



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 7 NOVEMBER 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 10th October 2022 (previously circulated).

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 22/00332/FUL | Land North Of Bulk Road And East Of Parliament Street, Lancaster Lancashire | Bulk Ward | (Pages 5 - 31) |
| | | Demolition of existing carpet store and car wash (Class E) and erection of one 8 storey building and one 6 storey building for purpose-built student accommodation comprising 388 studios (C3) with ancillary communal facilities, new pedestrian access, public realm and landscaping. | | |
| 6 | A6 22/00017/FUL | Proposed Solar Farm Grimeshaw Lane Quernmore Lancashire | Lower Lune Valley Ward | (Pages 32 - 47) |
| | | Installation of a solar farm with associated access and infrastructure to include substations, inverter stations, control room, CCTV, lighting, perimeter fence and all associated works. | | |
| 7 | A7 22/00816/FUL | Land Off Wyresdale Road Lancaster Lancashire | John O'Gaunt Ward | (Pages 48 - 54) |
| | | Engineering works to create a surface water management scheme. | | |

8	A8 22/00817/VCN	Land Off Wyresdale Road Lancaster Lancashire	John O'Gaunt Ward	(Pages 55 - 64)
		Erection of 27 dwellings (C3) with associated access (pursuant to the variation of conditions 2, 5 and 6 on planning permission 18/00472/FUL to amend house types, access, layout, surface water management plans and install a substation).		
9	A9 21/00864/FUL	Land And Buildings South Of Number 52 Low Road Middleton Lancashire	Overton Ward	(Pages 65 - 73)
		Demolition of existing agricultural buildings and erection of 9 dwellings with access, parking, the raising of site levels and construction of retaining wall.		
10	A10 21/01522/FUL	1A Alder Grove Lancaster Lancashire LA1 5SD	Marsh Ward	(Pages 74 - 80)
		Demolition of existing managers house and erection of 2 storey building comprising of 4 1-bed flats (C3) and mixed use community room and office to serve wider sheltered housing scheme.		
11	A11 21/01588/LB	Sunderland Point Mission Heritage Centre The Lane Sunderland Point Morecambe Lancashire LA3 3HS	Overton Ward	(Pages 81 - 87)
		Listed Building application for internal alterations to provide kitchen and wc including new treatment plant, provision of water supply and ventilation pipes and grills, reset floor levels, works to create ceilings, insulation, new partition doors, architraves, skirting and relocation of wall panel.		
12	A12 22/00998/FUL	Westgate Wanderers Football Club Maple Avenue Heