 23mph south bound and 24.4mph north bound), together with a junction table and the widening of the existing footway along Watery Lane between Belmont Close and Malham Close. These embedded design features are aimed to keep background and development traffic vehicles speeds low to minimise conflict at the proposed junction, particularly in relation to the close proximity of the new access to the driveway of 41 Watery Lane. From a highway safety perspective, the proposed access is considered acceptable and compliant with policy DM60 and paragraph 110 of the NPPF. Subject to securing the access proposals and associated off-site highway works (by planning condition), the LHA considers the proposal acceptable and notes the new access would not present a serve impact to highway safety.
- 5.3.5 The proposed development will generate an estimated 370 two-way movements per day, with the AM peak (08:00-09:00) equating to 41 two-way movements and the PM peak (16:00-18:00) equating to 82 two-way movements. The proposed trips would disperse across the network in three directions (east and then North/South; west and at Scale Hall Lane (south)). Many residents objecting to the proposal have raised valid concerns over the location and design of the access and the potential highway safety implications arising from increased traffic along Watery Lane. Some objectors have also cited concerns over the narrow and constrained nature of Watery Lane (due on on-street parking) being unable to cope with the impacts of the development traffic. The LHA has assessed the application, including the Transport Statement and Road Safety Audits and the Construction Method Statement, and has raised no objection to the development. Despite strong opposition to the scheme on highway safety grounds, given the position from the LHA, there would be no substantive planning reason to resist the proposal on highway safety and capacity grounds.
- 5.3.6 Turning to the estate layout, the applicant has amended the proposals to address initial concerns raised by the LHA in respect of the internal road layout and footway provision. The revised proposals do improve the provision of footways in some locations of the scheme, however, they do not go far enough to meet the County's adoptable standards. The Council's Waste and Recycling team also raised concerns over the road layout. Notwithstanding this, the LHA has confirmed (having regard to the recommendations of the submitted Road Safety Audit), the lack of footways and divergent footways would not pose a highway safety concern given the low level of traffic movements in and around the areas of concern (plots 19-32, 55-69), sufficient forward visibility at the junction near plot 19 the provision of a change in surface material to the roads to reflect its shared surface. The Council's Waste and Recycling Team have not commented further on the amended scheme. However, given the LHA are satisfied with the access and estate road geometry/swept path analysis, visibility and turning provision, it would be difficult to substantiate a refusal based on the Waste and Recycling Teams initial concerns. All dwellings will be provided with cycle storage provision and Electric Vehicle charging points. A condition for the implementation of the agreed provision is recommended.
- 5.3.7 The applicant has designed the development to ensure most of the proposed dwellings have sufficient parking provision in accordance with DM62 (and appendix E). These are maximum standards which, given the sustainable location of the site, there is no reason to expect all dwellings to have the full quantum of parking. Such would go against the promotion of alternative sustainable modes of travel, including walking and cycling. Notwithstanding this, officers are satisfied sufficient parking is provided to prevent significant on-street parking within the site and spilling out into neighbouring areas.
- 5.4 **Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)).
- 5.4.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This

policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigated. Policy DM45 also seeks to maximise and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district. Policy DM43 seeks to prevent the fragmentation and isolation of Green Infrastructure (strategically planned network of nature and semi-natural areas) and for opportunities to be explored to maintain and enhance the integrity of strategic green spaces and green corridors within the district.

- 5.4.2 The proposed site is not designated or protected for its nature conservation or allocated as strategic Green Infrastructure. The closest designated sites relate to Lancaster Canal (a Biological Heritage Site (BHS)) and the River Lune (also a BHS). The site is not directly or indirectly connected to these designations. There is a mature group of protected trees along the western boundary of the which are of significance (TPO No. 612(2017)). The site lies approximately 2.3km northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) and the Morecambe Bay Special Area of Conservation (SAC), RAMSAR site and Morecambe Bay and Duddon Estuary Special Protection Area (SPA) (National and European designated sites).
- 5.4.3 Due to the proximity of the site to the European designated sites, the applicant has submitted a shadow Habitat Regulations Assessment (sHRA), including an Appropriate Assessment, to assess the potential of likely significant effects (LSE) on the integrity of the designated sites arising from the development. At its closest point, the site is located approximately 2.3km from the SPA, SAC and Ramsar Site. Given the sites separation from the designated sites, combined with the intervening development and infrastructure, the development will not, therefore, result in any direct impact of these designated areas. Whilst it is understood that the interested features of the designated sites (SPA birds) may rely on areas outside of the SPA boundary in some circumstances for foraging and feeding, in this case, due to the location of the site away from the Bay and the intervening development, the site is not judged to be Functionally Linked Land (FLL).
- 5.4.4 The potential for indirect effects has also been assessed, this concludes potential LSE arising from noise, air and waterborne pollution would be screened out of the assessment. This is because there are no direct pollution or hydrological pathways between the application site and the European designated sites. LSE are therefore limited to indirect disturbance to the qualifying species arising from an increase in population and the potential for recreational distance along the coastline. The potential for LSE arising from recreational disturbance cannot be ruled out. The impacts, however, are relatively low and can be adequately mitigated by the preparation and provision of homeowner packs. The Council have undertaken its own HRA and Appropriate Assessment (as the competent authority) and conclude the proposed development will have no adverse effects on the integrity of the designated sites, their designation features, or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached any planning consent.
- 5.4.5 In terms of the ecological value of the site itself, despite comments to the contrary, the grassland habitat is of relatively low ecological value. The most significant ecological features include the trees and woodland areas surrounding the site, which are to be protected and retained (where they fall within the site) and the pond in the northern section of the meadow. The initial ecology assessment was deemed inadequate and did not adequately assess the impacts of the proposal on amphibians, in particular Great Crested Newts (GCNs). GMEU (our ecology advisers) also raised concerns over the fragmentation of ecological corridors and habitats, inadequate buffering of the woodland to the north and the accuracy of the applicant's biodiversity net gain (BNG) assessment.

- 5.4.6 In summary, it is now accepted that no further survey effort is required in respect of GCNs noting GNCs would not be impacted by the development. The survey effort in respect of protected bats is also accepted. GMEU have raised no concerns in relation to other protected species, although the proposed precautionary mitigation set out in the ecology report will need to be secured via an appropriately worded planning condition (Construction Environmental Method Statement (CEMP)). The applicant has adequately evidenced (through their Arboricultural Implications Assessment) the protected trees to the west can be protected and retained and the buffer to the woodland to the north would ensure no negative impacts on the woodland and the species it supports. In this regard the scheme complies with policies DM44 and DM45 of the DM DPD.
- 5.4.7 The proposed site is not strategically allocated for its open space or nature conservation interest and would not, therefore, fall within the definition of Green Infrastructure (pursuant to policy DM43). However, the fragmentation of existing localised habitat and ecological corridors within the site itself will be severed by the development. This largely relates to the green corridors that exist between the existing pond and the woodland and tree belts to the north and west. The impact of development and the loss of these corridors, will undoubtedly, affect the wider ecological value of the site and the use of the land by wide ranging species. The applicant has attempted to mitigate the impacts by the provision of new bird and bat boxes, extensive landscaping, and the creation of a new pond on the western bank of the site. The existing pond shall be retained but reengineered, therefore, likely to affect its current ecological value. The ecological value of the site and appropriate mitigation remains a matter of discussion in respect of BNG considerations (discussed below). Notwithstanding this, the fragmentation of habitat and loss of ecological corridors results in a degree of conflict with policy DM44.
- 5.4.8 Policy DM44 states '*there should, as a principle, be a net gain of biodiversity assets wherever possible*' and goes on to state '*where a proposal leads to significant harm planning permission should be refused*'. The applicant's latest BNG assessment concludes a net gain of 18.49% or 7.61% if the "urban mosaic" habitat is split 70:30 as per BNG guidance. The Council's ecologist (GMEU) has reviewed the latest assessment and notes that there are some elements in the matrix where alterations to the proposals won't change the overall outcome that the scheme is delivering a net gain for biodiversity. However, there remains uncertainty over the condition of the grassland and the implication of this in the BNG assessment. Subsequently, GMEU are intending to visit the site again to survey the grassland to assess whether the grassland should have a higher condition score. The implication of such, could impact whether net gain can be evidenced or not. During the determination stages of the application, the applicant has demonstrated a commitment and willingness to ensure the development would secure a net gain in biodiversity. Should there be disagreement over the net gain position after GMEU have visited the site, officers will continue to negotiate improvements in habitat mitigation and management to secure a net gain in biodiversity where possible. A verbal update will be provided in relation to the outcomes of further negotiation in relation to BNG.
- 5.4.9 Currently, planning policy does not stipulate the percentage increase required for net gain and the 10 percent net gain stipulated in the Environment Bill is not yet a mandatory requirement. Provided the applicant can demonstrate a meaningful BNG across the site, the effects of the development on nature conservation would be limited to the fragmentation of ecological habitats on the site itself. Such would result in some harm and conflict with the development plan, but would not lead to significant harm to justify a refusal of planning permission.
- 5.5 **Residential Amenity** (NPPF: Chapter 8 paragraph 92 and 98 (Promoting Healthy and Safe Communities), Chapter 12 (Achieving Well-Designed Places) paragraph 130 and paragraphs 183 – 187 (Ground Conditions, Pollution and Agent of Change); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being)).
- 5.5.1 Planning policy DM29 and paragraph 130 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. Starting with the amenity of future users of the development – the proposed scheme has been amended to ensure adequate interface distances exist between the proposed dwelling (taking account of the land levels), that each property has sufficient private garden space (according to the requirements of policy DM29) and that all dwellings meet the Nationally Described Space Standards. Taking the NDSS first –

the applicant has demonstrated that all the house types meet the required NDSS standards and, in accordance with DM2, over 20 percent of the total number of dwellings (the Brathay housetype) are M4(2) compliant. In this regard the development fully accords with planning policy. Planning policy recognises that access to private gardens and open space as part of new development is important for the health and well-being of communities. In this case, all of the proposed dwellinghouses have access to a private garden over the minimum 50 square metres. Most of the dwellings have gardens no less than 10 metres in length. There are some plots (notably those on the curves of the central development parcel) where the gardens have an awkward configuration or are tiered (due to the levels). However, such would not render the scheme unacceptable from an amenity point of view. Finally, interface distances between the proposed dwellings have been designed, where possible, to achieve the minimum recommend standards set out in policy DM29. For example, the distances between the plots forming the central circular parcel of development range from 23 metres to 38 metres (accounting for the level differences). The separation distances are tighter towards the curved ends of this development platform and do not strictly comply with policy, however, the orientation of the plots protects future residents from direct overlooking and loss of privacy between habitable spaces/property. The layout of the south-eastern corner (plots 62-65 and 66-69) has been carefully considered as the interface between the two-storey dwellings (plots 62-65) is close to the gable ends of plot 66. Here, however, the housetypes to the rear (plots 66-69) are proposed as bungalows and so reduce the extent of overbearingness.

- 5.5.2 In assessing the amenity of future residents, the applicant has also provided an acoustic assessment and lighting assessment to ensure the proposed development is compatible and vice versa with the neighbouring rugby club (agents of change principle). From a noise perspective the closest façade to the rugby pitch is 94 metres. Accounting for distance and the significant level difference between the two sites, the resulting sound levels would be significantly below recommended guideline values (for daytime outdoor areas - 50dB(A) $L_{Aeq,16hr}$ and daytime indoor levels - 35dB(A) $L_{Aeq,16hr}$). This indicates a No Observed Effect Level (NOEL) will be experienced at the proposed dwellings from rugby matches resulting in no need for mitigation. The effects of the existing flood lighting at the rugby club on future residents has also been considered. This concludes two of the floodlights do provide a degree of glare directly at the proposed site with some overspill to the northern section (plots 31,32, 53 and 54). The effect is minor and amounts to approximately 9 hours a week during darker winter months. Mitigation is proposed in the form of tinted glazing and landscaping. Conditions are recommended to secure this mitigation.
- 5.5.3 Finally, the applicant has also submitted Preliminary Risk Assessment and Site Investigation (SI) to assess and understand the potential risks to future users of the site in respect of land contamination. The assessment concludes the potential risks from contamination are to be very low, despite some potential risks associated with made ground from the infilling of the ponds on site. Mitigation is set out in the submitted SI, which is recommended to be secured by planning condition. The Council's Environment Health Officer is satisfied with the outcomes of the assessments and raised no objections to the development. Overall, the layout and relationship of the dwellings to each other, and the relationship of the development to the rugby club is considered acceptable and conforms with the policy requirements of DM2, DM29 and DM31 of the DM DPD as well as paragraphs 130 and 183,185 and 187 of the NPPF.
- 5.5.4 Turning to existing residents. The neighbouring residents most affected by the development are those on Watery Lane (including Meadow View), immediately backing the proposed site, and in particular the two dwellings adjacent to the proposed access (No39A and No41 Watery Lane). These neighbouring properties are two-storey dwellings, positioned at a lower elevation to the site. The rear gardens of these properties generally tier up towards the site boundary. The boundary treatments are mixed along the eastern edge of the site, including closed boarded timber fencing (varying heights) and some open post and wire treatments overlooking the existing meadow. The level difference is quite substantial between the finish floor levels (FFL) of existing property on Watery Lane and the FFLs of the proposed development. For example, the FFL of the existing dwelling (No 39a Watery lane) is 24.65m Above Ordnance Datum (AOD) with a ridge height of 31.3m AOD. The existing level at the eastern boundary of the site (relative to NO. 39a) is 27.3m AOD with the land rising to approximately 33.3m AOD at the crest of the hill. The proposed dwelling behind Nos 39/39A Watery Lane has a proposed FFL of 27.8m AOD (a difference of 3.15m). As shown in the site sections (and the external works plans) the proposed dwellings will step up the site (following the existing site contours) resulting the in the development sitting above

the surrounding dwellings to the east. The effects of the proposal will substantially alter the visual outlook currently enjoyed by those existing residents bordering the eastern boundary of the site.

5.5.5 However, the test is whether the relationship of the development significantly adversely affects residential amenity. During the determination period of this application, the applicant has sought to make positive, yet modest, changes to the layout to improve the interface distances and the scale of development along the eastern boundary. The apartment blocks in the northern extent of the site have been reduced and re-orientated to lessen the bulk and massing of development in this location. This has provided more space between the buildings to allow for more landscaping thereby reducing some of the overbearingness of the scheme. Interface distances have been increased to account for the level differences and a swale and landscaping buffer is proposed between existing and proposed dwellings. Furthermore, the housetypes at plots 1 and 70 have been revised and garages repositioned to lessen the impacts on neighbouring residents (so the development provides a more gradual increase in scale up the hill). The following table sets out a series of estimated interface distances (north to south along the eastern boundary) between the development and existing residents:

Plot No. – Existing House No.	Requested Separation (plus difference for level change) (metres)	Proposed Separation (metres)
Plots 11-14 – 63 Watery Lane	12 (plus circa 8) (with east facing habitable windows removed)	c21.7
Plot 9 – 55 Watery Lane	21 (plus c8)	c28
Plot 1 – 41/43 Watery Lane	12 (plus c8 -9)	c24 (to house and c21 to garage)
Plot 70 – 39 Watery Lane	12 (plus c6-7)	c19.6
Plots 68/69 – 33/35 Watery Lane	21 (plus c10-12)	c34

Amended apartment elevations and plans have been received to remove the east, side facing living room windows to protect the amenity of existing residents. A further re-consultation is ongoing with neighbours directly affected by these changes. A verbal update will be provided if additional representations are received. Notwithstanding this, overall, the proposed interface distances offer a reasonable degree of separation and would adequately protect the amenity of future and existing residents. In this regard the proposal conforms with the requirements of policy DM29. The visual impacts of the development are minimised further by the inclusion of a landscape strip (wide enough to enable maintenance access).

5.5.6 Aside from the physical location of buildings and its relationship to existing residents, 39A and 41 Watery Lane will also be impacted by the location of the proposed access and the noise and light pollution associated with passing traffic. The proposed access geometry takes up all the space left by the demolition of the exiting house. This results in the edge of pavement immediately abutting the boundaries to these two dwellings and their associated gardens. The proposal includes the provision of new acoustic boundary treatments (timber fencing) no less than 2 metres high (from the level of the new access road) alongside the access road. The acoustic assessment indicates an hourly average sound level during the maximum traffic flow for the site of 55.4dB(A). The inclusion of a 2m high acoustic fence along the length of the access road will provide a sound reduction of 17.8 dB to the garden amenity areas and 10.7dB to the first-floor, ensuring the sound levels at the property (garden and internal) fall below the recommended sound levels resulting in a NOEL. This acoustic mitigation will also help minimise the impacts of headlights glaring into the rear of these neighbouring properties. As the acoustic fence does not extend to the rear of these existing properties (only the side), a condition is also recommended to ascertain the boundary treatment and landscaping measures which could prevent further glare from head lights in this location. A further condition is recommended in respect of street lighting and lighting in the areas of open space. The details of such will be required to safeguard residential amenity and nature conservation.

5.5.7 The relationship of the development to existing properties to the south is not judged to be harmful. Whilst their views and outlook will alter, these properties are more than 50 metres from the southern boundary of the site and are separated by an area of paddock/small holding.

- 5.5.8 Whilst the visual amenity experienced by these existing residents will substantially alter (by virtue of the change in use of land and the buildings themselves), the development is considered to comply with the requirements of policy DM2, DM29 and DM31 of the DM DPD and paragraphs 130 and 183 – 187 of the NPPF and consequently, will not result in significant harm to residential amenity.
- 5.6 **Flood Risk and Drainage** (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); 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) and DM35 (Water Supply and Waste Water) and the draft policies DM33 and DM34 of the Climate Emergency Review of the Development Management Development Plan Document Publication Version (January 2022).)
- 5.6.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequentially and exception test) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.
- 5.6.2 The proposed site is in floodzone 1 and is therefore a sequentially preferable location for residential development. Given the scale of the development, a Flood Risk Assessment (FRA) accompanies the application. This sufficiently evidences the site is at low risk of tidal, fluvial, groundwater and pluvial flooding. However, there are areas around the site (such as Powder House Lane) that suffer considerable flooding. Consequently, it is essential the development does not increase the risk of flooding off-site. This largely relates to the management of surface water flooding. Policy requires consideration to be given to the SuDS hierarchy which advocates drainage by infiltration, to a surface water body, a surface water sewer and only when the other options are not feasible, to a combined sewer. The site is a greenfield site which has no formal drainage network and no connection to surroundings drainage infrastructure. In this case, the applicant has demonstrated infiltration will not be feasible (due to the underlying geology and superficial deposits of boulder clay) and the lack of a suitable surface water body in the vicinity of the site to provide direct discharge. Subsequently, the proposal is for a control discharge to the existing sewer with attenuation provided on site, including a combination of attenuation baskets and an above-ground attenuation swale and basin.
- 5.6.3 The surface water drainage scheme has been split into two sections, east and west. The east section will be served by geocellular attenuation baskets and an attenuation swale for half of the houses and oversized pipes and an attenuation swale for the highway. The discharge from this section is to the existing adopted combined sewer in Watery Lane and has been restricted to 5l/s all return periods up to 100 years plus 40% climate change with a 10% allowance for urban creep. The west section of the site will be served by geocellular attenuation baskets for plots, with an attenuation basin central to the site and an attenuation swale running parallel to the main carriageway within the site designed for return periods of 100 years plus 40% climate change. The discharge from this section is to the existing adopted combined sewer in Watery Lane and has been restricted to 5l/s all return periods up to 100 years plus 40% climate change with a 10% allowance for urban creep.
- 5.6.4 Due to the site topography, exceedance routes have been carefully considered to avoid flood water (exceeding the design period of the drainage scheme - 1 in 100yr plus 40% for climate change) entering proposed and existing dwellings. The proposed drainage scheme has been carefully considered and is now considered to comply with the requirements of planning policy. The scheme has also been assessed and considered by statutory consultees (United Utilities and the Lead Local Flood Authority) who are now satisfied the proposals are acceptable. A condition is recommended to ensure the implementation of the proposed drainage scheme in full before first occupation.

- 5.6.5 The foul drainage system will be a traditional gravity piped network that will be split into two sections. Again, there are no objections raised by United Utilities in this regard. A planning condition would secure the implementation of the scheme.
- 5.6.6 The highways and drainage network are not proposed to be put forward for adoption (under separate legislation this is at the discretion of the applicant). Subsequently, the maintenance and management of all the highway and drainage infrastructure will be a combination of homeowners and an estate management company. A planning obligation would be required to secure the provision of a management company along with the long-term maintenance of such infrastructure. This is commonplace and no different to other planning proposals. A planning condition is also recommended to secure the verification of the implemented drainage scheme and a maintenance plan for the sustainable drainage system.
- 5.7 **Landscape, Open Space and Design** NPPF: Chapter 8 paragraphs 92 -94, 98-100 (Open Space and Recreation), Chapter 11 (Making effective use of land) paragraphs 124-125, Chapter 12 (Achieving Well-Designed Places) paragraphs 124-136) Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD EN3 (The Open Countryside), Policy EN4 (North Lancashire Green Belt): Development Management (DM) DPD policies DM29 (Key Design Principles) and DM27 (Open Space, Sports and Recreational Facilities), DM43 (Green Infrastructure), DM45 (Protection of Trees, Hedgerows and Woodland), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being); A Landscape Strategy for Lancashire Landscape Character Assessment.
- 5.7.1 **Landscape** – Paragraph 174 of the NPPF states planning decisions should *contribute to and enhance the natural local environment by protecting and enhancing valued landscapes...and recognising the intrinsic character and beauty of the countryside*. Paragraph 175 emphasises the point that Local Plans should clearly distinguish between the hierarchy of international, national and locally designated sites and to allocate the land with least environmental or amenity value. In this case, the proposed site does not benefit from any landscape designation (at national or local level). However, policy DM46 does state that outside protected and designated landscapes, the Council will seek to protect and enhance landscapes and townscapes which are valued, unique and provide a distinct sense of place. It goes on to state that in such landscapes development should be in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, scale, massing, design, materials, appearance and landscaping.
- 5.7.2 In assessing whether the landscape meets the tests of DM46 to require its retention and enhancement, it is useful to reflect on the work and evidence that informed the adopted Local Plan. Many objectors raise concerns over the loss of the meadow noting it should not be developed due to its Green Belt designation or its landscape value. The site had been in the North Lancashire Green Belt (NLGB) for some considerable time over several plan periods. However, as part of the preparation of the current Local Plan, a review of the NLGB was undertaken. This concluded, through rigorous assessment, that the site no longer met the objectives of Green Belt land. The decision to remove the site from the Green Belt was made upon adoption of the Local Plan in July 2020. The NLGB boundary now lies to the north of the Bay Gateway.
- 5.7.3 The site was also considered in the Local Green Space (LGS) Assessment Report (including Phase One and Phase Two sites) published in May 2018 to accompany the submission of the Local Plan (this superseded the Summary Report (Phase One) and includes all sites that were submitted and assessed by the Council). The site was referred to as ‘Barley Cop Meadow’ (LGS_48). The assessment (which considers the evidence with regards to Beauty, Historic Significance, Recreational Value, Tranquillity and Richness of Wildlife) concluded:
“The site is located on the northern edge of Lancaster within the adopted green belt, this is however under review as part of the green belt review. Whilst there is no doubt that the area is of value the extent to which this would be sufficient to warrant LGS designation is questionable. The LGS designation has been created to identify those extra special areas of space which can be shown to be of particular value to the local community. Failure to designate as a LGS does not undermine the local value of the area (our emphasis). The Land Allocations DPD will need to investigate whether alternative green space designation in the area can be extended to incorporate this area”.

5.7.4 The site (site reference LPSA 314) was put forward as part of the call for sites process for the Strategic Housing and Employment Land Availability Assessment (SHELAA). To inform this assessment, site-specific evidence was collated to assess the landscape, ecological and archaeological value of the site. The site was concluded to be 'Undeliverable'. As the evidence used to inform this decision demonstrates, the site was considered from an ecological and landscape perspective. The landscape assessment concluded: *"The site is rough poorly maintained pasture rising from the western edge of post war housing estate to a rest and sloping down further westwards towards playing fields, separated from the housing by a small strip of pasture (Site 316). The pasture is divided by poorly maintained post and barbed wire fencing. The site has a sense of abandonment and low quality. Sensitive development here would be possible with appropriate landscape treatment. The site has a prominent position due to its elevated position. Housing development should be located towards the lower edges of the site with the higher parts of the site retained for amenity."* Access to the site also contributed to the conclusion of it being an undeliverable site.

5.7.5 With regards to alternative designations, from a landscape perspective there are two types of local landscape designations; Key Urban Landscape (KUL) and Urban Setting Landscape (USL). The definitions of which are set out below:

Key Urban Landscapes (KULs): KULs include those areas within the main urban area which are integral to the built form of the district, providing a setting for important features and/or heritage assets. They play an important role in defining the townscape of the main urban area and are inextricably linked to the experience of the wider setting of these features. These areas also provide amenity value for local residents and the wider community. The amenity value of these areas is protected via other policies within the Local Plan.

Urban Setting Landscapes (USLs): In comparison, USLs are peripheral to the built form and located only on the edge of main urban area. They are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features either within the landscape or surrounding it.

As demonstrated above, the landscape value of this site was assessed but it was deemed to be of low quality. Furthermore, when considering the below definitions for KUL and USL, with regards to KUL the site was not considered to be integral to the built form of the district in the context of the KUL definition. Nor was it considered to define the townscape of the main urban area. In terms of USL, land further north which runs parallel to the Bay Gateway, setting the visual frame for the urban area, was considered to be USL. The proposed site was considered to be separate to this USL area and as such was not designated as USL. Therefore, through the Local Plan process, it was concluded that a local landscape designation was not considered appropriate for this site. Consequently, this leaves the site unallocated and equally does not benefit from the blanket countryside area designation either.

5.7.6 As noted by members of the public opposing the scheme, the Local Green Space Assessment did provide a useful assessment of the value of the site. This is helpful in considering whether the site warrants protected under policy DM46. The site is relatively self-contained on the edge of the existing built-up area but easily distinguishable from the surrounding land uses. It was noted to provide one of the last remaining elevated open space meadows in the immediate area that offers 360-degree views of Morecambe Bay with the Lake District beyond, views towards the city and its historic townscape and the Lune Valley, the Forest of Bowland, Clougha and beyond. It was also noted to offer a tranquil area of open space offering sanctuary for nature of which the site was plentiful.

5.7.7 The site lies within the Morecambe Coast and Lune Estuary National Character Area (LCA) in a Low Coastal Drumlin Landscape Character Type (LCT). This LCT forms a transitional landscape between the coast, the Suburban LCT immediately to the south and the Drumlin Field LCT to the north east. The Low Coastal Drumlins are around 40m high. This site is slightly lower but not dissimilar in scale and form to Torrisholme Barrow. The alignment of drumlins in this LCT gives it a distinctive grain and the strong pattern of pastureland emphasises the undulating topography. Trees and shrubs are limited in this predominately agricultural landscape, although small copses occur on the tops and sides of the drumlins. Industrial development are large areas of housing features in this LCT too. The site falls within the Carnforth-Galgate-Cockerham Landscape

Character Area (LCA). This LCA is described in the Landscape Strategy for Lancashire as a landscape that supports an extremely high proportion of built development. It goes on to state that buildings on top of drumlin hills are particularly visible, whilst woodland is limited to small plantations, woods of former estates or fragmented woodland in unusual hilltop and hillside settings. The adjacent Suburban LCT is very much an urban landscape predominately made up of housing (from the 1930s onwards) and associated transport networks. Early suburban housing was predominately semi-detached two-storey dwellings set in large plots with gardens front and rear - often framing wide streets along principal transport corridors. In the late 1950-60s, suburban housing was typically denser with straight and strong street patterns, build behind the early suburban housing described above. Materials and architectural detailing vary across buildings in this LCT, and sadly local identity often lost.

- 5.7.8 The development of the application site will cause a substantial change to the landscape character of the site itself (from an open greenfield meadow to a housing estate) which would be harmful. However, the extent to which the development would adversely affect the character of the wider Low Coastal Drumlin LCT is questionable given housing forms one of its main characteristics (described in 5.7.7). Mitigation to minimise the level of harm to landscape character is provided in the form of extensive landscaping to buffer and bolster the existing woodlands that lie on the lower slopes of the drumlin hill (to the north and west). The exact landscaping scheme needs some further refinement but overall, it is capable of delivering a strong and diverse landscape edge to the site. With mitigation, the impact on landscape character is considered to be of moderate harm at the site itself and negligible harm to the wider LCT.
- 5.7.9 The visual effects of the development on the landscape will vary depending on the sensitivity of the receptor in certain viewpoints. The most sensitive receptors are the existing neighbouring residents that border the site. Residential receptors further away from the site (at lower elevations but enjoying the views up towards the site) will equally be affected - as will recreational receptors within and using the surrounding open space. Receptors travelling along local roads/paths will experience a change in view, particularly from Torrisholme Road, together with sensitive receptors (employees and mourners) in the neighbouring crematorium and cemetery.
- 5.7.10 The prominence of the development in views from neighbouring residents to the east will vary (depending on the level differences, landscaping and the distance between existing and new development). However, it is reasonable to conclude that, most certainly, from the rear upper floor windows and the upper tiers of neighbouring gardens, the proposed housing will be highly visible and dominant. The development will be visible in the full view in most cases and will be a permanent change. The visual effects arising from the development in these immediate views would therefore be significant. Embedded design mitigation, such as appropriate interface distances and low-level planting will help minimise the impacts, but given the elevated nature of the site, the visual effects of the development would not reduce significantly as a result of this mitigation.
- 5.7.11 Receptors using, and within, the designated open space land to the north and west, including the crematorium, will experience a change in their views which would result in some harm. However, given the separation between the development and these areas of open space and/or the extent of existing woodland planting, views of the development will be filtered and/or will be seen within the wider townscape setting/backdrop. Depending on where the site is viewed from within the open space, it will generally form part of a wider view. As such the level of harm is considered to be moderate adverse. The visual effects arising from development on transient receptors is considered to be negligible (the site will be visible but in a filtered and partial view for a limited period of time). The development on the crest of the drumlin hill contributes to the prominence the development will have in the landscape. Overall, there will be substantial harmful visual effects arising from the development, but the effects are limited to the immediate local area and in particular, neighbouring residents. Whilst existing landscape features help to filter views further from the site, due to the elevation of the development, there will remain a moderate level of harm to the visual amenity of the landscape. However, given urban development is a characteristic of this landscape character type, in many views, the development will be seen in the backdrop or foreground (depending on the view) of existing built development.
- 5.7.12 Policy DM46 states that the Council will seek to protect landscapes that are valued, unique and provide a distinct sense of place. The Local Plan evidence provides some useful justification to

support (or otherwise) the consideration of whether the proposed site is a landscape that warrants protection. Firstly, officers are acutely aware residents opposing the scheme consider the site to be of high value for its nature, openness, benefits to health and well-being and landscape qualities. The Local Green Space Assessment recognised some of these values, such as it being one of the last meadows in the area offering beautiful 360-degree panoramic views over the district and towards the Lake District and Bowland Fells. For this reason, the site has a degree of uniqueness. However, the site is not technically publicly accessible therefore who benefits from these views is limited. As such arguing the site offers distinct sense of place is challenging to substantiate in planning terms. Finally, for the reasons set out above, the landscape value of the site is not considered to be significantly high quality to warrant protection under the terms of policy DM46 either.

- 5.7.13 The final test of policy DM46 is for new development outside protected and designated landscapes to be in scale and keeping with the landscape character and appropriate in terms of siting, scale, massing, design, materials and external appearance and landscaping. Given the prominence of the site to neighbouring development (and the Suburban LCT), the scale, massing, design and materials of the proposed dwellings are considered in keeping. However, contrary to the landscape evidence forming part of the preparation of the Local Plan, the development has not been limited to the lower sides of the drumlin hill. Instead, the development will extend up and over the crest of the hill. This causes a degree of harm to the landscape character, however, it is not dissimilar to neighbouring development to the east and south. Overall, it is considered that the development will lead to an adverse localised landscape impact and conflict with policy DM46, which is afforded moderate weight.
- 5.7.14 **Open Space** – The provision and access to open space is encouraged strongly in the NPPF given the benefits this has to the health and well-being of our communities. The application site does not benefit from any strategic open space designation. However, it lies adjacent to outdoor sports facilities to the west and designated gardens and woodland to the north. Policy DM27 requires development proposals that are adjacent to designated open spaces, sports and recreational facilities to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The policy also recognises the value of non-designated open spaces, stating that where non-designated amenity spaces have economic, environmental or social value to the community they serve, the Council will seek to protect such spaces. Finally, policy DM27 also sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies.
- 5.7.15 The proposed development has been amended to protect to the woodland areas to the north. A landscape buffer has been incorporated so has not to cause any direct impacts to the woodland itself and the species it supports. The Council’s Arboricultural Officer is satisfied with the proposed relationship between the two. It is recommended that a formal path and gate/access arrangement is provided between the site and the adjacent woodland as indicated on the amended site layout plan. This is also supported by the Public Realm team. This ensures access to Barley Cop Wood is managed and avoids unnecessary and inappropriate access/trampling of the woodland and edge habitat along the rest of the northern boundary. It also enables future residents access the woodlands and equally the wider community access into the site to utilise the retained areas of open space and play area.
- 5.7.16 The effect of the development on the adjacent rugby club has already been assessed under the residential amenity section of this report. The applicant’s acoustic and lighting assessments conclude the development would not be adversely affected by the use of the adjacent playing pitches. Sport England (SE) has been consulted and is satisfied there will be no prejudicial impact on the use of the playing field concluding the proposed development meets Exception 3 of SE’s Playing Fields Policy and raises no objection.
- 5.7.17 The development lies close to the existing crematorium and memorial gardens. The impact once the development is operational is not considered significant. The crematorium building itself is approximately 190 metres to the northern boundary of the site, with the dwellings a further c10 metres from the boundary. All the existing landscaping will be retained and as such no direct impacts are anticipated. During construction, however, the peace and tranquillity of the memorial

gardens could be affected. This can be minimised by appropriate construction methods including the provision of suitable acoustic hoardings along the boundary of the memorial gardens. The impacts during construction are temporary in nature and can be minimised through the implementation of the submitted Construction Method Statement (controlled by planning condition).

- 5.7.18 Turning to on-site public open space requirements. Given the scale of the development, an equipped and enclosed play area is provided in the centre of the site. This is an improvement on the initial submission which sought to provide the play area behind dwellings and adjacent to Barley Cop Wood. The proposal also provides a substantial area of amenity greenspace. This is largely provided along the western boundary. The functionality of this amenity greenspace, as a kick about area for example, is limited given it lies on the west side of the drumlin hill on a steep slope. This land will, however, provide a sense of openness and will be landscaped to frame the development and buffer and bolster the western boundary of protected trees. Whilst the area proposed as amenity greenspace concurs with planning policy its functionality does not. That said, there is very limited scope to provide a traditional area of amenity open space within the site due to the undulating nature of the site and the viability challenges to deliver housing. An off-site contribution towards the sports facilities at Rylands Park has been requested from our Public Realm team. Due to viability constraints, this contribution has not been pursued. Overall, the identified conflicts with policy DM27 would not, however, outweigh the benefits of housing delivery in the titled balance.
- 5.7.19 **Design** – Section 12 of the NPPF, together with policy DM29, places a strong emphasis on the delivery of high-quality, beautiful and sustainable buildings and places, noting good design is a key aspect of sustainable development. It is about place making and ensuring development functions well, is visually attractive, creates a sense of place and is safe, inclusive and accessibly. The applicant has positively sought to address a number of design and amenity concerns initially raised by officers. The resultant layout of the housing estate itself meets these policy requirements. The orientation of the dwellings accounts for the sites elevated and prominent position in the townscape and skyline, with extensive landscaping to the north and western boundaries, to help frame and bolster the existing landscape features. Internally, the site promotes good accessibility throughout and ensures areas of open space benefits from suitable natural surveillance. The scale of the dwellings and the use of materials are in keeping with surrounding development.
- 5.7.20 Whilst the housing layout within the site itself is generally positive, there are design concerns over the access arrangement. The general street pattern in the area is formed by circular routes with small cul-de-sacs accessed off the main estate roads. The width of the cul-de-sac junctions tend to be between 8-10 metres with the buildings set back from the edge of carriageway making the street feel relatively wide and spacious. In this case, the access will be tightly positioned between the gable ends and boundaries of the existing dwellings, forming a gap of only c10 metres. Whilst the access geometry is acceptable from a highway safety perspective and the effects of traffic noise can be mitigated, the proposed arrangement, which is overly tight and out of keeping with the area, results in a large ‘backland’ form of development. Once into the development site, the access street is widened by the creation of a ‘green avenue’. This mitigation does not, however, remove the ‘backland’ character of the development. The level of harm arising from this would be localised but, nevertheless, the development still fails to achieve high quality design that functions well and adds to the overall quality of the area. In this regard, the developments poor back land design leads some conflict with Section 12 of the NPPF and policy DM29 of the Development Plan and is afforded moderate weight.
- 5.7.21 Reducing Carbon Emissions - Policy DM30 of the DM DPD states the Council will encourage development to deliver high standards of sustainable design and construction. This policy has been reviewed and amended significantly as part of the emerging Local Plan Review (to address the climate emergency). The applicant has submitted an Energy Statement which seeks to adopt a fabric first strategy to minimise carbon emissions and energy demand. The proposed fabric and building specification will permanently reduce emissions by 4.83% and the proposed energy demand by 6.40% (above current Part L Building Regulation Requirements). This demonstrates a betterment that the proposed development will have a reduced reliance on national resources (gas and electricity), however, the measures would not be so significant when assessed against the emerging policy requirements. However, given the current policy wording and the limited

weight that can be afforded to the emerging policies, the proposed development is considered compliant with policy DM30. A condition is recommended to secure the proposed measures.

5.8 **Other Matters**

5.8.1 Education and Health (DMDPD policies DM1, DM57 and DM58) – Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Lancashire County Council Schools Planning Team has assessed the proposal and confirmed no school places (financial contributions) would be sought from this development. The NHS request for contributions cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.

5.8.2 Air Quality (SPLA Policy EN9; DMDPD Policy DM21) - The site is not located within any Air Quality Management Area (AQMA) but given the level of traffic anticipated from the development and the proximity to both the city centre, an Air Quality Assessment (AQA) has been undertaken. The AQA addresses air quality impacts during construction and the operational stages of development and concludes with mitigation measures, including electric vehicle charging points to each property, an emissions management plan, promotion of car clubs and active travel options and use of low emission boilers, the impacts are sufficiently minimised. The Environmental Health Officer concurs with these findings and requires implementation of the identified measures by condition.

5.8.3 Employment Skills Plans (Policy DM28) – the applicant has submitted and amended their ESP to the satisfaction of CSTEP (our consultee). The applicant has suitably evidenced compliance with DM28 and demonstrates a firm commitment to promote local employment and upskilling through the construction phase of the development.

5.8.4 Planning conditions and obligation – there are a number of conditions recommended which secure the proposed development details or relevant mitigation to reduce the identified impacts arising from the development. In addition to these conditions, officers consider a 2-year time limit condition suitable in this instance because of the acute need to deliver housing and the weight this is afforded in the planning balance. Officers also consider it necessary to remove permitted development rights. This is considered justified on the basis of the visual and amenity impacts likely to arise from permitted development due to the sites elevated and prominent position and the proximity of the dwellings to one another given the topography of the site. Furthermore, there are some risks permitted development could compromise the submitted drainage proposal. In addition to the recommended conditions, a legal agreement is considered necessary to secure the provision of open space and play area and the long-term maintenance and management of all open space, landscaping and habitat mitigation, unadopted highways and drainage infrastructure.

6.0 Conclusion and Planning Balance

6.1 In accordance with the strategic development strategy for the district, the application site is unallocated in the Local Plan and provides a sustainable location for residential development. The provision of 78 market dwellings, at a time when the Council cannot demonstrate an adequate supply of housing, weighs substantially in favour of the development. Whilst regrettable, the lack of viability in this case has been demonstrated through a rigorous assessment by independent external experts so the absence of affordable housing has been justified in accordance with policy. Other benefits arising from the development include modest improvements to the pedestrian route between Watery Lane and towards Rylands Park along Torrisholme Road, a new formal access between the site and Barley Cop Wood (enabling existing and future residents to enjoy the open space on and off site), the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits) as well as appropriate maintenance and management of existing and proposed landscape features.

6.2 Subject to the applicant evidencing a meaningful biodiversity net gain across the site, the main issues weighing against the proposal relate to the localised landscape impacts and poor design arising from the access arrangements and the resultant conflict with the policies DM46 and DM29 (and the corresponding sections of the NPPF). This harm is afforded moderate weight. The proposal also results in the fragmentation of on-site habitat and loss of ecological corridors, the provision of

non-conventional amenity greenspace and the lack of an outdoors sports contribution (though the viability evidence would prohibit this in any case). These negative effects are afforded some weight. The adverse effects arising from the construction phases of the development can be minimised through mitigation and are temporary and therefore is afforded only limited weight in the planning balance.

6.3 The case is very finely balanced. Whilst there are clear adverse impacts arising from the development and identified conflict with some policies within the Development Plan, these impacts (alone and in combination) are not considered to significantly and demonstrably outweigh the benefits of the proposal (namely, housing), when assessed against the policies of the Framework taken as a whole (the presumption in favour of sustainable development). For this reason, the Planning Regulatory Committee are recommended to support the application.

Recommendation

Subject to the achieving a net gain in biodiversity (TBC), that Planning Permission BE GRANTED subject to a s106 legal agreement to secure:

- Provision of Equipped Play Area;
- Provision of Amenity Greenspace;
- Setting up of Management Company;
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure and on-site open space;
- Viability review mechanism (TBC).

and the following conditions:

Condition no.	Description	Type
1	Time limit (2 years)	Control
2	Approved plans	Control
3	Full details for site access including retaining features and associated off-site highway works forming part of the access strategy	Pre-commencement
4	Submission of a WSI and implementation of a programme of archaeological works.	Pre-commencement
5	Construction Environment Management Plan (relating to ecological report mitigation and tree protection)	Pre-commencement
6	Surface Water Construction Management Plan	Pre-commencement
7	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
8	Scheme for street lighting and any lighting in the areas of open space	Prior to the installation of any external lighting
10	Notwithstanding details submitted, surface treatment plan to be amended to reflect Road Safety Audit recommendations	Pre-slab level of dwellings
11	Notwithstanding details submitted, amended landscaping scheme to be secured to address comments by Arboricultural Officer (TBC)	Pre-slab level of dwellings
12	Notwithstanding the boundary treatments plan, details of the boundary treatments/landscaping adjacent to plots 1 and 70 (to prevent headlight glare to existing residents) to be submitted and agreed.	Pre-slab level of dwellings
13	A scheme for a path and gate/access linking the development to Barley Cop Wood and full implementation before occupation of the 24 th dwelling.	Prior to the installation of the path
14	Employment Skills Plan	Control / pre-occupation validation of ESP outcomes

15	Submission of Homeowner Pack	Pre-occupation
16	Implementation of Framework Travel Plan with Full Travel Plan	Pre-occupation
17	Implementation of the recommendations set out in the submitted Phase II Site Investigation Report and validation	Pre-occupation
18	Landscape and Biodiversity Management and Maintenance Plan	Pre-occupation
19	Drainage Maintenance and verification	Pre-occupation
20	Implementation of off-site highway works along Torrisholme Road as detailed in the application before first occupation or an alternative timetable to be first agreed in writing with LPA	Control
21	Roads to be provided to base course before first occupation and completed in full before completion of the development, unless alternative phased timetable is first agreed in writing with the LPA.	Control
22	Surface and Foul Water Drainage Scheme	Control
23	Implementation of AIA	Control
24	EV charging points rated at a minimum of 7kW and cycle provision to be provided for each dwelling in accordance with the Vehicle Charging Point Layout Plan	Control
25	Implementation of Air Quality Mitigation	Control
26	Implementation of submitted Construction Management Plan	Control
27	Implementation of Habitat Mitigation (BNG matters TBC)	Control
28	Implementation of all dwellings complying with NDSS and M4(2) as per the approved plans	Control
29	Turning and parking to be provided in full before first occupation, unless an alternative timetable for implementation is agreed.	Control
30	Removal of Permitted Development	Control

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

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

Background Papers

None

Agenda Item	A6
Application Number	21/00798/REM
Proposal	Reserved matters application for the erection of 18 dwellings
Application site	Land At Higher Bond Gate Abbeystead Road Dolphinholme Lancaster
Applicant	c/o
Agent	Mr Paul Tunstall
Case Officer	Mr Stuart Hammond
Departure	No
Summary of Recommendation	Approval of application (subject to counterpart conditions 21/00799/REM)

1.0 Application Site and Setting

- 1.1 The application relates to land of Abbeystead Road in Higher Bond Gate, Dolphinholme. The site has outline consent via permission 17/00970/OUT approved in December 2018.
- 1.2 Adjacent the site is further site with outline consent application 18/01106/OUT approved on appeal in November 2019. 17/00970/OUT and 18/01106/OUT have overlapping redlines and as obligated by the appeal decision (18/01106/OUT), the reserved matters applications must come forward together so that they represent a comprehensive development of the site. Consequently, two reserved matters applications were submitted at the same time for both sites. Application 21/00798/REM (this application) is made pursuant 17/00970/OUT and application 21/00790/REM pursuant to 18/01106/OUT.
- 1.3 The determination of this application has been undertaken alongside application 21/00799/REM. More information about the relationship, proposal and site history is provided below, however this report considers the applications together, but outlining specific detail of each to members and making separate recommendations and conditions.
- 1.4 Both sites are located to north-eastern fringe of the village of Dolphinholme, a small village located approximately 11 km to the south of Lancaster city centre. The village itself lies to the west of the Forest of Bowland Area of Outstanding National Beauty (AONB).
- 1.5 Application site 21/00798/REM relates to a c.1.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and Brookside Drive to the west with residential properties beyond this. Immediately to the east lies application site 21/00790/REM relates to a c.0.6 hectare parcel of land, bound as above and to the east by open fields.
- 1.6 Together the site falls to the south being approximately 102 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south, roughly in the middle of both sites.

1.7 Forming the southern and western boundaries are hedgerows. There are isolated trees that run along the western boundary of the site. The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. There is a beck beyond to the west adjacent to the redline.

1.8 A Tree Preservation Order (TPO no.574, 2016) covers several trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II Listed and is located c150 metres to the north of the development proposal, and Castle Hill motte scheduled monument is situated c180m to the south. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 175 metres to the north. The proposed development is approximately 350 metres to the north-west of Dolphinholme Conservation Area.

2.0 Proposal

2.1 As discussed, the applications relate to two adjacent overlapping outline permissions.

2.2 Application reference 17/00970/OUT proposed the erection of 18 dwellings with the means of access and all other matters reserved. Application 18/01106/OUT sought a further 9 dwellings, with all matters reserved, and was initially refused on 12th October 2018, but subsequently allowed on appeal on 14th November 2019. Taken together, they confer outline consent for the principle of residential development for up to 27 units with a common vehicular and pedestrian access from Abbeystead Road. Both applications provide layouts within their respective red edges, taking into account the element of overlap and reflect each other's layouts.

2.3 This application 21/00798/REM is the larger of the two and includes 18 dwellings, (plots nos. 1-12, 15-19 and 27), whilst application 21/00799/REM includes plots 12A, 14, and 20-26. See figures 1, 2 & 3 in appendix A for a visual example of how the proposals relate.

2.4 When both plans are considered together, they illustrate a coherent development of 27 dwellings across both application sites.

2.5 The overall dwelling mix (which was not secured at outline stage) is as follows:

Type	Beds	No	% of overall
Mews	2	5	18.5%
Semi Detached	3	6	22%
Detached	4	8	30%
Detached	5	8	30%
Total	-	27	100%

Tenure	No	% of overall
Market	16	59
Intermediate	6	22%
Affordable	5	19%
Total	27	100%

2.6 Overall, both proposals will deliver a mix of house types and 41% affordable housing by unit. Affordable units will be focussed towards smaller typologies reflecting need in the area. The house types are all two storey in height and will comprise vernacular materials. Boundary treatments for the majority and specially on the edges will be soft as per existing and landscaped. The layout enables the connection of Footpath 39 with Footpath number 43 with a new footway.

2.7 Sustainable drainage measures are proposed, including a swale/basin at the site entrance of the site, and connection into an existing drainage network present on site which runs south under Abbeystead Road to the adjacent beck downstream.

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
21/00798/REM	Reserved matters application for the erection of 18 dwellings	Pending
21/00799/REM	Reserved matters application for erection of nine dwellings	Pending
20/01049/PRETWO	Pre-application advice for erection of 27 dwellings	Advice Provided
18/01106/OUT	Outline application for the development of 9 residential dwellings with associated access, public open space and associated infrastructure	Refused (allowed on Appeal)
17/00970/OUT	Outline application for the development of 18 residential dwellings with associated access	Approved
17/00498/PREONE	Pre-application advice for the erection of 24 residential units	Advice Provided
16/01599/OUT	Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping	Refused
16/00041/OUT	Outline application for the erection of 68 dwellings with creation of a new access	Withdrawn prior to determination
15/00907/PREONE	Pre-application Advice	Advice Provided

4.0 Consultation Responses

4.1 The first round of consultation commenced with letters sent on the 6 August 2021 until 08 September given the allowance provided on the site notice.

4.2 A further round of consultation was triggered by the submission of further information by the applicant to address concerns.

4.3 The following responses have been received from statutory and non-statutory consultees to date:

Consultee	Response
NHS	No objection – Subject to securing £10, 795 which reflects the population yield of both 21/00799 & 21/00798 and will support extension and reconfiguration at Galgate Health Centre.
Natural England	No comment
Conservation Officer	No comment
Local Lead Flood Authority	No objection – Subject to following conditions and previous outline conditions: Construction Surface Water Management Plan Verification Report of Constructed Sustainable Drainage System
County Highways	No objection – Subject to following conditions: Management details of road network
Strategic Housing Officer	No objection – Comments: Dolphinholme is not sustainable settlement so housing should meet local need. SHMA identified need for affordable homes in Ellel sub area is predominantly

	<p>for smaller units – 1, 2 & 3 beds. For market housing 2 and 3 beds are most in need. RP justification would be accepted as justification for need.</p> <p>Application is supported by recognised RP seeking to take on the affordable housing proposed given the demand they experience.</p> <p>The proposal reflects maximum viable amount of affordable housing, in a mix and tenure that is considered to meet the local identified affordable housing need given support from RPs which is in line with housing policies.</p> <p>It is accepted the open market housing is not directly met by the proposal, but amending the mix would undermine the delivery of smaller affordable units and this has been tested by the external viability consultant.</p> <p>Overall therefore given affordable housing meets the identified need and outline obligation and this is enabled by the market housing the offer is accepted on balance.</p>
Tree Protection Officer	No objection – Comments: seeks updated AIA and management of canopies.
Fire Safety Officer	No objection – Comments: highlights approved building regulation approved documents in relation to fire.
Lancashire Constabulary	No observations received
Planning Policy Team	No observations received
Lancashire Archaeological Advisory Services	No objection – Comments: that original outline applications did not trigger need to condition/consider given proposal/location.
United Utilities	No objection – Comments: recommend conditions associated water drainage subsequent maintenance.
Greater Manchester Ecology Unit	No objection – Comments: Seeks bird and bat boxes and submitted CEMP to be secured and implemented.
Environmental Health Officer	No objection – Subject to following conditions: Standard air quality measures as per the Low Emissions and Air Quality PAN Electric vehicle parking for each dwelling CEMP further to that submitted outlining details on dust emissions
Dolphinholme Residents Association (DRA)	Objection – Affordable Housing – not in-line with outline S106 of 40% by unit Officer Response – the application now meets the obligation. Materiality – use of artificial stone, slate and white UPVC Energy and Climate Emergency – reduction of 3.6% against Part L, lack of electric charging points Transport infrastructure and off-site highway works Suggestion of controlling construction traffic and agricultural traffic in the area during specific times

	FRA, Surface Water Drainage and Foul Water Drainage is not adequately addressed as per outline conditions External Lighting – area seeks to minimise light pollution.
Waste and Servicing	No Objection - Subject to following conditions: Collection points provided for dwellings
Ellel Parish Council	Objection – 27 Homes is too large, mix and style not in keeping with rural area Risk of flooding Local infrastructure at capacity Local highway network at capacity Lack of bus service

4.3 At the time of drafting this report there has been 52 letters of objection received in relation to the application based the grounds below:

- **Layout and Design** – Development is too close to existing residential development, layout suggests further extension of development;
- **Heritage** – Impact to Conservation Area and archaeological assets;
- **Landscaping** – Impact to existing trees and hedgerows;
- **Highways** – including increase in traffic in the village and on minor roads; poor visibility a site's junction; safety around the school at peak times and a general lack of footways;
- **Drainage and flooding issues** – including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- **Ecology** – loss of greenfield land, impact to ecological value of site and local wildlife
- Insufficient/incorrect information submitted with application

5.0 Analysis

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

- Extant outline permissions;
- Housing Mix;
- Design and Layout;
- Drainage Matters;
- Ecology;
- Open Space;
- Education;
- Heritage;
- Energy and Sustainability;
- Highways;
- Waste and Servicing;
- Consultation Comments

5.2 Extant outline permissions (NPPG Paragraph 005 & 006)

5.2.1 The local planning authority can only assess the details submitted relating to the 'reserved matters'. Matters relating to the principle of the development, such as the need for housing, traffic impacts, flood risk, loss of agricultural land, impacts on geodiversity and ecology are matters previously considered and accepted conditionally as part of the approval of outline planning permission. This does not mean that some aspects covered by the outline permission, such as

landscape/townscape considerations, will not be assessed as part of the consideration of reserved matters, but such will relate only to whether the proposed reserved matters enables or prejudices compliance with the outline permission. In short, consideration of the reserved matters is not an opportunity to re-examine the principle of the redevelopment of the site for residential development.

5.3 Housing Mix (SPLA policy H6; DM DPD Policy DM1; NPPF section 5)

- 5.3.1 The housing mix proposed would provide 40% affordable housing as required by the outline permission. The identified housing need in Ellel is smaller affordable units and 2/3 bed market units. Whilst the mix favours larger houses, these are the market dwellings and overall the mix provides affordable homes in line with need. The offer has been tested and found to be the maximum viable amount, with the market dwellings supporting the affordable offer. Consequently, it is accepted that the open market need is not directly met by the proposal but amending the mix would undermine the delivery of smaller affordable units and this has been tested by the external viability consultant. Furthermore, the mix has been informed by discussion with Strategic Housing Team who do not object and interest has been shown by Registered Providers.
- 5.3.2 Overall, given affordable housing proposed meets the outline obligation and identified affordable need, to which greater weight is given in this instance, the offer is accepted on balance.

5.4 Design and Layout (SPLA policy H6; DM DPD Policies DM2, DM27, DM29, DM30, DM 45, DM46; NPPF sections 2, 5, 11, 12 and 15)

- 5.4.1 Consideration has been given to the applicants Landscape Visual Impact Assessment (LVIA), revised site layout plan, revised housing details and landscaping and materials information.
- 5.4.2 The proposed layout follows that indicated at outline stage. It is considered to follow existing characteristics of the village as noted by the previous officer in their report in so far as a linear scheme with access that largely runs perpendicular from the Abbeystead Road. The combined sites have a total area of c. 2hectares over which 27 dwellings will be provided, giving a density of less than 15 dwellings per hectare, which is considered to be acceptable in the context of densities found in the village. At the access point development is set back away from the road which is welcome as it is considered to better reflect the edge of village density and decreasing ribbon development as one leaves the village. Internally, units on the eastern side have been reorientated north south so that they address the internal road and views into the site from Abbeystead Road.
- 5.4.3 There are a range of house designs and materiality that comprise to create Dolphinholme's character. The typologies proposed include terrace, semi-detached and detached, of two storeys. Officers have worked with the applicant to revise and simplify their materials palette and house design. The principal materials are now a reconstituted rough stone and thin leading edge slate like tile. These materials are now considered to better reflect that expected in Lancaster rural areas and adjacent to the AONB. The further details such as window frames, downpipes and hard landscaping will be conditioned. In terms of space standards, all units would now meet the national, and 5 units (19%) would be M4(2) compliant. Whilst policy seeks 20% it can be applied flexibly and managing drainage is a consideration set out in DM2. On this point, it is accepted that the outline did not seek or apply a condition for 20%, the proposal is only slightly below the standard of policy and managing the drainage on this site is given greater weight in applying this policy.
- 5.4.4 Considerable hedge- and tree-planting will be provided around the boundaries of the site with heavy standard trees including lime, field maple, wild cherry and common oak to ensure an appropriate native mix and appearance, which will soften and partly obscure views into the site from the east. In terms of landscaping these elements are welcome in that they are considered to soften and screen development, in addition there are biodiversity and ecology benefits discussed below. The details, planting and maintenance of the landscaping will be conditioned to ensure the quality and quantum expected by Officers.
- 5.4.5 Given levels and existing development, longer distance views of the site are predominantly from the east, from the Forest of Bowland AONB which is approximately 1.15 kilometers east of the site. Due to the low density, soft boundary treatments and proposed materiality, the impact on the

AONB is considered to be slight. Overall, in-line with the inspector to 18/01106/OUT, the impact is considered to be offset by the delivery of housing given the current lack of supply.

- 5.4.6 With regards to the existing bungalow immediately east, the layout proposed is an improvement against that indicated in the approved application in that distances between dwellings have been increased to c.18m. There is no direct overlooking between habitable windows due to orientation. Separation distances could be increased however, the balance must be struck between this and housing delivery, and in this instance planting at the rear gardens of plots 1, 3, 4 and 5 which will be conditioned can suitably manage this matter. In terms of properties on Brookside Drive, the highway itself, a planting buffer and large gardens remain between the dwellings which would satisfy policy requirements for separation distances. Due to orientation, planting and distances the layout is not considered to give rise to any unacceptable overlooking or overt intrusion to privacy.
- 5.4.7 There has been concern raised that the applicant's intentions have been to develop the whole entire field and the layout proposed enables this. Officers have to base each application on their own merits and therefore whilst Officers understand the concerns raised, should this scheme be supported and a future scheme come forward then Officers would have to assess that application on its own merits, including the cumulative impacts.
- 5.4.8 Overall, the layout and design are considered to reflect key considerations of the approval at outline stage. The design and materiality is now considered acceptable, and there is sufficient soft landscaping to manage the impact of the development in terms of views. The layout in terms of relationship with immediate neighbours would not lead to unacceptable impacts for the reasons above. On this basis, the application is considered to be in-line with design policies DM29 and DM30 of the DM DPD.
- 5.5 **Drainage Matters (SPLA DPD Policies H6 and SP8; DMDPD policies DM33, DM34, DM35; Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); NPPF sections 14)**
- 5.5.1 Flooding and both surface and foul drainage were considered for both outline applications, and they were approved on the basis that such could be suitably managed if attached conditions setting standards were met.
- 5.5.2 As set out both sites are susceptible to groundwater flooding, as are surrounding sites. Adjacent neighbours, local residents and Dolphinholme Residents Association have made it clear to Officers in consultation their grave concerns regarding flooding and drainage infrastructure, which extends to foul water, in the village.
- 5.5.3 Officers are aligned with local residents that the development of this site should not exacerbate flood risk elsewhere. Officers have been liaising with the LLFA and sought the comments of the EA. The EA did not comment. In response to initial concerns raised by the LLFA on this matter the applicant has provided further information on surface water systems proposed in support of the application.
- 5.5.4 The proposed drainage strategy is to drain the site to an attenuation basin located at the south of the at a naturally low point near the site entrance which will have the capacity of 296m³ to cater for the 100-year storm event plus allowance for climate change, which is considered a worst-case scenario. This is then attenuated in the basin and discharged at a rate reflecting existing run off rates into an existing 225mm culvert on site which drains into the beck running to the west of the site but further downstream off site and on the land of Higher Bond Gate Farm immediately south of the site.
- 5.5.5 The applicant has undertaken a CCTV survey of the culvert at the request of the LLFA to ensure that the drainage solution proposed is firstly capable of being utilised for this development, and secondly to ensure that connection would not cause flooding issues elsewhere. Whilst the applicant has provided the CCTV survey of the condition of the existing culvert there is still some concern given the state of the culvert and how the drainage scheme would connect to the culvert and how the spare capacity of the culvert has been established.

- 5.5.6 The final position of the LLFA is no objection subject to all outline conditions relating surface water being discharged. No new conditions can be imposed as part of this reserved matters application as this is catered for as part of the outline application. Whilst it would be prudent to include a Grampian condition to upgrade the culvert to reflect the expected lifetime of the development as well as the specific details of the connection, legally this cannot be done, although would expect it to be a feature of the discharge of condition process on the outline.
- 5.5.7 Overall, the developer has no obligation to fix off site flooding issues, they just can't make them worse under the NPPF and Local Plan policy. By attenuating the water in the basin and discharging at a rate that matches the pre-development runoff rate they are mimicking the pre-development conditions, subsequently no change in any flood risks downstream. By this definition, there is no change from current conditions. If there are issues with the beck downstream, it will be the responsibility of the adjacent riparian landowners to maintain the section of watercourse on their land as per existing legislation on the matter. Such management is considered beyond planning powers to remedy or control in perpetuity.
- 5.5.8 There has also been concern raised by the local community regarding foul water drainage. There is an existing condition which controls the foul drainage details which will have to be discharged to implement the outline. The applicant proposes to utilise a foul pumping station (located close to the site entrance) to adoptable standards of United Utilities and connect to existing infrastructure. Neither the EA, or United Utilities have objected to the proposed development. On this basis, and given the condition attached to the outline there is nothing before Officers to conclude that the site cannot be drained of foul water.
- 5.5.9 For the above reasons, it is considered that the proposal does conform to Policy DM33 and DM34 of the Development Management DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme, subject to conditions, can be drained, and that flooding will not increase elsewhere in the event of the approval of this scheme.
- 5.6 **Ecology and Trees** (NPPF: section 15; SPLA DPD policy H6; DMDPD policies DM44 and DM45)
- 5.6.1 The existing site is open farmland which is considered to provide limited biodiversity value. Concern has been raised given the loss of the farmland in terms of impact on ecology and birds.
- 5.6.2 The outline application accepted the loss of the farmland and impact on birds, on the basis of suitable conditions reflecting the conclusions of a habitat survey to mitigate impact. The site has remained largely as it was when consents were granted. On this basis, to mitigate the loss of farmland and impact to habitat, conditions requiring the protection of the western boundary stream from pollution during the operational and construction phase, sensitive lighting is utilised, together with enhancing habitats for roosting bats and nesting birds and removing vegetation outside of roosting seasons, will again be added.
- 5.6.3 As part of these applications, further detail has been set out as to how such enhancements can be secured as well as bat and bird boxes and the details of planting and soft landscaping across the site which is considered to increase biodiversity. Natural England did not comment, and Greater Manchester Ecology Unit do not object subject to conditions, which reflect those matters conditioned at outline stage. In response to local concerns regarding the quality of information, no such comment has been made by the statutory consultees.
- 5.6.4 The Arboricultural officer has sought specific amendments to tree planting which the applicant should consider when satisfying the landscaping condition. It is also requested that the management of canopies to T6 and T7 are captured in the environment management plan required by condition.
- 5.6.5 Overall, given the conditions to mitigate and manage impact, and secure enhancements to biodiversity it is therefore considered that the development complies with Policy DM29 of the Development Management DPD.
- 5.7 **Open Space** (DM DPD Policies DM27; Appendix D; PAN04 – Open Space Provision in New Residential Development Planning Advisory Note)

5.7.1

As per Appendix D of the DM DPD the quantum of units triggers the requirement for on site amenity greenspace. The guidance for suitable spaces is set out in the LPA planning advisory note on the matter. The general yardstick is if the space is suitable for a 'kick about'.

5.7.2 The delivery of and management of open space is controlled via the legal agreements supporting the extant outline permissions, in so far as it requires such to be provided to reflect the population yeild and binds the parties to its management. The open space provision on site is around the swale and a larger grassed area is also provided between Plots 26 and 27, adjacent to the eastern boundary akin to a 'pocket park' more centrally located which is preferred.

5.7.3 The sum total across the site is c.560sqm in total, and this is deemed to meet the required amount of public open space, as per Appendix D of the DM DPD. The applicant has set out that it will be managed and maintained, and this will be conditioned, and overall this is deemed sufficient.

5.7.4 Beyond the onsite provision the public realm officer has set out a requirement for £89,397.75. This is to respond to the KKP Playing Pitch and Outdoor Sport Strategy and Action Plan (2018) which shows the existing tennis court needs to be improved to encourage use, and the Bowling Green needs sustaining to support existing uses levels. Furthermore, the existing parish council play area is substandard for several reasons as per an assessment in 2021. Consequently, the sum is broken down as follows with the identified works set out:

- Outdoor sports provision calculation £33,747.75: towards the Parish Councils tennis court and bowling green
- Childs Play and Young Persons Provision calculation £55, 650: towards the Parish Councils Play Area

5.7.5 To ensure that these contributions meet the legal tests required of contributions it will be stipulated that unless they can be spent within 5 years, the sums will be repaid to the developer.

5.7.6 Overall, whilst it is considered that on site provision could be improved by providing a single space, the units are served by generous gardens which would primarily cater for play and amenity, the total sum required is provided, the space will be maintained and will enable a 'kick about'. In addition, the development will support facilities which are currently in poor state to support the wider community.

5.8 **Education Matters (DM DPD Policies DM56; DM57)**

5.8.1 On education matters, the extant legal obligations require both sites to provide contributions to offset their impact on education. The obligations require the sum to be informed by the approved mix of units at reserved matters which is now known and will inform this obligation.

5.8.2 Given the obligations wording there is sufficient provision for mitigation of this matter. On this basis, it is considered that the development can meet the requirements of Policy DM48 of the Development Management DPD.

5.9 **Heritage Assets (NPPF: Section 12, Section 16; SPLA DPD Policy SP7; DM DPD Policy DM38; DM39)**

5.9.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building, and about 180m to the north of Castle Hill motte scheduled monument. After reviewing the scheme, no comments have been provided by the LPA's Conservation team, however Officers are satisfied given the distances Given the (and in the case of the motte, the topography) and proposed layout and design the development would not give rise to unacceptable impacts on heritage assets. Lancashire Archaeological Advisory Service (LAAS) raises no objection to the scheme.

5.9.2 Overall, having regard to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, and policies Policy DM32 of the DM DPD the proposal would not give rise to unacceptable impacts on heritage assets.

5.10 **Energy and Sustainability (DMDPD policy DM29; DM30)**

5.10.1 Information regarding how the application will address energy and sustainability matters has been provided in support of the application. Local Plan policy does not set a standard for reduction merely that opportunities are seized. To reduce energy demand on site from the dwellings a number of strategies are proposed inline with the fabric first approach:

- Building fabric improvements
- Fabric air tightness
- Low energy lighting
- Heating systems and controls
- Limiting thermal bridge heat loss
- Renewable Technology Feasibility
- Passive solar

5.10.2 The following standards set out in the report Energy Statement dated 13th May 2021 by Code Connect will be conditioned to ensure that the benefits identified will be realised. These are:

- all dwellings will achieve a maximum result of 7.0m³ hm²
- install 100% of light outlets of low energy lighting as per Part L 2013
- minimum of 'A' rating for all boiler systems installed
- minimum reduction of 3.36% against Part L baseline of 470.03kg CO₂ per m²

5.10.3 Further to this, as required at outline stage each dwelling will be supported by a EV charger required before occupation. On this basis, it is considered that the development is inline with Policy DM30: Sustainable Design and DM29 Key Design Principles in so far as electric charging points are provided.

5.11 **Highways** (SPLA DPD policies T2, T4 and H6; DMDPD policies DM29, DM60, DM61, DM62, DM63, DM64; NPPF sections 9 and 12)

5.11.1 The scheme provides a road at a tangent to Abbeystead Road in line with agreed principles at outline stage, with private access drives for vehicular parking and a turning head at the north west corner of the site. The internal network has been under discussions between the applicant and County Highways regarding adoption.

5.11.2 County Highways has no objections to the access, or internal road network, but seeks a condition to evidence suitable management, which will be attached.

5.11.3 As required by Condition 11 of both applications 17/00970/OUT and 18/01106/OUT the proposal will provide a pedestrian link from Abbeystead Road to Footpath 1-13-FP 43 as part of the layout. This is welcomed by Officers and will support non-vehicular trips in the area.

5.11.4 Concern regarding construction and heavy vehicles impacting the network at peak times in terms of school drop off and pick up and also given the location peak periods in the agricultural year have been raised during consultation. Given this, it is considered reasonable to require the developer to use reasonable endeavours to schedule construction deliveries and vehicle movement outside of these times, which will be controlled by condition as part of the CEMP.

5.12 **Waste and Servicing** (DM DPD Policy DM29; PAN 01 - Waste Storage and Collection Guidance for Domestic and Commercial Developments Planning Advice Note)

5.12.1 The application has been commented on by colleague in the City's waste department. It is noted that there are instances where distances from dwellings to the kerbside are over 25m, however the breaches are slight, for market dwellings, and the routes are smooth, with manageable gradients and continuous. Collection points will be required for plots 5-9 and plots 21-24 and the details of this will be conditioned in line with comments. On this basis, the proposed development is deemed suitable in terms of waste and servicing.

5.13 **Consultation Comments**

5.13.1

There were considerable objection to the grant of both outline applications, and this has been sustained at reserved matters stage. The concerns of the community are noted and have informed the determination, with specific regard to drainage, there has been further information and assessment to address this. Within the context of what was agreed at outline, a number of the issues, affordable housing, layout, drainage, highways and ecology have since been satisfactorily addressed by the applicant and subsequent provision of previous conditions or new conditions.

7.0 Conclusion and Planning Balance

- 7.1 Outline permission has been granted for both sites which accepts the principles of development subject to meeting certain conditions. No objections from statutory consultees to information addressing those matters have been raised. There is an obligation requiring both sites to be built out together and as such the proposals have been assessed together.
- 7.2 The context of member’s decision is that where the Local Planning Authority is unable to demonstrate a five year housing land supply. Consequently, the NPPF states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development proposed contributes towards meeting this housing need, which reflects the need for affordable homes in the village. The provision of such housing should enable local residents to access housing and the wider influx of residents should help sustain the village services.
- 7.3 The community are concerned about flooding and drainage due to ongoing issues. Officers have worked hard to assess this matter within the context of what was agreed at outline, and neither the LLFA, EA and United Utilities object to the proposed development. On this basis, Officers are satisfied that the development would not exacerbate existing issues and suitably manage these matters.
- 7.4 A degree of visual and heritage harm was accepted at outline stage, but this could be suitably balanced and managed with conditions. The details provided in terms of layout and materials reflect agreed principles at outline stage, gives rise to no unacceptable issues in terms of overlooking and provides a suitable amenity in terms of gardens and open space. Highways raise no objection and Greater Manchester Ecology Unit accept their will be an uplift in biodiversity from measures proposed on site.
- 7.5 Clarity on Education is hoped prior to committee (however is dealt with by the outline), however the approach set out will enable the matters to be suitably addressed and on balance, with the above in mind it is recommended to Members that the proposed development is supported subject to the imposition of planning conditions and planning obligations.

Recommendation

That Reserved Matters consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard timescale;	Standard
2	Development in accordance with Approved Documents;	Standard
3	Materials/Details	Above grade
4	Landscaping Details	Above grade
5	Boundary Treatments	Above Grade
6	Plant Screening	Pre such works
7	Environment Management Plan	1st Planting Season
8	Waste Collection	Pre Occupation
9	Minimum Reduction against Part L 2013	Control
10	Development in accordance with BNG Enhancement Measures inc. Bird and Bat boxes	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

Agenda Item	A7
Application Number	21/00799/REM
Proposal	Reserved matters application for the erection of 9 dwellings
Application site	Land At Higher Bond Gate Abbeystead Road Dolphinholme Lancaster
Applicant	c/o
Agent	Mr Paul Tunstall
Case Officer	Mr Stuart Hammond
Departure	No
Summary of Recommendation	Approval of application (subject to counterpart conditions 21/00798/REM)

1.0 Application Site and Setting

- 1.1 The application relates to land of Abbeystead Road in Higher Bond Gate, Dolphinholme. The site has outline consent via permission 17/00970/OUT approved in December 2018.
- 1.2 Adjacent the site is further site with outline consent application 18/01106/OUT approved on appeal in November 2019. 17/00970/OUT and 18/01106/OUT have overlapping redlines and as obligated by the appeal decision (18/01106/OUT), the reserved matters applications must come forward together so that they represent a comprehensive development of the site. Consequently, two reserved matters applications were submitted at the same time for both sites. Application 21/00799/REM (this application) is made pursuant 17/00970/OUT and application 21/00798/REM pursuant to 18/01106/OUT.
- 1.3 The determination of this application has been undertaken alongside application 21/00799/REM. More information about the relationship, proposal and site history is provided below, however this report considers the applications together, but outlining specific detail of each to members and making separate recommendations and conditions.
- 1.4 Both sites are located to north-eastern fringe of the village of Dolphinholme, a small village located approximately 11 km to the south of Lancaster city centre. The village itself lies to the west of the Forest of Bowland Area of Outstanding National Beauty (AONB).
- 1.5 Application site 21/00798/REM relates to a c.1.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and Brookside Drive to the west with residential properties beyond this. Immediately to the east lies application site 21/00799/REM relates to a c.0.6 hectare parcel of land, bound as above and to the east by open fields.
- 1.6 Together the site falls to the south being approximately 102 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south, roughly in the middle of both sites.

- 1.7 Forming the southern and western boundaries are hedgerows. There are isolated trees that run along the western boundary of the site. The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. There is a beck beyond to the west adjacent to the redline.
- 1.8 A Tree Preservation Order (TPO no.574, 2016) covers several trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II Listed and is located c150 metres to the north of the development proposal, and Castle Hill motte scheduled monument is situated c180m to the south. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 175 metres to the north. The proposed development is approximately 350 metres to the north-west of Dolphinholme Conservation Area.

2.0 Proposal

- 2.1 As discussed, the applications relate to two adjacent overlapping outline permissions.
- 2.2 Application reference 17/00970/OUT proposed the erection of 18 dwellings with the means of access and all other matters reserved. Application 18/01106/OUT sought a further 9 dwellings, with all matters reserved, and was initially refused on 12th October 2018, but subsequently allowed on appeal on 14th November 2019. Taken together, they confer outline consent for the principle of residential development for up to 27 units with a common vehicular and pedestrian access from Abbeystead Road. Both applications provide layouts within their respective red edges, taking into account the element of overlap and reflect each other's layouts.
- 2.3 This application 21/00799/REM includes plots 12A, 14, and 20-26, and application 21/00798/REM is the larger of the two and includes 18 dwellings, (plots nos. 1-12, 15-19 and 27). See figures 1, 2 & 3 in appendix A for a visual example of how the proposals relate.
- 2.4 When both plans are considered together, they illustrate a coherent development of 27 dwellings across both application sites.
- 2.5 The overall dwelling mix (which was not secured at outline stage) is as follows:

Type	Beds	No	% of overall
Mews	2	5	18.5%
Semi Detached	3	6	22%
Detached	4	8	30%
Detached	5	8	30%
Total	-	27	100%

Tenure	No	% of overall
Market	16	59
Intermediate	6	22%
Affordable	5	19%
Total	27	100%

- 2.6 Overall, both proposals will deliver a mix of house types and 41% affordable housing by unit. Affordable units will be focussed towards smaller typologies reflecting need in the area. The house types are all two storey in height and will comprise vernacular materials. Boundary treatments for the majority and specially on the edges will be soft as per existing and landscaped. The layout enables the connection of Footpath 39 with Footpath number 43 with a new footway.
- 2.7 Sustainable drainage measures are proposed, including a swale/basin at the site entrance of the site, and connection into an existing drainage network present on site which runs south under Abbeystead Road to the adjacent beck downstream.

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
21/00799/REM	Reserved matters application for erection of nine dwellings	Pending
21/00798/REM	Reserved matters application for the erection of 18 dwellings	Pending
20/01049/PRETWO	Pre-application advice for erection of 27 dwellings	Advice Provided
18/01106/OUT	Outline application for the development of 9 residential dwellings with associated access, public open space and associated infrastructure	Refused (allowed on Appeal)
17/00970/OUT	Outline application for the development of 18 residential dwellings with associated access	Approved
17/00498/PREONE	Pre-application advice for the erection of 24 residential units	Advice Provided
16/01599/OUT	Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping	Refused
16/00041/OUT	Outline application for the erection of 68 dwellings with creation of a new access	Withdrawn prior to determination
15/00907/PREONE	Pre-application Advice	Advice Provided

4.0 Consultation Responses

4.1 The first round of consultation commenced with letters sent on the 6 August 2021 until 08 September 2021 given the allowance provided on the site notice.

4.2 A further round of consultation was triggered by the submission of further information by the applicant to address concerns.

4.3 The following responses have been received from statutory and non-statutory consultees to date:

Consultee	Response
NHS	No objection – Subject to securing £10, 795 which reflects the population yield of both 21/00799 & 21/00798 and will support extension and reconfiguration at Galgate Health Centre.
Natural England	No comment
Conservation Officer	No comment
Local Lead Flood Authority	No objection – Subject to following conditions and previous outline conditions: Construction Surface Water Management Plan Verification Report of Constructed Sustainable Drainage System
County Highways	No objection – Subject to following conditions: Management details of road network
Strategic Housing Officer	No objection – Comments: Dolphinholme is not sustainable settlement so housing should meet local need. SHMA identified need for affordable homes in Ellel sub area is predominantly

	<p>for smaller units – 1, 2 & 3 beds. For market housing 2 and 3 beds are most in need. RP justification would be accepted as justification for need.</p> <p>Application is supported by recognised RP seeking to take on the affordable housing proposed given the demand they experience.</p> <p>The proposal reflects maximum viable amount of affordable housing, in a mix and tenure that is considered to meet the local identified affordable housing need given support from RPs which is in line with housing policies.</p> <p>It is accepted the open market housing is not directly met by the proposal, but amending the mix would undermine the delivery of smaller affordable units and this has been tested by the external viability consultant.</p> <p>Overall therefore given affordable housing meets the identified need and outline obligation and this is enabled by the market housing the offer is accepted on balance.</p>
Tree Protection Officer	<p>No objection – Comments: seeks updated AIA and management of canopies.</p>
Fire Safety Officer	<p>No objection – Comments: highlights approved building regulation approved documents in relation to fire.</p>
Lancashire Constabulary	<p>No observations received</p>
Planning Policy Team	<p>No observations received</p>
Lancashire Archaeological Advisory Services	<p>No objection – Comments: that original outline applications did not trigger need to condition/consider given proposal/location.</p>
United Utilities	<p>No objection – Comments: recommend conditions associated water drainage subsequent maintenance.</p>
Greater Manchester Ecology Unit	<p>No objection – Comments: Seeks bird and bat boxes and submitted CEMP to be secured and implemented.</p>
Environmental Health Officer	<p>No objection – Subject to following conditions: Standard air quality measures as per the Low Emissions and Air Quality PAN Electric vehicle parking for each dwelling CEMP further to that submitted outlining details on dust emissions</p>
Dolphinholme Residents Association (DRA)	<p>Objection – Affordable Housing – not in-line with outline S106 of 40% by unit</p> <p>Officer Response – the application now meets the obligation.</p> <p>Materiality – use of artificial stone, slate and white UPVC</p> <p>Energy and Climate Emergency – reduction of 3.6% against Part L, lack of electric charging points</p> <p>Transport infrastructure and off-site highway works Suggestion of controlling construction traffic and agricultural traffic in the area during specific times</p>

	FRA, Surface Water Drainage and Foul Water Drainage is not adequately addressed as per outline conditions External Lighting – area seeks to minimise light pollution.
Waste and Servicing	No Objection - Subject to following conditions: Collection points provided for dwellings
Ellel Parish Council	Objection – 27 Homes is too large, mix and style not in keeping with rural area Risk of flooding Local infrastructure at capacity Local highway network at capacity Lack of bus service

4.4 At the time of drafting this report there has been 52 letters of objection received in relation to the application based the grounds below:

- **Layout and Design** – Development is too close to existing residential development, layout suggests further extension of development;
- **Heritage** – Impact to Conservation Area and archaeological assets;
- **Landscaping** – Impact to existing trees and hedgerows;
- **Highways** – including increase in traffic in the village and on minor roads; poor visibility a site’s junction; safety around the school at peak times and a general lack of footways;
- **Drainage and flooding issues** – including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- **Ecology** – loss of greenfield land, impact to ecological value of site and local wildlife
- Insufficient/incorrect information submitted with application

5.0 Analysis

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

- Extant outline permissions;
- Housing Mix;
- Design and Layout;
- Drainage Matters;
- Ecology;
- Open Space;
- Education;
- Heritage;
- Energy and Sustainability;
- Highways;
- Waste and Servicing;
- Consultation Comments

5.2 Extant outline permissions (NPPG Paragraph 005 & 006)

5.2.1 The local planning authority can only assess the details submitted relating to the ‘reserved matters’. Matters relating to the principle of the development, such as the need for housing, traffic impacts, flood risk, loss of agricultural land, impacts on geodiversity and ecology are matters previously considered and accepted conditionally as part of the approval of outline planning permission. This does not mean that some aspects covered by the outline permission, such as landscape/townscape considerations, will not be assessed as part of the consideration of reserved matters, but such will relate only to whether the proposed reserved matters enables or prejudices compliance with the outline permission. In short, consideration of the reserved

matters is not an opportunity to re-examine the principle of the redevelopment of the site for residential development.

5.3 Housing Mix (SPLA policy H6; DM DPD Policy DM1; NPPF section 5)

5.3.1 The housing mix proposed would provide 40% affordable housing as required by the outline permission. The identified housing need in Ellel is smaller affordable units and 2/3 bed market units. Whilst the mix favours larger houses, these are the market dwellings and overall the mix provides affordable homes in line with need. The offer has been tested and found to be the maximum viable amount, with the market dwellings supporting the affordable offer. Consequently, it is accepted that the open market need is not directly met by the proposal but amending the mix would undermine the delivery of smaller affordable units and this has been tested by the external viability consultant. Furthermore, the mix has been informed by discussion with Strategic Housing Team who do not object and interest has been shown by Registered Providers.

5.3.2 Overall, given affordable housing proposed meets the outline obligation and identified affordable need, to which greater weight is given in this instance, the offer is accepted on balance.

5.4 Design and Layout (SPLA policy H6; DM DPD Policies DM2, DM27, DM29, DM30, DM 45, DM46; NPPF sections 2, 5, 11, 12 and 15)

5.4.1 Consideration has been given to the applicants Landscape Visual Impact Assessment (LVIA), revised site layout plan, revised housing details and landscaping and materials information.

5.4.2 The proposed layout follows that indicated at outline stage. It is considered to follow existing characteristics of the village as noted by the previous officer in their report in so far as a linear scheme with access that largely runs perpendicular from the Abbeystead Road. The combined sites have a total area of c. 2hectares over which 27 dwellings will be provided, giving a density of less than 15 dwellings per hectare, which is considered to be acceptable in the context of densities found in the village. At the access point development is set back away from the road which is welcome as it is considered to better reflect the edge of village density and decreasing ribbon development as one leaves the village. Internally, units on the eastern side have been reorientated north south so that they address the internal road and views into the site from Abbeystead Road.

5.4.3 There are a range of house designs and materiality that comprise to create Dolphinholme's character. The typologies proposed include terrace, semi-detached and detached, of two storeys. Officers have worked with the applicant to revise and simplify their materials palette and house design. The principal materials are now a reconstituted rough stone and thin leading edge slate like tile. These materials are now considered to better reflect that expected Lancaster rural areas and adjacent to the AONB. The further details such as window frames, downpipes and hard landscaping will be conditioned. In terms of space standards, all units would now meet the national, and 5 units (19%) would be M4(2) compliant.

5.4.4 Considerable hedge- and tree-planting will be provided around the boundaries of the site with heavy standard trees including lime, field maple, wild cherry and common oak to ensure an appropriate native mix and appearance, which will soften and partly obscure views into the site from the east. In terms of landscaping these elements are welcome in that they are considered to soften and screen development, in addition there are biodiversity and ecology benefits discussed below. The details, planting and maintenance of the landscaping will be conditioned to ensure the quality and quantum expected by Officers. Whilst policy seeks 20% it can be applied flexibly and managing drainage is a consideration set out in DM2. On this point, it is accepted that the outline did not seek or apply a condition for 20%, the proposal is only slightly below the standard of policy and managing the drainage on this site is given greater weight in applying this policy.

5.4.5 Given levels and existing development, longer distance views of the site are predominantly from the east, from the Forest of Bowland AONB which is approximately 1.15 kilometers east of the site. Due to the low density, soft boundary treatments and proposed materiality, the impact on the AONB is considered to be slight. Overall, in-line with the inspector to 18/01106/OUT, the impact is considered to be offset by the delivery of housing given the current lack of supply.

- 5.4.6 With regards to the existing bungalow immediately east, the layout proposed is an improvement against that indicated in the approved application in that distances between dwellings have been increased to c.18m. There is no direct overlooking between habitable windows due to orientation. Separation distances could be increased however, the balance must be struck between this and housing delivery, and in this instance planting at the rear gardens of plots 1, 3, 4 and 5 which will be conditioned can suitably manage this matter. In terms of properties on Brookside Drive, the highway itself, a planting buffer and large gardens remain between the dwellings which would satisfy policy requirements for separation distances. Due to orientation, planting and distances the layout is not considered to give rise to any unacceptable overlooking or overt intrusion to privacy.
- 5.4.7 There has been concern raised that the applicant's intentions have been to develop the whole entire field and the layout proposed enables this. Officers have to base each application on their own merits and therefore whilst Officers understand the concerns raised, should this scheme be supported and a future scheme come forward then Officers would have to assess that application on its own merits, including the cumulative impacts.
- 5.4.8 Overall, the layout and design are considered to reflect key considerations of the approval at outline stage. The design and materiality is now considered acceptable, and there is sufficient soft landscaping to manage the impact of the development in terms of views. The layout in terms of relationship with immediate neighbours would not lead to unacceptable impacts for the reasons above. On this basis, the application is considered to be in-line with design policies DM29 and DM30 of the DM DPD.
- 5.5 **Drainage Matters (SPLA DPD Policies H6 and SP8; DMDPD policies DM33, DM34, DM35; Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); NPPF sections 14)**
- 5.5.1 Flooding and both surface and foul drainage were considered for both outline applications, and they were approved on the basis that such could be suitably managed if attached conditions setting standards were met.
- 5.5.2 As set out both sites are susceptible to groundwater flooding, as are surrounding sites. Adjacent neighbours, local residents and Dolphinholme Residents Association have made it clear to Officers in consultation their grave concerns regarding flooding and drainage infrastructure, which extends to foul water, in the village.
- 5.5.3 Officers are aligned with local residents that the development of this site should not exacerbate flood risk elsewhere. Officers have been liaising with the LLFA and sought the comments of the EA. The EA did not comment. In response to initial concerns raised by the LLFA on this matter the applicant has provided further information on surface water systems proposed in support of the application.
- 5.5.4 The proposed drainage strategy is to drain the site to an attenuation basin located at the south of the at a naturally low point near the site entrance which will have the capacity of 296m³ to cater for the 100-year storm event plus allowance for climate change, which is considered a worst-case scenario. This is then attenuated in the basin and discharged at a rate reflecting existing run off rates into an existing 225mm culvert on site which drains into the beck running to the west of the site but further downstream off site and on the land of Higher Bond Gate Farm immediately south of the site.
- 5.5.5 The applicant has undertaken a CCTV survey of the culvert at the request of the LLFA to ensure that the drainage solution proposed is firstly capable of being utilised for this development, and secondly to ensure that connection would not cause flooding issues elsewhere. Whilst the applicant has provided the CCTV survey of the condition of the existing culvert there is still some concern given the state of the culvert and how the drainage scheme would connect to the culvert and how the spare capacity of the culvert has been established.
- 5.5.6 The final position of the LLFA is no objection subject to all outline conditions relating surface water being discharged. No new conditions can be imposed as part of this reserved matters

application as this is catered for as part of the outline application. Whilst it would be prudent to include a Grampian condition to upgrade the culvert to reflect the expected lifetime of the development as well as the specific details of the connection, legally this cannot be done, although would expect it to be a feature of the discharge of condition process on the outline.

- 5.5.7 Overall, the developer has no obligation to fix off site flooding issues, they just can't make them worse under the NPPF and Local Plan policy. By attenuating the water in the basin and discharging at a rate that matches the pre-development runoff rate they are mimicking the pre-development conditions, subsequently no change in any flood risks downstream. By this definition, there is no change from current conditions. If there are issues with the beck downstream, it will be the responsibility of the adjacent riparian landowners to maintain the section of watercourse on their land as per existing legislation on the matter. Such management is considered beyond planning powers to remedy or control in perpetuity.
- 5.5.8 There has also been concern raised by the local community regarding foul water drainage. There is an existing condition which controls the foul drainage details which will have to be discharged to implement the outline. The applicant proposes to utilise a foul pumping station (located close to the site entrance) to adoptable standards of United Utilities and connect to existing infrastructure. Neither the EA, or United Utilities have objected to the proposed development. On this basis, and given the condition attached to the outline there is nothing before Officers to conclude that the site cannot be drained of foul water.
- 5.5.9 For the above reasons, it is considered that the proposal does conform to Policy DM33 and DM34 of the Development Management DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme, subject to conditions, can be drained, and that flooding will not increase elsewhere in the event of the approval of this scheme.
- 5.6 **Ecology and Trees** (NPPF: section 15; SPLA DPD policy H6; DMDPD policies DM44 and DM45)
- 5.6.1 The existing site is open farmland which is considered to provide limited biodiversity value. Concern has been raised given the loss of the farmland in terms of impact on ecology and birds.
- 5.6.2 The outline application accepted the loss of the farmland and impact on birds, on the basis of suitable conditions reflecting the conclusions of a habitat survey to mitigate impact. The site has remained largely as it was when consents were granted. On this basis, to mitigate the loss of farmland and impact to habitat, conditions requiring the protection of the western boundary stream from pollution during the operational and construction phase, sensitive lighting is utilised, together with enhancing habitats for roosting bats and nesting birds and removing vegetation outside of roosting seasons, will again be added.
- 5.6.3 As part of these applications, further detail has been set out as to how such enhancements can be secured as well as bat and bird boxes and the details of planting and soft landscaping across the site which is considered to increase biodiversity. Natural England did not comment, and Greater Manchester Ecology Unit do not object subject to conditions, which reflect those matters conditioned at outline stage. In response to local concerns regarding the quality of information, no such comment has been made by the statutory consultees.
- 5.6.4 The Arboricultural officer has sought specific amendments to tree planting which the applicant should consider when satisfying the landscaping condition. It is also requested that the management of canopies to T6 and T7 are captured in the environment management plan required by condition.
- 5.6.5 Overall, given the conditions to mitigate and manage impact, and secure enhancements to biodiversity it is therefore considered that the development complies with Policy DM29 of the Development Management DPD.
- 5.7 **Open Space** (DM DPD Policies DM27; Appendix D; PAN04 – Open Space Provision in New Residential Development Planning Advisory Note)
- 5.7.1 As per Appendix D of the DM DPD the quantum of units triggers the requirement for on site

amenity greenspace. The guidance for suitable spaces is set out in the LPA planning advisory note on the matter. The general yardstick is if the space is suitable for a 'kick about'.

- 5.7.2 The delivery of and management of open space is controlled via the legal agreements supporting the extant outline permissions, in so far as it requires such to be provided to reflect the population yield and binds the parties to its management. The open space provision on site is around the swale and a larger grassed area is also provided between Plots 26 and 27, adjacent to the eastern boundary akin to a 'pocket park' more centrally located which is preferred. The sum total across the site is c.560sqm in total, and this is deemed to meet the required amount of public open space, as per Appendix D of the DM DPD. The applicant has set out that it will be managed and maintained, and this will be conditioned, and overall this is deemed sufficient.
- 5.7.3 Beyond the onsite provision the public realm officer has set out a requirement for £89,397.75. This is to respond to the KKP Playing Pitch and Outdoor Sport Strategy and Action Plan (2018) which shows the existing tennis court needs to be improved to encourage use, and the Bowling Green needs sustaining to support existing uses levels. Furthermore, the existing parish council play area is substandard for several reasons as per an assessment in 2021. Consequently, the sum is broken down as follows with the identified works set out:
- Outdoor sports provision calculation £33,747.75: towards the Parish Councils tennis court and bowling green
 - Childs Play and Young Persons Provision calculation £55, 650: towards the Parish Councils Play Area
- 5.7.4 To ensure that these contributions meet the legal tests required of contributions it will be stipulated that unless they can be spent within 5 years, the sums will be repaid to the developer.
- 5.7.5 Overall, whilst it is considered that on site provision could be improved by providing a single space, the units are served by generous gardens which would primarily cater for play and amenity, the total sum required is provided, the space will be maintained and will enable a 'kick about'. In addition, the development will support facilities which are currently in poor state to support the wider community.
- 5.8 **Education Matters (DM DPD Policies DM56; DM57)**
- 5.8.1 On education matters, the extant legal obligations require both sites to provide contributions to offset their impact on education. The obligations require the sum to be informed by the approved mix of units at reserved matters which is now known and will inform this obligation.
- 5.8.2 Given the obligations wording there is sufficient provision for mitigation of this matter. On this basis, it is considered that the development can meet the requirements of Policy DM48 of the Development Management DPD.
- 5.9 **Heritage Assets (NPPF: Section 12, Section 16; SPLA DPD Policy SP7; DM DPD Policy DM38; DM39)**
- 5.9.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building, and about 180m to the north of Castle Hill motte scheduled monument. After reviewing the scheme, no comments have been provided by the LPA's Conservation team, however Officers are satisfied given the distances Given the (and in the case of the motte, the topography) and proposed layout and design the development would not give rise to unacceptable impacts on heritage assets. Lancashire Archaeological Advisory Service (LAAS) raises no objection to the scheme.
- 5.9.2 Overall, having regard to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, and policies Policy DM32 of the DM DPD the proposal would not give rise to unacceptable impacts on heritage assets.
- 5.10 **Energy and Sustainability (DMDPD policy DM29; DM30)**
- 5.10.1 Information regarding how the application will address energy and sustainability matters has been provided in support of the application. Local Plan policy does not set a standard for reduction merely that opportunities are seized. To reduce energy demand on site from the dwellings a number of strategies are proposed inline with the fabric first approach:

- Building fabric improvements
- Fabric air tightness
- Low energy lighting
- Heating systems and controls
- Limiting thermal bridge heat loss
- Renewable Technology Feasibility
- Passive solar

5.10.2 The following standards set out in the report Energy Statement dated 13th May 2021 by Code Connect will be conditioned to ensure that the benefits identified will be realised. These are:

- all dwellings will achieve a maximum result of 7.0m³ hm²
- install 100% of light outlets of low energy lighting as per Part L 2013
- minimum of 'A' rating for all boiler systems installed
- minimum reduction of 3.36% against Part L baseline of 470.03kg CO₂ per m²

5.10.3 Further to this, as required at outline stage each dwelling will be supported by a EV charger required before occupation. On this basis, it is considered that the development is inline with Policy DM30: Sustainable Design and DM29 Key Design Principles in so far as electric charging points are provided.

5.11 **Highways (SPLA DPD policies T2, T4 and H6; DMDPD policies DM29, DM60, DM61, DM62, DM63, DM64; NPPF sections 9 and 12)**

5.11.1 The scheme provides a road at a tangent to Abbeystead Road in line with agreed principles at outline stage, with private access drives for vehicular parking and a turning head at the north west corner of the site. The internal network has been under discussions between the applicant and County Highways regarding adoption.

5.11.2 County Highways has no objections to the access, or internal road network, but seeks a condition to evidence suitable management, which will be attached.

5.11.3 As required by Condition 11 of both applications 17/00970/OUT and 18/01106/OUT the proposal will provide a pedestrian link from Abbeystead Road to Footpath 1-13-FP 43 as part of the layout. This is welcomed by Officers and will support non-vehicular trips in the area.

5.11.4 Concern regarding construction and heavy vehicles impacting the network at peak times in terms of school drop off and pick up and also given the location peak periods in the agricultural year have been raised during consultation. Given this, it is considered reasonable to require the developer to use reasonable endeavours to schedule construction deliveries and vehicle movement outside of these times, which will be controlled by condition as part of the CEMP.

5.12 **Waste and Servicing (DM DPD Policy DM29; PAN 01 - Waste Storage and Collection Guidance for Domestic and Commercial Developments Planning Advice Note)**

5.12.1 The application has been commented on by colleague in the City's waste department. It is noted that there are instances where distances from dwellings to the kerbside are over 25m, however the breaches are slight, for market dwellings, and the routes are smooth, with manageable gradients and continuous. Collection points will be required for plots 5-9 and plots 21-24 and the details of this will be conditioned in line with comments. On this basis, the proposed development is deemed suitable in terms of waste and servicing.

5.13 **Consultation Comments**

5.13.1 There were considerable objection to the grant of both outline applications, and this has been sustained at reserved matters stage. The concerns of the community are noted and have informed the determination, with specific regard to drainage, there has been further information and assessment to address this. Within the context of what was agreed at outline, a number of

the issues, affordable housing, layout, drainage, highways and ecology have since been satisfactorily addressed by the applicant and subsequent provision of previous conditions or new conditions.

7.0 Conclusion and Planning Balance

- 7.1 Outline permission has been granted for both sites which accepts the principles of development subject to meeting certain conditions. No objections from statutory consultees to information addressing those matters have been raised. There is an obligation requiring both sites to be built out together and as such the proposals have been assessed together.
- 7.2 The context of member's decision is that where the Local Planning Authority is unable to demonstrate a five year housing land supply. Consequently, the NPPF states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The development proposed contributes towards meeting this housing need, which reflects the need for affordable homes in the village. The provision of such housing should enable local residents to access housing and the wider influx of residents should help sustain the village services.
- 7.3 The community are concerned about flooding and drainage due to ongoing issues. Officers have worked hard to assess this matter within the context of what was agreed at outline, and neither the LLFA, EA and United Utilities object to the proposed development. On this basis, Officers are satisfied that the development would not exacerbate existing issues and suitably manage these matters.
- 7.4 A degree of visual and heritage harm was accepted at outline stage, but this could be suitably balanced and managed with conditions. The details provided in terms of layout and materials reflect agreed principles at outline stage, gives rise to no unacceptable issues in terms of overlooking and provides a suitable amenity in terms of gardens and open space. Highways raise no objection and Greater Manchester Ecology Unit accept their will be an uplift in biodiversity from measures proposed on site.
- 7.5 Clarity on Education is hoped prior to committee (however it is dealt with by the outline), which will enable the matters to be suitably addressed and on balance, with the above in mind it is recommended to Members that the proposed development is supported subject to the imposition of planning conditions and planning obligations.

Recommendation

That Reserved Matters BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard timescale;	Standard
2	Development in accordance with Approved Documents;	Standard
3	Materials/Details	Above grade
4	Landscaping Details	Above grade
5	Boundary Treatments	Above Grade
6	Plant Screening	Pre such works
7	Environment Management Plan	1st Planting Season
8	Waste Collection	Pre Occupation
9	Minimum Reduction against Part L 2013	Control
10	Development in accordance with BNG Enhancement Measures inc. Bird and Bat boxes	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

Agenda Item	A8
Application Number	21/00695/FUL
Proposal	Installation of a 99.9MW battery storage facility with ancillary development including 3m high fencing, battery storage containers, substation, transformers, switchroom, control room, welfare cabin and storage room, construction of internal access points, creation of hardstanding and turning area, erection of gates and 4m high CCTV columns, creation of temporary compound area, raising of land levels and construction of new access onto the A683 Bay Gateway
Application site	Land North of A683 Bay Gateway, Heaton With Oxcliffe
Applicant	Mr Mark Dickinson
Agent	Mr Evan Williams
Case Officer	Mr David Forshaw
Departure	Yes
Summary of Recommendation	Approve

1.0	Application Site and Setting
1.1	This is 1.7ha of agricultural land with access track with associated hardstanding. It is in the open countryside immediately north of the A683 Bay Gateway approximately 1.4km southeast of Heysham centre. To the north and east is agricultural land and to the west is the Walney Offshore Windfarm Extension facility. Within fields immediately close by to the north and northwest and across the A683 to the southeast and southwest are a telecommunications tower, solar farm, 3 no. wind turbines and electricity pylons.
1.2	The site is within Heysham Power Station 1 & 2 middle zone; Morecambe Bay SPA zone; SSSI impact zone and at risk of <25% risk of groundwater flooding. It is partly within flood zones 3 (benefitting from flood defences), 2 and 1.

2.0 Proposal

- 2.1 The proposal is to construct a fenced area of 12,540sqm to house battery storage containers, substation, transformers, switch room, control room, welfare cabin and store. A new access is proposed directly onto the A683 serving the facility's turning/parking area and adjoining agricultural land. Landscaping belts are proposed to the north and east and all existing boundary hedgerow and trees are to be retained.
- 2.2 The eastern part of the site will be raised by up to 1m above existing ground level due to the land's slope and raise that end above potential flood level. The tallest equipment will be the switchgear and transformers up to 7.1m high in the northwest corner of the site. The metering room will have a 5.3m to ridge pitched roof. The flat roofed containers housing the batteries, transformers, switch and

control rooms will be 3.1m high. CCTV cameras will be mounted on 4m high poles and the site fencing will be 3m high.

2.3 The facility will contribute towards helping the national grid provide a reliable source of power in the face of fluctuating and changing energy demand and supply. At times the grid struggles to provide an efficient, consistent supply of energy due to variations in demand and unreliability of renewable energy supplies. Energy storage facilities like this offer flexibility to absorb surplus energy and release when needed, including from renewable sources and without causing air pollution during this process.

3.0 Site History

3.1 There are no relevant applications relating to this site.

4.0 Consultation Responses

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

Consultee	Response
GMEU	No objection. There is the potential presence of Coastal and Floodplain Grazing Marsh priority habitat on the site, however the field results of the ecological survey suggest that the onsite conditions are not typical of the priority habitat; the site is under intensive management being ploughed and sown, is considered unsuitable to support breeding birds and sub-optimal for foraging and wintering birds associated with the designated sites, and the wintering bird surveys in 2021 did not identify such species. Given the low ecological value of the site, the onsite mitigation is suitable. A condition is requested requiring a habitat creation/management plan and monitoring schedule, which includes corrective measures, to ensure that the neutral grassland can be created and maintained on site.
Natural England	No objection. The development will not have significant adverse impacts on the Bay's designated sites or SSSI and the shadow HRA can be adopted. The BNG metric has been used appropriately to reach its conclusions and onsite mitigation will be acceptable, subject to detailed landscaping and habitat creation/management being secured through a condition.
Lancashire Wildlife Trust	Objects. Key concern is the potential loss or fragmentation of an ecological network that links areas of high conservation value through corridor and/or stepping stone habitat. In order to retain any viable ecological network within the wider Heysham peninsular, compensation habitat should be created outside of the area identified for development, to offset the loss of 'corridor' habitat. This should be in addition to any mitigation either on or off site and should be of adequate size to fulfil its desired function. A suitable restoration and management plan should also be in place with a clear strategy for how this will be delivered and maintained for at least the duration of the development.
Arboricultural Officer	No objection. Conditions for tree protection plan and planting requested
Environment Agency	No objection.
LLFA	No objection subject to standard conditions being imposed
Planning Policy	No objection. The proposed battery storage facility may support existing renewable energy generation facilities nearby, will potentially support the expansion of renewable and low carbon energy generation in the district, contribute to reducing CO2e emissions, and support the Council's commitment to reaching net zero by 2030. The proposal will additionally improve the reliability of renewable energy supply in the district and support the agility of the grid in adapting to more decentralized renewable and low carbon energy production. The proposed site is well placed due to its close location near existing renewable energy generation facilities and supporting transmission infrastructure. The importance of tackling the climate change agenda must be recognised and the benefits of the battery storage scheme outweigh the loss of a small element of the nature improvement area.
County Highways	No objection. There will be a negligible impact on highway safety and capacity within the immediate vicinity of the site. Standard conditions required.

Office for Nuclear Regulation	No objection. Does not advise against this development as it does not present a significant external hazard to the safety of the nuclear site.
Lancashire County Council Emergency Planning Team	No objection: all agencies can accommodate the proposals' changes within the Heysham Power Stations Off-Site Emergency Plan
EHO	No objection. No significant environmental health implications
Parish Council	No comments received
Public Realm	No comments received
Ramblers	No comments received
LCC PROW	No comments received

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

5.0 Analysis

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

- Principle
- Landscape/visual impact
- Ecology/Biodiversity
- Flood risk/drainage
- Highways/access
- Other matters

5.2 Principle (SPLA Policies SP8, EN3; DMDPD policies DM31, DM47 and DM53; NPPF sections 14 & 15)

5.2.1 The site is within the open countryside within which any proposals must have regard to all relevant policies in the Local Plan, particularly DMDPD rural area policies. Policy DM47 allows certain economic developments including renewable energy schemes in appropriate locations and in accordance with other Local Plan policies. Policy DM53 sets out the Council's commitment to supporting the transition to a lower carbon future and support for proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts on stated considerations are or will be made acceptable. The site is within an area identified as suitable for wind energy.

5.2.2 The proposed battery storage facility will be able to support existing renewable energy generation facilities nearby, will potentially support the expansion of renewable and low carbon energy generation in the district, contribute to reducing CO₂e emissions, and support the Council's commitment to reaching net zero by 2030. The proposal will additionally improve the reliability of renewable energy supply in the district and support the agility of the grid in adapting to more decentralised renewable and low carbon energy production. The proposed site is well placed due to its close location near existing renewable energy generation facilities and supporting transmission infrastructure. The proposed scheme supports the requirements of NPPF through meeting the economic objective by supporting the provision of infrastructure and the reliable electricity needs of current and future generations, the latter of which meets the social objectives, and the environmental objective, particularly that of "mitigating and adapting to climate change" through the supply of renewable energy storage. The purpose of the development is in line with Policy DM53.

5.2.3 In support of policy DM31: Air Quality Management and Pollution, the site will contribute to increased grid capacity and flexibility to support the district's transition to a higher proportion of renewable and low carbon energy sources and potentially support the reduction in combustion-based energy production over the lifetime of the site.

5.2.4 Subject to a detailed analysis of the impact on the DM53 considerations, particularly landscape character/visual amenity, biodiversity, flood risk and highway safety as set out in the rest of this report, the proposal can be considered acceptable in principle.

- 5.3 Landscape Impact/Visual Amenity (SPLA policy SP8, EN3; DMDPD Policies DM29, DM30, DM46, DM53; NPPF section 15)
- 5.3.1 The design of the facility is very utilitarian but this is inevitable given the use. Conditions are proposed to ensure the colour of the fencing and containers are sympathetic to the rural location to minimise visual harm. However, in the context of the energy and other utilitarian infrastructure in the immediate locality the design will not be out of place, especially given the designation of the area as suitable for wind energy.
- 5.3.2 The submitted Landscape and Visual Impact Assessment (LVIA) has assessed the effect of change on both the landscape and on people's views. The site is not within a protected landscape. It is within the Morecambe Coast and Lune Estuary National Landscape Character Area. At the County level it is within the Mossland Landscape Character Type and Heysham Moss and Heysham-Overton Landscape Character Areas. The descriptions of these LCAs recognise the energy industry infrastructure and nearby built and caravan developments as "obscuring the landscape pattern and eroding the rural nature of the landscape". The site is close to and seen in context with the nearby Walney Offshore Windfarm Extension substation, Heysham/National Grid Supply Point Substations, telecommunications tower, wind turbines and overhead power lines which have a significant influence over the local area and effect of change caused by this development.
- 5.3.3 The site's overall sensitivity to change is considered in the LVIA as medium. The only notable feature on site is the frontage vegetation to the A683 which is being retained apart from a 4m length to create the new access. The magnitude of change on the site is large but minor adverse with slight effect on the frontage vegetation. Assessment of the impact on the Landscape Character Areas suggests negligible to minor adverse magnitude with negligible to slight effect.
- 5.3.4 Key visual receptors from 14 viewpoints between under 500m to 3km away have been identified. These include representative views from closest residential properties (890m distance), road and PRow users near the site (within 500m). For residential properties the likely immediate effects are up to minor adverse magnitude with up to slight level of effect but this reduces to negligible adverse effect at most after 15 years when the screen planting is established. Users of the PRow network may experience up to minor adverse magnitude with moderate effect from one location on completion falling to slight effect after 15 years. Road users' experience will be up to negligible adverse magnitude with moderate effect immediately, falling to slight effect after 15 years.
- 5.3.5 In response to the LVIA's findings it is confirmed existing trees and hedgerows within the site will be retained, linear tree and shrub planting of locally native species will be provided around the boundaries to the north and west and the site will be seeded with species rich grassland. Therefore, the development is not considered to cause undue harm to the landscape or views from receptors in the local or wider area.
- 5.4 Ecology (SPLA Policy SP8; DMDPD Policy DM44, DM45 & DM53; NPPF section 15)
- 5.4.1 The site is part of a wider habitat of principal importance classified as floodplain grazing marsh under the Natural Environment and Rural Communities Act 2006 (NERC). At the time of the ecology survey the site had recently been ploughed and seeded suggesting the land is likely managed as an arable/silage rotation. The submitted ecological appraisal considers the site itself is not typical of the NERC classification due to its intensive agricultural use, lack of grazing and low value to birds and is of low biodiversity value. This view is agreed by GMEU who consider the proposed onsite retention of existing boundary vegetation, provision of new planting belts and seeding as a species rich grassland is proportional mitigation for its loss. A Biodiversity Net Gain Report has been submitted which demonstrates the proposed development will result in a net gain of 6.03 area biodiversity units, which represents an 84.20% increase and a net gain of 1.55 linear biodiversity units, which represents a 28.15% increase. GMEU and Natural England therefore accept the proposed on-site mitigation adequate makes up for loss of the existing low quality habitat. A condition is proposed to confirm final landscaping details and submission of a habitat creation/management plan.
- 5.4.2 A shadow habitat regulations assessment has been carried out by the applicant. Natural England agrees with the assessment that the development will not have significant adverse impacts on the Bay's designated sites or SSSI and the shadow HRA can be adopted by the Council as competent authority.

5.4.3 The ecological appraisal assessed the site and a nearby pond for evidence of protected species. The site is of low value for foraging bats and negligible value for commuting bats. No potential roosts were identified. The managed vegetation offers low value to birds, although a condition is proposed to ensure no nesting birds are present if work is due to start during the summer months. No evidence of reptiles, water vole, otter or badger were found on or near the site. The nearby pond has a below average suitability for great crested newts.

5.4.3 Development will not give rise to potential harm to any statutory nature conservation designations or protected species. Either on site mitigation or offsite compensation will improve biodiversity. Therefore, the proposal is considered to comply with relevant policies in the local plan.

5.5 Flood Risk/Drainage (DMDPD Policies DM33, DM34 and DM35; NPPF Section 14)

5.5.1 The majority of the site lies within flood zone 3 (benefitting from flood defences). All surface water runoff will be stored on site and discharged either by infiltration into the ground or to nearby watercourses. A condition is proposed for the final design to be submitted and agreed.

5.5.2 The applicant has undertaken Sequential and Exception tests as required by the NPPF. Part of the site is flood zones 1 and 2 and there are no further appropriate locations within flood zones 1 or 2 suitable for the development. The proposal includes "essential infrastructure" industrial use so the Exception Test must be satisfied. The conclusion of this is the development provides wider sustainability benefits to the community that outweighs flood risk and it has been demonstrated the development will be safe for its lifetime being able to remain operative during a flood or remotely shut down if circumstances demand. The facility is unmanned and will only be visited for regular checks and maintenance.

5.5.3 The development will not give rise to flood events elsewhere and there is no onsite risk to personnel. The Environment Agency and LLFA have no objections to the proposal as submitted, subject to imposition of standard conditions.

5.6 Highways/Access (DMDPD Policy DM60)

5.6.1 A new access is proposed 250m east of the current field access. The existing access joins the A683 on a steep gradient and has limited visibility onto the main road. The proposed access will be 8m wide at the same level as the A683 and will replace the existing access for the use by the owner of adjoining land.

5.6.2 Accident data for the local area shows two serious accidents in the last 5 years, involving either a pedestrian or cyclist in dark and wet conditions on the 60mph road with no footpath or cycle lane. No pattern of accidents is shown with an underlying cause that would be affected by the proposal. All construction traffic will be routed along the A683 towards the M6 junction 34. Arriving traffic will pass the site and turn around the Imperial Road roundabout before turning left into the new access. Estimated trip generation during construction of 20 2-way movements of both HGVs and cars will add a negligible amount to existing flows. Once operating, maintenance visits of up to 2 per week will be made.

5.7 Other Matters

5.7.1 With regard to the remaining considerations listed in policy DM53, there are no heritage assets within close proximity of the site and nothing has been raised about the potential for any effects on defence navigation or communications. There are no residential properties close by which could be adversely affected by the development.

6.0 Conclusion and Planning Balance

6.1 The proposed battery storage facility should support the expansion of renewable and low carbon energy generation in the district, contribute to reducing CO2e emissions, and support the Council's commitment to reaching net zero by 2030. It will additionally improve the reliability of renewable energy supply in the district and support the agility of the grid in adapting to more decentralised renewable and low carbon energy production. The proposed site is well placed due to its close

location near existing renewable energy generation facilities and supporting transmission infrastructure.

- 6.2 The utilitarian appearance of the installation is a result of its function but will be seen in the context of more extensive and taller energy and other infrastructure in the immediate vicinity. Harm to the landscape and users of the nearby transport network will be moderate in the short to medium term reducing to negligible once the mitigation measures establish.
- 6.3 Any harm is outweighed by the environmental, economic, social and community benefits the development will realise. Accordingly, the proposal complies with policy DM53 and the local plan as a whole.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Standard
2	Approved Plans	Standard
3	Highway Works	Pre-commencement
4	Tree Protection Plan/AIA	Pre-commencement
5	Final Sustainable Drainage Scheme	Pre-commencement
6	CEMP	Pre-commencement
7	Access Hard Surfacing	Pre-access use
8	Visibility Splays	Pre-access use
9	Colour samples	Above Ground
10	Landscaping/biodiversity enhancement scheme/management plan	Above ground
11	SuDS Operation/Maintenance Plan/Verification Report	Pre-Operation
12	Compound removed/land restored	6 months from construction ceasing
13	In accordance with CTMP	Control
14	In accordance with FRA	Control
15	Nesting Birds	Control

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

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

Background Papers

Agenda Item	A9
Application Number	21/01295/FUL
Proposal	Demolition of existing restaurant and erection of five new dwellings (C3) with associated landscaping and altered access
Application site	Hawthorne House Bye-pass Road Bolton Le Sands Carnforth
Applicant	Mr and Mrs C. and B. Waddington
Agent	Mr Daniel Ratcliffe
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This application would normally be dealt with through delegated powers but has been brought to Planning Committee as the applicants have a family connection to Councillor Keith Budden through marriage. This application was prepared for the Planning Regulatory Committee on the 28th March 2022, which was cancelled on the day due to unforeseen power outage problems at Morecambe Town Hall. This report has been updated to reflect some matters initially intended to be verbally updated on the 28th March 2022.

1.0 Application Site and Setting

1.1 This application relates to the Hawthorn House (which is also known as Miitalia), and the surrounding land and garden area. The property located on Bye Pass Road in Bolton Le Sands. The property is currently a restaurant to the ground floor and a flat to the first floor. To the west are residential properties that are bungalows and to the east of the site are two storey residential properties. To the north of the site is Bolton Le Sands Fire Station and to the south of the site is an agricultural field. The garden area to the rear of the existing property is surrounded by 2m high timber fencing.

1.2 Hawthorne House is used as a restaurant, Miitalia, with office accommodation above. There is an existing car park which is accessed via the Bye-pass road, to the south and east of the existing property which provides approximately 17 spaces to the front and side of the building. Land levels fall away gently in a general east to west direction across the site

1.3 The site is allocated as a countryside area in the Lancaster District Local Plan proposals map.

2.0 Proposal

2.1 The application proposes the demolition of existing restaurant building and the erection of five new dwellings with associated landscaping and altered access. The dwellings will be two stories and comprise three detached dwellings and a semi-detached pair. Associated car parking will be integrated into the scheme. The accommodation breakdown is as follows:

- 2 no. three-bedroom semi-detached dwellings
- 2 no. three-bedroom detached dwellings
- 1 no. four-bedroom detached dwellings

2.2 In 2015 planning consent was granted to erect a new-build dwelling at the site and change the use of the first-floor flat to an office (15/01272/CU). Following the grant of planning permission, the submission sets out that offices above the restaurant were brought into occupation and therefore argues that the consent remains extant. The current scheme includes a detached dwelling in place of the previously approved dwelling at the site.

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
15/01272/CU	Erection of a 2-bed dwelling and change of use of flat (C3) to office (B1) with associated parking	Permitted
14/00728/FUL	Construction of a terrace to provide an external seating area	Permitted
13/00605/FUL	Installation of an access ramp to the front elevation of the restaurant and installation of 2 new windows and a new door to the rear elevation to facilitate separate access arrangements to the associated first floor	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objections subject to conditions relation to electric vehicle charging points and noise.
Engineers	No objections
United Utilities	No objections following receipt of revised drainage details.
Lancaster Civic Society	Objection due to lack of justification for the loss of the existing building. Comments awaited in respect of revised plans.
Parish Council	Objection due to concerns relating to highway safety, parking provision and increased pressure on primary school places. Further comments awaited in respect of amended plans and will be updated verbally.
Canal and Rivers Trust	No comment to make on this application.
Lancashire Fire and Rescue	Neither objects nor supports the application but raises queries in respect of proposed boundary treatments between the plots and the fire station land, onsite parking provision and new tree planting.
Fire Safety Officer	Advice
Arboricultural Officer	No objections
County Highways	No objection to the principle of the application. However, there are concerns regarding the off street parking, the vehicle access and lack of electric vehicle charging points.
Conservation	No comments to make on this application

Planning Policy Team	Neither objects nor supports the application but advise that policy DM56 provides a presumption against the loss of local services unless specific circumstances are met to demonstrate the loss of the service is justified.
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4.2 Three items of comment have been received from members of the public. These include three items of objections which raise the following points:

- If this development goes ahead it would totally obscure the adjacent fire station from road users on the A6 towards Carnforth
- It introduces another junction and standing traffic on an already busy A6 accident blackspot.
- It is opposite Clarksfield Road junction and in the vicinity of junctions of Acorn Meadow and St Michaels Lane.
- The grassy area within the adjacent the fire station site floods in heavy and rainfall any development would increase the run off into this area, and has potential to flood the fire station
- The development will not contribute to the overstretched services i.e., schools and doctors
- Any proposed development in the village should be totally allocated and priced accordingly for local first time buyers only
- Concerns regarding the proximity of the house within plot 1 to the side elevation of 35 Rydal Road which includes a secondary kitchen window and a bathroom window.

The fourth item of public comment neither supports nor objections to the scheme but raises concerns regarding potential issues with onsite parking provision.

5.0 Analysis

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

- Principle of development and loss of community facility
- Scale, layout and design
- Impact on residential amenity of neighbouring properties
- Parking and highway impacts
- Ecology and trees
- Drainage
- Noise and air quality

5.2 Principle of residential development and loss of community facility SPLA DPD Policies SP1: (Presumption in Favour of Sustainable Development), SP2: (Lancaster District Settlement Hierarchy), SP3: (Development Strategy for Lancaster District), SP6: (The Delivery of New Homes), H2: (Housing Delivery in Rural Areas of the District). DM DPD Policies DM1: (New Residential Development and Meeting Housing Needs), DM4: (Residential Development Outside Main Urban Areas), DM56: (Protection of Local Services and Community Facilities). NPPF sections 2, 6, 8, 9, 11 and 12.

5.2.1 The District's settlement hierarchy (policy SP2 of the SPLA DPD) recognises Bolton-le-Sands as one of the districts most sustainable settlements where the principle of housing can be supported. This policy recognises that sustainable rural settlements offer a range of facilities and infrastructure to support additional growth, provided, in general, that the scale of housing growth is proportionate to the existing scale and character of the settlement and availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development can be accommodated in the local area. Policy SP6 relates to housing delivery and clearly states that the figures set out in this policy represent minimum figures for new homes in the district. The policy goes on to state that opportunities for further growth will be supported where it represents sustainable development and is in accordance with relevant national and local planning policy. The principle of housing growth in Bolton-le-Sands is acceptable in spatial planning terms. The key considerations (set out in paragraph 5.1 and discussed through this report) will assess whether the proposal constitutes sustainable development.

5.2.2 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. In this regard, as of the 1st April 2021, the Lancaster District can only demonstrate a 2.6 year supply of housing land whilst an

average of 623 dwellings are required per annum to meet the district's objectively assessed need for housing. The annual need for this quantum of housing is confirmed in both policy SP6 of the SPLA DPD and the LPA's latest Housing Supply Statement. A lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. The opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relatively small scale of the proposal within a sustainable rural settlement, it would be difficult to resist the principle of residential development in this location subject to other policy considerations.

5.2.3 Turning to the issue of the loss of community facility, the supporting text to policy DM56 of the DPD sets out the role that local services can play in ensuring that communities are sustainable in the long term is recognised. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life. To this end, the Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve. Furthermore, the National Planning Policy Framework sets out in Paragraph 93 that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities and should guard against the unnecessary loss of valued facilities and services.

5.2.4 Policy DM56 sets out that proposals that would result in the loss of buildings or uses which currently (or have previously) provided the community with a local service, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate) national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;
- Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and
- The current / previous use no longer retains an economic and social value for the community it serves.

Appendix A of the DM DPD provides a Glossary of Terms and this includes restaurants as a type of business which is classed as a local service.

5.2.5 Criteria I of Policy DM56 requires a robust and transparent marketing exercise of the restaurant use to be undertaken. It sets out that the marketing period must be a minimum of 12 months and set at a realistic price using local and national agencies. The purpose of the marketing exercise is to demonstrate that the existing use of property is no longer economically viable or feasible. In other words, Policy DM56 assumes that if no offers are forthcoming within the required marketing period for the continuation of the community facility, then that use is considered to be unviable and unfeasible. Other information such as a commercial viability report assessing previous trading performance and outlining potential alternative or theoretical business plans is not required by this policy. No evidence has been submitted with the application that a robust marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. The agent argues that the business has not operated since March 2020 when Covid 19 restrictions were introduced although it is understood that the restaurant has operated on a limited capacity since as a takeaway. However, without the benefit of a marketing exercise it impossible to assess whether or not the retention of the existing use is no longer economically viable or feasible. As such the submission fails to comply with this element of the policy.

5.2.6 The second criteria of policy DM56 requires there to be alternative provision for that which is being lost as part of the proposed development. The wording of this criteria is particular in that this relates to rural settlements, of which Bolton-le-Sands is one listed within. In terms of alternative service provision, other similar facilities do exist within the vicinity of the site notably The Far Pavilion, Trungs, Rickys, The Blue Anchor, The Royal, Archers and The Bay View Restaurant. It is therefore

considered that the loss of the subject property would not reduce the community's ability to meet its day-to-day needs as there is alternative service provision within easy reach of the application site. It is therefore considered that the second criteria of policy DM56 would be satisfied.

- 5.2.7 The final criteria of Policy DM56 sets out that the current/previous use should no longer retain an economic and social value for the community. This criteria is again specific in that the community use must provide both an economic and social value rather than one or the other. It is noted that none of the public objections to the scheme relate specifically to the loss of this business. Limited information has been submitted in respect of this criteria other than the agent stating that the restaurant (which has operated in a limited capacity since Covid as a takeaway) is closed and as such it serves no economic or social value to the community. The agent goes on to state that any employment has been transferred to the Morecambe premises which the applicants own/run. However, as the business has only operated in a limited capacity over the last two years it is not possible to assess what, if any economic and social value the building holds for the local community. As such, it is considered that the submission fails to comply with the third criteria of policy DM56.
- 5.2.8 The submission highlights the site as previously developed land which is currently under-utilised as class E use. The agent has gone on to argue that as the building falls within class E, it could benefit from permitted development rights for one of the other uses within this class such as residential, retail, office sports, recreation or fitness (i.e. a gym or similar), medical or health services, crèche, day nursery or day centre. Obviously if the applicant were to take advantage of the permitted changes of use within class E it would not bring forward the additional residential units which are proposed within the submitted scheme. The agent puts forward the case that notwithstanding the failure to comply with DM56, the benefits of the scheme would far outweigh any impacts associated with the loss of the restaurant, particularly on the basis that permitted development rights now allow the change of the use of the unit to alternative uses. The agent goes on to argue that the Councils lack of 5 year housing supply position is a significant consideration in the determination of planning applications. Although this is indeed a consideration it does not override the need for compliance with the requirements of DM56 which the Council has applied rigorously in the consideration of other applications (such as 21/00469/FUL at The Britannia and 21/01549/CU Green Finch Café).
- 5.2.9 The agent has circulated a letter to Councillors which suggest that policy DM56 is outdated due to recent changes in the Town and Country Planning (Use Classes) Order 1987 (as amended). This is because a restaurant use now falls within Class E and can now change use to other uses within this use class without the need for planning permission. There is merit to suggest that Class E has to a degree undermined DM56, however the application must be assessed on the last use of the building, and that is as a restaurant. For the agent to use an argument that it could be an office is a moot suggestion, as it would need to be operating as such, and it's not. All applications must be determined in accordance with the Development Plan (unless material consideration indicate otherwise) and whilst it is accepted the Class E modifications do, to an extent jar with the thrust of the policy, policy DM56 still needs to be met, which the scheme fails to do. The agent has also pointed out that the building could be converted under prior approval to a dwelling under Class MA, which allows the conversion of premises in Use Class E to residential. Whether or not it could be converted under a prior approval route is a separate application in itself. As such, it is premature to be suggesting this, as no prior approval exists, nor has been applied for.
- 5.2.10 It is concluded that although the proposal is within a sustainable rural settlement where residential development would be acceptable, the failure to comply with policy DM56 means that the overall principle of the scheme is unacceptable at this time.
- 5.3 Scale, Layout and Design DM DPD policies DM2: (Housing Standards), DM29: (Key Design Principles), DM30: (Sustainable Design), NPPF section 12
- 5.3.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside. DM2 of the DM DPD relates to Housing Standards. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDSS) or any future successor.

- 5.3.2 The site frontage will be occupied by the semi-detached pair with the remaining 3 dwellings being located on the northern side of the plot with landscaping and some parking along the southern site boundary. This is considered to be an acceptable layout. Plots 1, 2, 4 and 5 would be 3-bed dwellings with plot 3 providing a 4 bed unit with integral garage. The general design of each dwelling would comprise pitched roofs with front gable features. External materials would include rendered elevations under slate roofs with powder coated aluminium windows. Overall, the scale, design and appearance would reflect similar development in the vicinity of the site and is considered to be acceptable. The scheme also meets NDSS requirements.
- 5.3.4 Externally plots 1, 2 and 3 would have private garden areas of a least 10 metres in depth as required by policy DM29. Plots 4 and 5 fall slightly short of this requirement but would nevertheless provide an area of at least 50sqm and therefore on balance, external amenity space is seen to be acceptable.
- 5.3.5 Overall, it is considered that the scheme represents an acceptable scheme with regard to scale, layout and design.
- 5.4 Impact on residential amenity of neighbouring properties DM DPD DM29: (Key Design Principles), NPPF section 12
- 5.4.1 The nearest neighbouring residential property is no.35 Rydal Road to the west of the site. Plot 1 will be the closest of the five proposed dwellings but will be in the same position as the one previously approved under the 2015 application. There are no windows within the western elevation of the plot 1 dwelling and therefore the scheme will not give rise to issues of direct overlooking. Plans indicate a 2 metre high boundary fence between the 2 properties will be in place. As such it is considered that the development will not impact unduly on neighbouring residential amenity.
- 5.5 Parking and highway impacts DM DPD DM29: (Key design principles), DM60: (Enhancing Accessibility and Transport Linkages); DM61: (Walking and Cycling); DM62: (Vehicle Parking Provision). NPPF sections 9 and 12.
- 5.5.1 From a National Planning Policy perspective, paragraph 108 of the NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel. Policy DM62 requires parking to be provided in accordance with appendix E of the Development Management DPD. Appendix E sets out the number of car parking spaces required as a maximum. A 3-bed dwelling should have a maximum 2 off street parking spaces and a 4-bed dwelling should have a maximum of 3 spaces. These spaces should measure 2.4m x 5m and where a garage is provided it should measure 3m x 6m internally to be counted as a parking space.
- 5.5.2 Based on the requirements of Appendix E, the development would demand a maximum number of parking spaces for eleven vehicles. As it stands nine spaces are proposed. The agent has been requested to increase this number to a minimum of ten spaces which would accommodate for two vehicles per dwelling. It is considered that this request could easily be accommodated within the site and amended plans are awaited in this regard. Furthermore, the site is located within a sustainable location with easy access to public transport facilities.
- 5.5.3 The site already benefits from an established point of access off Bye-pass Road. This will be altered slightly to a width of 6 metres at the point of access with the internal road reducing to a width of approximately 4.14 metres to the western end of the site. The proposal has been reviewed by the County Highways Officer who has noted the lack of a turning head and highlights this as a safety concern as delivery vehicles will either have to reverse into the site or on back out onto the A6 (Bye-Pass Road). The County Highways Officer advises that it is expected that any vehicle likely to access the site should be able to access and egress the site in a forward gear. The agent has been asked to look at this arrangement with a view to improving the ability for delivery vehicles to turn safely within the site. Amended plans are awaited at the time of writing this report. Should suitable plans not be received then officers reserve the right to include an additional reason for refusal.

- 5.5.4 The County Highways Officer has requested a condition requiring the submission, agreement and implementation of a construction traffic management method statement. The control and use of the highway during the construction phase of the development should be managed through appropriate highways legislation by the County Council themselves rather than through the planning process. As such this condition is not recommended.
- 5.6 Ecology and trees DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact). NPPF section 15
- 5.6.1 The site is located approximately 1 kilometre from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.
- 5.6.2 The site is separated from the designated area by intervening existing residential development and roads. As such, it is considered that there would be no direct impacts on the aforementioned designations. However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, it is considered that proposed development will have no adverse effects on the integrity of the designated site, its designation features or its conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. At the time of writing this report comments are awaited from Natural England to confirm that the suggested mitigation in the form of homeowner packs is acceptable.
- 5.6.3 A Tree Report has been carried out by Yew Tree Gardens. The Report identifies H1 (hedge) along the southern boundary of the existing car park as an even-aged mixed hedge. As the car park extends up to 500 mm from the stems of the hedge, the Report sets out that no root development will have occurred within the site. H2 (hedge) is an established Privet hedge along the northern site boundary. Again, as the existing car park extends up to the canopy of the hedge, no root development will have occurred within the site. Tree references T1 and T2 are located beyond the northern site boundary within the grounds of the fire station. These trees have interdependent crown forms due to their close spacing. Both trees have Ash dieback disease with T2 being in very poor condition and T1 having volumes of deadwood overhanging the site. It is considered that existing hard surfacing will have prevented any root development within the site. The submitted Tree Report suggests that T1 and T2 will require removal by their owners. Nevertheless, these trees do not appear to be a barrier to the development. The Tree Report also identifies G2 which is an area of overgrown hedge and garden shrubs located adjacent to the boundary in the southwest corner of the site. They will require management / removal in any development of the site.
- 5.6.4 It is concluded that the proposed development would have limited impact on the trees and hedges both on and adjacent to the site. Although no detailed Tree Protection Plan has been provided, given the existing site constraints and location of hedge planting it is considered that the provision of such a plan could be conditioned. New tree planting could also be conditioned as part of any associated landscaping plan in the case of an approval and would represent an opportunity to increase the tree stock within the site which in turn would provide biodiversity uplift.
- 5.6.5 A bat survey has been carried out by Envirotech and this concludes that there is a low potential for use of the site by bats and that there was no indication of use of the site by bats was found during the survey. It is considered that condition a condition relating to the provision of bat and bird boxes within the development could reasonably be conditioned thereby providing additional biodiversity enhancement of the site.
- 5.6.6 Overall, it is considered that conditions relating to new tree planting and the provision of bat and bird boxes within the development would achieve biodiversity net gain within the site.
- 5.7 Drainage DM DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water). NPPF section 14

- 5.7.1 The proposed site is situated in flood zone 1 and is not, therefore, a location at risk of flooding. This accords with the general presumptions set out in the NPPF and policy DM33. The critical consideration here relates to site drainage and the appropriate management of surface water to avoid a flood risk on site or elsewhere. Policy DM34 requires development to manage surface water in a sustainable way utilising sustainable drainage systems in accordance with the surface water drainage hierarchy.
- 5.7.2 United Utilities Sewer Records identify that a 150mm diameter public combined sewer traverses the west of the site, flowing in a southerly direction, the head of the system is within the fire station to the north of the site. Dye testing confirmed that the existing manholes on site are connected to the 150mm public combined sewer which traverses the site. In accordance with the NPPF and the Non-Statutory Technical Standards for SUDS: Practice Guidance the discharge of surface water shall comply with the drainage hierarchy detailed within the NPPF, National Planning Practice Guidance and within Building Regulations Part H and specifies the following methods in order of preference:
- Infiltration via soakaway or other suitable infiltration device
 - Discharge to watercourse
 - Discharge to public sewer
- 5.7.3 On-site infiltration testing has been undertaken and this concluded that the use of soakaways to dispose of surface water flows resulting from the development is not considered feasible. The nearest watercourse to the proposed development site is an unnamed watercourse which is located within the adjacent field approximately 50 metres south of the site. It is understood that connecting to the watercourse would require crossing third party land which is not considered to be viable. Furthermore, the watercourse is considered to be shallow and would require a pumped solution. Taking the above into consideration discharge to watercourse is not considered to be feasible. As such the submitted Drainage Strategy proposes that surface water from the site will be connected onto the 150mm public combined sewer which traverses the site, as per the existing situation. Due to the shallow nature of the receiving public sewer a pumped solution will be required.
- 5.7.4 Greenfield runoff rates have been calculated based on the total redline boundary of 0.138Ha, which resulted in QBar of 0.4l/s. Surface water flows from the proposed development have been restricted to no more than QBar i.e., 0.4l/s for all return periods including the 1 in 100 year event with the addition of 40% climate change. Flows in excess of this will be attenuated within a geo-cellular storage tank located within the car parking area. During the feasibility review in respect of the site drainage, permeable paving was considered within the car parking area to the south of the site, however due to the heavy maintenance burden and the fact that the drainage network will be privately managed and maintained the future risk of flooding outweighed the benefit. As such Permeable Paving was not included within the final scheme on grounds of future flood risk.
- 5.7.5 Rainwater Harvesting has been included within the proposed drainage strategy, to provide grey water to individual plots, via the use of a 1500l capacity gravity tank system located within the rear gardens of each plot. The submitted revised Drainage Strategy includes a Management & Maintenance Plan which could be conditioned in the event of the application being viewed favourably.
- 5.7.6 United Utilities have been reconsulted on the revised Drainage Strategy and their response will be reported verbally at the Committee meeting.
- 5.8 Noise and air quality DM DPD DM29: (Key design principles), DM31: (Air Quality Management and Pollution). NPPF sections 11, 12 and 15.
- 5.8.1 The submission includes an Acoustic Survey which identifies that existing background sound levels, predominantly from road traffic, would result in an adverse impact on the proposed properties to the front of the development. As such additional mitigation measures are required in the form of standard double-glazing units with trickle window vents to ensure a suitable level of ventilation is achieved, and a 2.0m high close-boarded fencing to the garden amenity areas.
- 5.8.2 An Air Quality Assessment has also been submitted which suggest the provision of electric vehicle charging points. The provision of these could be conditioned.

6.0 Conclusion and Planning Balance

- 6.1 This report has set out that the principle of residential development in this location is acceptable and can be supported as the application site is within a sustainable rural settlement. The proposed dwellings offer suitably sized units that the district would benefit from. Each dwelling would benefit from private amenity space with off road parking and subject to the receipt of revised plans the scheme would be acceptable in terms of highway safety matters. Given the LPA's lack of a five-year housing supply the application represents an opportunity to boost the district's supply, albeit in a modest way. In applying the overall planning balance, although the benefits of the scheme are noted, the proposal has failed to demonstrate that a robust and transparent marketing exercise has taken place or that the current / previous use no longer retains an economic and social value for the community it serves. Therefore, in this case it is considered the benefits of the proposal do not outweigh the failure to comply with the requirements of policy DM56 and therefore the recommendation is to refuse planning permission.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The applicant has failed to evidence to the satisfaction of the Local Planning Authority that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. In addition, it has not been demonstrated that the current use no longer retains an economic and social value for the community serves. Therefore, the proposed development is contrary to Policy DM56 of the Development Management Development Plan Document and Section 8 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Although the applicant has failed to take advantage of this service, they have previously been made aware of the issues of concern regarding the proposal which the submission does not satisfactorily address. Consequently, the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None

Agenda Item	A10
Application Number	22/00237/CCC
Proposal	County Council Consultation request for the variation of condition 1 of planning permission LCC/2016/0061 to allow for continued operation of the concrete batching plant until 21 February 2034, with all buildings, plant and associated equipment being removed and the site restored by 21 February 2035
Application site	Dunald Mill Quarry Long Dales Lane Nether Kellet Lancashire
Applicant	Lancashire County Council
Agent	
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	That in response to the County Council consultation, the City Council offers no objection subject to the imposition of conditions associated with the parent consent on the assumption that the wider application associated with LCC/2021/0058 is supported.

(i) **Procedural Matters**

This application has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals. Lancaster City Council has been consulted as the proposal falls within their District, and as such this report sets out the City Council's proposed **consultation response** to the continuation of mineral extraction at Dunald Mill Quarry, Nether Kellet. It will be for the County to determine whether planning consent should be granted or not.

1.0 Application Site and Setting

1.1 Dunald Mill Quarry is a large limestone quarry, of regional importance, located on both sides of Long Dales Lane, approximately 6km northeast from Lancaster and to the east of Nether Kellet Village. The quarry is divided into two areas by Long Dales Lane. To the west is the main quarry void, with the restoration scheme forming a lake within the main void space. To the east, where the application site is located, is a much shallower quarry formerly used for the processing plant and stocking area. The batching plant is currently non-operational and removed from site. It was situated in the south-eastern corner of the eastern extent of the quarry.

2.0 Proposal

2.1 The scheme is made under Section 73 of the Town and Country Planning Act to allow for the variation of condition 1 of planning permission LCC/2016/0061 to extend the operation period of the concrete batching plant to 21 February 2034 in line with the extension proposed on application

LCC/2021/0058 which relates to the continuation of the winning and working of minerals. The proposal suggests full restoration by 21 February 2035.

2.2 There is currently a planning application with the County Council to allow the continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035 (application ref: LCC/2021/0058). The City Council raised no objections to this scheme earlier in 2022, subject to the imposition of conditions associated with the parent consent. At the time of drafting this report the County has still to determine the application.

3.0 Site History

3.1 The site has historic planning permissions relating to the site for the wining and working of limestone.

Application Number	Proposal	Decision
LCC/2021/0058	Amendment of Condition 1 of permission 1/97/1298 to allow continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035	Pending consideration Lancaster City Council raised no objection
LCC/2016/0061	Variation of condition 1 of 01/06/1004 to permit the use of the existing batching plant until 21 February 2022	Granted
01/98/0495	Continued use and retention of batching plant and ancillary facilities	Granted
01/97/1298	Review of Old Mineral Permission (ROMP)	Granted

4.0 Consultation Responses

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

Consultee	Response
Engineers	No observations received within the statutory timescales
Planning Policy	No observations received within the statutory timescales
Tree Protection Officer	No observations received within the statutory timescales
Environmental Health	No observations received within the statutory timescales

4.2 No comments have been received in relation to the application, all publicity is undertaken by the County.

5.0 Analysis

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

- Landscape and Visual

5.2 Landscape and Visual - NPPF Section 2 Achieving Sustainable Development, Section 15 Conserving and Preserving the Natural Environment, Section 17 Facilitating the sustainable use of Minerals; Policies DM29 Key Design Principles, DM44 The Protection and Enhancement of Biodiversity. DM45 Protection of Trees, Hedgerows and Woodland, DM46 Development and Landscape Impact of the Development Management DPD; Policies EN3 The Open Countryside, EN7 Environmentally Important Areas)

5.2.1 The planning application boundary encompasses a concrete batching plant which, when operational, comprises a conveyor rising to raised covered bins which feed materials into the main mixing building which is raised above the concrete truck mixer load out bay. A weighbridge

cabin, canteen and ancillary store are located adjacent to the plant. A stocking area for imported materials used in the production of concrete is located adjacent to the plant. Access to the site is via an entrance off Long Dales Lane and through a route across the quarry floor. Turning space is provided at both the aggregate bays and the plant itself.

- 5.2.2 The plant can produce approximately 15,000m³ of ready mixed concrete, mortars and screeds per annum, using approximately 19,000 tonnes of aggregate and sand products, all of which are imported to the site. The site had been mothballed as had the main winning and working of minerals on the site but was an important supplier of mortars, screeds and concrete to Lancashire, Cumbria and North Yorkshire. Officers support the use on the assumption consent is granted by the County for the continuation of mineral working. The development is well sited and as such it is not considered would be harmful to the amenity of the local area however concerns would be expressed if the development was continued in isolation from the main use.

6.0 Conclusion and Planning Balance

- 6.1 The site is covered by a Mineral Safeguarding Area within Policy SC1 of the Minerals and Waste Core Strategy. Minerals, and mineral products make an important contribution to the local economy. Given the positioning of the concrete batching plant on the site, assuming the County support the wider winning and working of minerals would not be harmful to the open countryside nature of the area. The site shall be restored in accordance with an agreed scheme to be agreed in writing by the Mineral Planning Authority.

Recommendation

That the City Council has **NO OBJECTION** to the proposal, on the assumption that application LCC/2021/0058 is supported by the County, and subject to the imposition of conditions associated with the parent consent remaining.

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

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

Background Papers

Agenda Item	A11
Application Number	22/00041/FUL
Proposal	Change of use of second floor offices (E) to 7 cluster apartments for student accommodation (Sui Generis) comprising of 1 7-bed, 3 8-bed, 2 9-bed and 1 11-bed and installation of louvers to all elevations
Application site	Furness College Tower Avenue Lancaster University Lancaster
Applicant	Mr Guy Constantine
Agent	Mr Alexandru Rusete
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval however delegation back to Head of Planning and Place to resolve outstanding matter regarding appropriate noise attenuation measures.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is the second floor, referred to as C floor, within the Furness College building on Lancaster University campus. Furness College is located centrally within the campus to the south of Alexandra Square. The subject building comprises of 4 floors featuring brick and rendered elevations with a central open courtyard in the centre of the main building block. There are secondary buildings projecting from the north and south elevations. Internally the building currently comprises of communal space and office space to the ground floor, office space to the first and second floor and residential accommodation to the third floor.
- 1.2 The site is surrounded by built form consisting of university facilities including uses such as shops, takeaways, bars, laundry facilities, the library and teaching facilities.

2.0 Proposal

- 2.1 This application seeks planning permission for the change of use of the second floor from its current use as office space to residential accommodation for students comprising of 7 cluster apartments falling within the Sui Generis use class. The cluster flats comprise of 1 7-bed, 3 8-bed, 2 9-bed and 1 11-bed flats. The proposal also includes the installation of 200mm x 300mm louvers to all elevations to serve the kitchen and bathroom facilities.

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
11/00314/FUL	Refurbishment including window and door replacement, new lift shaft within the internal courtyard, erection of ground floor extension at entrance, creation of small retail unit at lower ground floor level, enlargement of existing stairwell at 3rd floor level and replacement of external render and roof finishes	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection raised though requested clarification regarding cycle storage
Environmental Health	No objection
Lead Local Flood Authority	No comments to provide
NHS	Contribution required towards new infrastructure at Lancaster Medical Practice amounting to £15328.00, without which they object
Planning Policy	No response received at the time of drafting this report, any comments will be shared verbally to members.
Lancaster Civic Society	No response received at the time of drafting this report any comments will be shared verbally to members.
Fire Safety Officer	No response received at the time of drafting this report any comments will be shared verbally to members.
Lancashire Constabulary	No response received at the time of drafting this report any comments will be shared verbally to members.
Natural England	No objection subject to a condition securing mitigation through a resident's information pack.

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

5.0 Analysis

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

- Principle of development
- Amenity and standard of accommodation
- Parking and cycles
- Refuse storage

5.2 **Principle of development** SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy. Development Management DPD Policies DM1: New Residential Development and Meeting Housing Needs, DM7: Purpose Built Accommodation for Students, DM13: Residential Conversions, DM14: Proposals Involving Employment and Premises. National Planning Policy Framework sections 2, 6, 8, 9, 11, 12 and 16.

5.2.1 The proposed development will result in the loss of the existing academic office space to the second floor of this building. The applicant sets out that the academic office accommodation is no longer required given the provision of new facilities on the recent Health Innovation Campus. Policy DM14 seeks to protect land and buildings that are in an active employment use, have a previous recent history of employment use, or still have an economic value worthy of retention. This application relates to a single floor within the subject building which is itself located within and functionally linked with Furness College and the wider university campus. DM14 seeks to protect such facilities in key areas such as city or local centres or on land allocated for such uses, as such it would not be

considered of relevance to this development. In addition to this, policy DM7 provides support to the provision of student accommodation on the University campus. On this basis, it is considered that the principle of the change of use of the existing academic office space to provide student accommodation to the second floor is acceptable.

- 5.2.2 The accommodation being provided comprises of cluster flats of various densities ranging from 7 bedrooms to 11 bedrooms with shared communal facilities such as kitchens and bathrooms. In effect each of the cluster flats would be defined as a House in Multiple Occupation (HMO) in planning terms. Whilst policy DM13 seeks to prevent the proliferation of HMO accommodation, this policy specifically seeks to protect housing mixes to safeguard the character of residential areas of the district, such as those closer to Lancaster. Given the application relates to an existing building within the centre of university campus, it is considered that the principle of providing HMO type accommodation in this location is appropriate.
- 5.3 **Amenity and standard of accommodation** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.
- 5.3.1 Policy DM7 and associated Appendix G sets out the standard of accommodation that must be achieved for each of the cluster flats. All rooms must be a minimum of 9m² in floor area, they must benefit from appropriate outlook and daylight and the floor plans must demonstrate the way in which furniture including beds, desks, wardrobes and drawers can be accommodated in each room. All the proposed private bedrooms meet these criteria.
- 5.3.2 With respect to communal facilities, Appendix G sets out that such facilities including kitchens and bathrooms should not serve more than 6 residents. In this case all flats exceed this recommended number of occupants. However, the kitchens including the facilities provided such as numbers of sinks, ovens, fridges and dining spaces as well as the number of toilets and shower rooms per flat are commensurate to the total number of occupants in each flat. For this reason, it is considered that the increased numbers of occupation can be supported in this instance. The accommodation would form part of the universities on campus accommodation portfolio and so would be appropriately managed by existing management regimes.
- 5.3.3 Outlook from the proposed bedrooms and shared communal facilities is acceptable overall. More than adequate separation distances are provided to the windows on the northern, eastern and southern elevations. Windows of the western elevation will face the adjacent library over the spine with a reduced separation of around 8.5 metres to the library elevation opposite. Whilst lower than the recommended 12 metres for windows facing blank elevations, given the layout of the accommodation is restricted by the form of the existing building this is considered to be acceptable. In addition to this, the windows which face into the inner courtyard of the Furness College building would experience a degree of mutual overlooking particularly in the corners, though this again is unavoidable given this is a conversion of an existing building. It is considered that the increased level of overlooking is an acceptable relationship in this instance.
- 5.3.4 The northern most rooms labelled C096, C094 and C091 located within the largest 11-bedroom flat are located close to a large extraction flue which is externally mounted to the northern elevation of the building. The flue is located immediately adjacent to the window serving bedroom C096 and mounted to its external wall. The operation of this extraction flue has the potential to result in harm to the standard of amenity that the occupants of the closest bedrooms can reasonably expect to enjoy. A noise assessment has been undertaken and this has established that attenuation to the flue itself will be required to ensure its operation does not harm amenity standards. The applicant has confirmed that attenuation will be possible and final details will be forthcoming. Subject to these details being provided and noise levels attenuated to an acceptable level the provision of student accommodation in these rooms is appropriate. It is considered appropriate to recommend the application be delegated back to the Head of Planning and Place for the final details of the attenuation requirements to be confirmed. A subsequent condition can be imposed to ensure the attenuation measures are installed prior to occupation of the accommodation.
- 5.4 **Parking and cycles** Development Management DPD DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages; DM61: Walking and Cycling; DM62: Vehicle Parking Provision. National Planning Policy Framework sections 9 and 12.

- 5.4.1 The application site is located within the centre of the university campus and the proposal does not seek to provide any designated vehicle parking spaces for the proposed residential accommodation. Considering the site's location within the campus, vehicular parking is restricted and managed by the university itself which is an acceptable arrangement.
- 5.4.2 The proposal is required to provide commensurate covered and secure cycle storage facilities. A cycle shelter is indicated on the site plan as being provided on the pathway between the Library and Lancaster Environment Centre. This is to provide spaces for 20 cycles which is in accordance with Appendix E of the DM DPD. Locationally, the cycle shelter is 15 metres from the main entrance from Furness College onto the spine and so it is appropriately accessible for residents of the proposed accommodation. Given the existing cycle storage facilities within the courtyard/underpass of the Furness College building it is not possible to provide further cycle storage in these areas. The specific details of the cycle storage facility such as the design and appearance of the canopy have not been provided at this stage, this can be secured by condition.
- 5.5 **Refuse storage** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.
- 5.5.1 The proposal includes the provision of refuse storage within the existing service yard which is situated immediately to the south and east of the Furness College building. This service area already provides a refuse storage area as well as access to the restaurant and college laundry facilities in the adjacent building. There is sufficient capacity within the southern part of the service yard for additional bins to be provided to serve the increase in occupation within the building. The provision of the refuse storage can be secured by condition.
- 5.6 **Other material considerations**
- 5.6.1 **Ecology** – The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to get to the European designated sites of Morecambe Bay, which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI). As a result of the proximity of the residential development to the sensitive site, a Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document. In consultation with Natural England, the provision of a resident's information pack would be required which can be secured by condition.
- 5.6.2 **Planning obligations** – A contribution of £15328.00 has been requested by the NHS to mitigate the effects in terms of the increase in residential occupation arising from the development. Specifically, the consultation response states the contribution required towards new infrastructure at Lancaster Medical Practice. However, the request fails to meet the required standard tests as precise details of the project to which the money will contribute has not been provided. Therefore, there is no justification to request the contribution. In line with the terms of the request the NHS raises an objection to the development in the absence of the contribution. However, this is not sufficient reason to justify refusal.
- 5.6.3 **Drainage** – The application relates to the change of use of an existing building, the proposal will not alter the sites existing drainage infrastructure, both surface water and foul drainage is directed to mains sewer systems.
- 5.6.4 **Sustainability** – The proposal relates to the change of use of an existing building and no changes are proposed to the fabric of the existing structure. The submitted Energy Statement sets out that the building is already connected to the University site wide district heating system and that this heating system has recently been subject to a review to optimise its operational efficiency.

6.0 Conclusion and Planning Balance

- 6.1 The proposal relates to the change of use of the second floor within the Furness College building from its present use as academic office space to further residential student accommodation

comprising of flats with shared facilities. There is already accommodation provided within this building to the third floor and the colleges own communal facilities are located on the ground floor. The academic office space has been relocated to the recently completed Health Innovation Campus meaning the space on the second floor of this building is no longer required. The change of use of residential accommodation to complement the colleges existing accommodation offer is considered to be acceptable. Matters relating to amenity have largely been resolved, subject to the specific noise attenuation measures being agreed. The proposed development is considered to be acceptable with regards to the other specified material considerations.

Recommendation

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

Condition no.	Description	Type
1	Time limit	Standard
2	Approved plans	Standard
3	Details and provision of noise attenuation measures	Prior to occupation
4	Details and provision of Homeowner packs and information boards	Prior to occupation
5	Details and provision of cycle storage	Prior to occupation
6	Provision of bin storage facilities	Prior to occupation

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

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

Background Papers

None

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
21/00032/FUL	Dragons Head Hotel, Main Street, Whittington Change of use of public house (Sui Generis) to a dwelling (C3), relevant demolition of outhouses and erection of a double garage for Mr Simon Nutter (Upper Lune Valley Ward 2015 Ward)	Application Permitted
21/00149/DIS	Land North East Of Ex Servicemens Club, Scotland Road, Carnforth Discharge of conditions 3, 4, 5, 6, 7, 8 and 9 on approved application 18/01183/FUL for Mr Simon Tomlinson (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
21/00464/FUL	Keer Bridge Highways Depot, Scotland Road, Carnforth Erection of storage building (B8) and alterations to ground levels including retaining wall for Mr Glen Pearson (Warton Ward 2015 Ward)	Application Permitted
21/00556/FUL	7 Dalton Square, Lancaster, Lancashire Change of use of office (E) into aparthotel (C1) comprising of 20 units on part of first, second floor and into attic, erection of single storey glazed extension to create entrance to North elevation, construction of canopy and bin store to South elevation, conversion of garages into reception area and ancillary facilities to East elevation, retrospective works comprising removal of access ramp to front entrance, insertion of 16 rooflights, insertion of windows facing passageway and replacement windows for Mr Angell (Castle Ward 2015 Ward)	Application Permitted
21/00655/CU	31 West End Road, Morecambe, Lancashire Change of use and conversion of HMO to 5 self-contained apartments (C3) for Mr. Chris Farrell (Harbour Ward 2015 Ward)	Application Withdrawn
21/00771/ELDC	Land East Of Railway Place, Railway Place, Glasson Dock Existing lawful development certificate for the use of land to the rear of Railway Place as public open space with occasional commercial use by Lancaster Port Commission for Mr David Maddocks (Ellel Ward 2015 Ward)	Application Refused
21/00907/FUL	Old Hall Barn, Brookhouse Road, Brookhouse Erection of an outbuilding, insertion of new and enlarged window and door openings and installation of replacement windows and doors for Robson Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/00908/LB	Old Hall Barn, Brookhouse Road, Brookhouse Listed building application for the insertion of new and enlarged window and door openings, installation of replacement windows and doors and removal of internal walls for Robson Brown (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

21/00988/EIO	Eden, Central Promenade Regeneration Site, Marine Road Central EIA Scoping Opinion request for the demolition of existing buildings/structures and proposed construction of major mixed use leisure development in association with Eden Project (including use classes E, F1, F2 and sui-generies) including public realm, landscaping, car parking and associated infrastructure and engineering works for Eden Project International (Poulton Ward 2015 Ward)	Closed
21/01001/FUL	2 Burford Drive, Heysham, Morecambe Erection of boundary fencing above existing and extended boundary wall and creation of parking provision to the front elevation for Mr Michal Kwiecinski (Heysham South Ward 2015 Ward)	Application Refused
21/01033/FUL	Hill House, Fairheath Road, Tatham Construction of canopy over existing slurry store for Mr Andrew Staveley (Lower Lune Valley Ward 2015 Ward)	Application Refused
21/01051/FUL	Wennington Old Farm And, Wennington Old Farm Cottage, Wennington Road Demolition of part main dwellinghouse and erection of a single storey extension and raising of roof to the existing single storey extension to the North elevation, creation of a canopy, installation of ten rooflights and replacement of two rooflights, replacement windows and doors, erection of detached garage and carport and re-roofing to the dwellinghouse; replacement roof and installation of 4 rooflights to the cottage, reroofing of attached barn; associated landscaping and alterations to land levels for Mr And Mrs Crabtree (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/01052/LB	Wennington Old Farm And, Wennington Old Farm Cottage, Wennington Road Listed building application for demolition of part main dwellinghouse and erection of a single storey extension and raising of roof to the existing single storey extension to the North elevation, creation of a canopy, installation of ten rooflights and replacement of two rooflights, replacement windows and doors, repairs to existing guttering, down pipes and soil stack, erection of detached garage and carport, internal alterations including new staircases and reconfiguration of layout and re-roofing to the dwellinghouse; replacement roof and installation of 4 rooflights to the cottage, reroofing of attached barn; associated landscaping and alterations to land levels for Mr And Mrs Crabtree (Lower Lune Valley Ward 2015 Ward)	Application Permitted
21/01079/FUL	25 Hest Bank Lane, Hest Bank, Lancaster Erection of a dwelling, detached garage, associated hard landscaping and relocation of an existing stables building for Mr E Metcalfe (Bolton And Slyne Ward 2015 Ward)	Application Refused
21/01174/FUL	Central Lancaster High School, Crag Road, Lancaster Demolition of part of existing building and erection of 2-storey building with associated landscaping for Central Lancaster High School (Bulk Ward 2015 Ward)	Application Permitted

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21/01213/FUL	Brookside, Wyresdale Road, Quernmore Demolition of existing garage, erection of single storey side and rear extension with integral garage to the front, construction of raised patio area with steps to the rear, and the installation of photovoltaic panels to the front elevation for Gillian Bradwell (Lower Lune Valley Ward 2015 Ward)	Application Refused
21/01242/FUL	Halton Community Association, The Centre, Low Road Erection of single storey front extension to facilitate disabled access for Mr Brian Jefferson (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
21/01283/FUL	Newton Green Barn, Docker Lane, Newton Erection of a carport for Simon Morgan (Upper Lune Valley Ward 2015 Ward)	Application Refused
21/01359/EIR	Land East Of, Fulwood Drive, Morecambe Screen opinion for the erection of up to 140 dwellings (C3), associated infrastructure, public open space and off-site mitigation land and associated vehicular access for Oakmere Homes (Torrisholme Ward 2015 Ward)	ES Not Required
21/01381/CU	Mobile Home, Kendal Hill Farm, Dobs Lane Retrospective application for the change of use of agricultural land to site mobile home for additional living accommodation (C3) for Mr And Mrs Charnley (Ellel Ward 2015 Ward)	Application Withdrawn
21/01401/ADV	Asda, Ovangle Road, Morecambe Advertisement application for the display of one non-illuminated fascia sign and one window vinyl for Amis (Westgate Ward 2015 Ward)	Application Permitted
21/01424/FUL	Redwell Inn, Kirkby Lonsdale Road, Arkholme Demolition of three existing outbuildings and erection of a dwelling to form managers accommodation (C3), creation of raised terraces, erection of an outbuilding and installation of drainage infrastructure for Mr P Benson (Kellet Ward 2015 Ward)	Application Refused
21/01503/FUL	Brookhouse Hall, Brookhouse Road, Brookhouse Retrospective application for demolition of conservatory and erection of replacement single storey extension for Mr Craig Worrall (Lower Lune Valley Ward 2015 Ward)	Application Refused
21/01533/FUL	73 Sandylands Promenade, Heysham, Morecambe Change of use of a Guest House (Class C1) to form 7 units of short term serviced accommodation (Sui-Generis) and construction of front and rear dormers for LINSFORT SANDYLANDS LTD (Heysham North Ward 2015 Ward)	Application Permitted
21/01589/FUL	Lancaster Golf Club, Ashton Hall, Ashton Road Erection of extension to existing machinery storage building with associated hardstanding for Mr Aaron Williams (Ellel Ward 2015 Ward)	Application Permitted
22/00004/DIS	Plot 1 Of Land Adjacent To Former Garden Nursery, 36 Lindeth Road, Silverdale Discharge of conditions 3,4,5 and 6 on approved application 18/00669/FUL for Mr and Mrs Mike Housby (Silverdale Ward 2015 Ward)	Application Permitted

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22/00018/DIS	Wray House, Hornby Road, Wray Discharge of condition 4 on approved application 21/00553/LB for Mr John Yellowley (Lower Lune Valley Ward 2015 Ward)	Application Refused
22/00022/DIS	The Old Vicarage, Melling Road, Melling Discharge of condition 4 on approved application 21/00643/LB for Robert Burke (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/00023/DIS	Land To The Side Of 5 Wallings Lane, Silverdale, Carnforth Discharge of condition 2 on approved application 21/01438/VCN for Mr and Mrs Russell Richardson (Silverdale Ward 2015 Ward)	Application Permitted
22/00024/DIS	Land North Of Hampson Green Mews, Hampson Lane, Hampson Discharge of conditions 3 and 7 on approved application 18/00661/OUT for Mrs Yvonne Dickinson (Ellel Ward 2015 Ward)	Application Permitted
22/00025/DIS	Land At Mill Lane, Low Mill, Mill Lane Discharge of condition 3 and 4 on approved application 18/00002/FUL for Mr Michael Stainton (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/00027/FUL	16 Manor Crescent, Slyne, Lancaster Demolition of existing single storey rear extension and porch, and erection of a new single storey rear extension with associated external steps for Mr. T. Celisse (Bolton And Slyne Ward 2015 Ward)	Application Withdrawn
22/00058/VCN	234 Bowerham Road, Lancaster, Lancashire Change of use of former children's home (C2) into a two six bed student houses of multiple occupation (sui generis), demolition of existing side extension, erection of single storey side extension, single storey front porch extension, alterations to window positions and change in external materials (pursuant to the variation of condition 11 on planning permission 20/01141/FUL to remove the requirement for the for the property to be occupied by students and allow use as an unrestricted HMO) for Mr J King (Scotforth East Ward 2015 Ward)	Application Permitted
22/00095/FUL	45 Acre Moss Lane, Morecambe, Lancashire Demolition of existing garage and carport and erection of a single storey side and rear extension for Mr K Hartlebury (Harbour Ward 2015 Ward)	Application Permitted
22/00098/CU	Standerlands Farm, Lancaster Road, Slyne Retrospective application for the change of use of part of stable building to form music room, garage and store to be used as ancillary accommodation in association with Standerlands Farm for Mrs Vicky Murgatroyd (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00099/FUL	1 Damside Street, Lancaster, Lancashire Installation of a flue and associated extraction equipment to the rear elevation for Mr Tekin (Castle Ward 2015 Ward)	Application Refused

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22/00100/FUL	177 Scotforth Road, Lancaster, Lancashire Erection of second floor extension to incorporate loft conversion and balcony to the rear elevation, alterations to roof including raising the ridge height and moving it towards the rear elevation, raising the eaves to the rear, and removal of existing chimney for Ms & Mr Lamont & Plant (Scotforth East Ward 2015 Ward)	Application Permitted
22/00123/FUL	102 Aldcliffe Road, Lancaster, Lancashire Erection of a detached garage/garden room for Mr.& Mrs. R. Hitchings (Castle Ward 2015 Ward)	Application Refused
22/00126/FUL	Spinners Court, Queen Street, Lancaster Replacement of timber windows/doors with uPVC windows/doors, replacement of timber cladding with zinc cladding to all elevations and replacement of timber fire exit doors with aluminium doors for Fairhold Homes (No.2) Ltd (Castle Ward 2015 Ward)	Application Permitted
22/00151/FUL	8 Woodlands View, Over Kellet, Carnforth Demolition of existing conservatory, construction of a new conservatory to rear elevation, and erection of a first floor extension to the front elevation for Andrew Trevvett (Kellet Ward 2015 Ward)	Application Permitted
22/00162/CU	13 Common Garden Street, Lancaster, Lancashire Change of use from betting office (Sui Generis) to shop (Class E) for Gener8 North Ltd (Castle Ward 2015 Ward)	Application Permitted
22/00166/VCN	11 Berwick Way, Heysham, Morecambe Retrospective change of use of dwellinghouse (C3) to a residential care home for children (C2) (pursuant to the variation of condition 4 on planning permission 21/00801/CU in relation to occupancy) for Mr Martin Horner (Heysham South Ward 2015 Ward)	Application Withdrawn
22/00168/PLDC	11 Aysgarth Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension for William Holloway (Marsh Ward 2015 Ward)	Lawful Development Certificate Granted
22/00176/FUL	24 Essington Avenue, Morecambe, Lancashire Erection of an outbuilding to the rear for Mr James Cunningham (Harbour Ward 2015 Ward)	Application Withdrawn
22/00179/FUL	127 Torrisholme Road, Lancaster, Lancashire Demolition of existing single storey rear extension, erection of a single storey side/rear extension, construction of a dormer extension to the rear elevation, and a hip to gable roof extension for Mr and Mrs Grant (Skerton West Ward 2015 Ward)	Application Permitted
22/00183/FUL	15 Woodlands Close, Lancaster, Lancashire Erection of single storey rear extension for Mrs Zanele Wood (Bulk Ward 2015 Ward)	Application Permitted
22/00184/LB	Royal Kings Arms Hotel, 75 Market Street, Lancaster Listed building application for replacement of rainwater goods to the North, North-East and East elevations for Mr B Warrior (Castle Ward 2015 Ward)	Application Permitted

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22/00189/FUL	167 Torrisholme Road, Lancaster, Lancashire Erection of single storey side extension incorporating existing garage, construction of a hip to gable extension and construction of a dormer extension to the rear elevation for Mr.& Mrs. C. Mahood (Skerton West Ward 2015 Ward)	Application Permitted
22/00196/PAH	33 Primrose Street, Lancaster, Lancashire Erection of 5.7 metre deep, single storey rear extension with a maximum roof height of 3.2 metres and a maximum eaves heights of 2.9 metres for Mr N Rafferty (John O'Gaunt Ward 2015 Ward)	Prior Approval Not Required
22/00200/FUL	26 Fern Bank, Lancaster, Lancashire Erection of a first floor side extension for Messrs Dubvisson and Foucart (Scotforth West Ward 2015 Ward)	Application Permitted
22/00208/PLDC	8 Monkswell Drive, Bolton Le Sands, Carnforth Proposed lawful development certificate for the erection of a single storey rear extension and construction of a dormer extension to the rear elevation for Mr. N. Palamountain (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
22/00211/FUL	5 Swallow Close, Bolton Le Sands, Carnforth Erection of a single storey rear extension for Mr and Mrs Browne (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00230/FUL	4 Webster Grove, Morecambe, Lancashire Demolition of existing sun room and erection of single storey rear/side extension for Mr and Mrs Cooke (Torrisholme Ward 2015 Ward)	Application Permitted
22/00236/PAH	39 Meadow Park, Galgate, Lancaster Erection of a 3.50 metre deep, single storey rear extension with a maximum roof height of 3.08 metres and a maximum eaves heights of 3.08 metres for Lucy Atkinson (Ellel Ward 2015 Ward)	Prior Approval Not Required
22/00240/PLDC	8 Burnfell Road, Lancaster, Lancashire Proposed lawful development certificate for erection of single storey side extension for Mrs N Stromire (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
22/00241/PAH	27 Carleton Street, Morecambe, Lancashire Erection of a 4.245 metre deep, single storey rear extension with a maximum roof height of 3.357 metres and a maximum eaves heights of 2.866 metres for Mr P Bourne (Harbour Ward 2015 Ward)	Prior Approval Not Required
22/00248/FUL	9 Barnacre Close, Lancaster, Lancashire Erection of a two storey rear extension and construction of a dormer extension to the side elevation for Mr.& Mrs. B. Clarkson (Scotforth East Ward 2015 Ward)	Application Permitted
22/00252/NMA	Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Non-material amendment to planning permisson 20/00405/REM for changes to plots 1,3,4,5,11,12,13,15,16,17,18,23,25,44,45,47,49,50,51,52,53,54,55 to substitute house types and adjust plot boundaries for Oakmere Homes (Northwest) Limited (Kellet Ward 2015 Ward)	Application Refused

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22/00261/PAH	25 Kingsway, Heysham, Morecambe Erection of a 4.00 metre deep, single storey rear extension with a maximum roof height of 3.16 metres and a maximum eaves heights of 2.695 metres for Mr And Mrs Perry (Heysham Central Ward 2015 Ward)	Prior Approval Not Required
22/00274/NMA	Royal Lancaster Infirmary, Ashton Road, Lancaster Non material amendment to planning permission 20/01010/FUL to include photovoltaic panel array to energy centre roof for Mr M Hampton (Scotforth West Ward 2015 Ward)	Application Permitted
22/00300/EIR	Old Waterslack Farmhouse, Waterslack Road, Silverdale Screening opinion for the resiting of four static holiday caravans and provision of landscaping (pursuant to the variation of condition 2 on planning permission 01/89/181 to allow occupany between 1 March and 31 January) for Mr Brian Hevey (Silverdale Ward 2015 Ward)	ES Not Required
22/00309/NMA	13 The Rise, Bolton Le Sands, Carnforth Non-material amendment to planning permission 20/00536/FUL to change the finish of the dormer from hung tiles to anthracite grey cladding for Mr James Horton (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00322/EIR	Scale House Farm, Scale House Lane, Wray Screening opinion for the erection of a side extension to an existing agricultural building and excavation works to form a covered muck midden for Mr Daniel Towers (Upper Lune Valley Ward 2015 Ward)	ES Not Required
22/00323/EIR	Hill House, Fairheath Road, Tatham Screening request for construction of canopy over existing slurry store for Mr Andrew Staveley (Lower Lune Valley Ward 2015 Ward)	ES Not Required
22/00325/PLDC	53 Wingate Avenue, Morecambe, Lancashire Proposed lawful development certificate for the construction of a hip to gable roof extension and construction of a dormer extension to the rear elevation for Mr S. Leggett (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
22/00356/PLDC	99 Ullswater Road, Lancaster, Lancashire Proposed Lawful Development Certificate for the construction of a dormer extension to the rear elevation for Nathan Jones (Bulk Ward 2015 Ward)	Lawful Development Certificate Granted
22/00375/NMA	Carnforth Rangers Football Club, Lundsfield, Kellet Road Non material amendment to planning permission 21/00637/FUL to amend the storage building roof construction to single sloping roof for Mr Casey Bragg (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/00383/EIR	Cotestones Farm, Sand Lane, Warton Screening opinion for erection of a roof structure over existing silage pit for Mr Paul Barker (Warton Ward 2015 Ward)	ES Not Required

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22/00395/EIR	Land East Of 61 Stankelt Road, Silverdale, Carnforth Screening request for demolition of existing garage and erection of a detached dwelling (C3) with associated driveway and landscaping, erection of a garden shed, and installation of drainage infrastructure (pursuant to the variation of condition 2 and 4 on planning permission 21/01277/FUL to amend the plans and roof materials) for Ripley (Silverdale Ward 2015 Ward)	ES Not Required
22/00409/EIR	Chimney Tower, Lindeth Road, Silverdale Screening opinion for construction of a stone plinth for Mr Peter Baker (Silverdale Ward 2015 Ward)	ES Not Required
22/00415/EIR	Higher Barn, Aughton Road, Aughton Screening opinion for the change of use of workshop and store building and land into 2 dwellings and 1 holiday let (C3), installation of windows, doors, creation of parking area and landscaping for Mr Jeffrey Metcalf (Halton-with-Aughton Ward 2015 Ward)	ES Not Required
22/00416/EIR	Higher Barn, Aughton Road, Aughton Screening opinion for the change of use of workshop, store building and caretakers accommodation into 2 dwellings and 1 holiday let (C3), construction of a pitched roof, installation of windows, doors and balcony, demolition of part of building and creation of parking area and landscaping for Mr Jeffrey Metcalf (Halton-with-Aughton Ward 2015 Ward)	ES Not Required
22/00421/EIR	Glasson Basin Marina, School Lane, Glasson Dock Screening request for the construction of 10 pontoons (pursuant to the variation of conditions 2 ,3, 7 and 8 on planning permission 20/00707/FUL to include details of ancillary infrastructure including access gates, water and electrical pedestals and an emergency buoy stand and to amend development period and the Construction Environmental Management Plan) for Mr Ian Bolster (Ellel Ward 2015 Ward)	ES Not Required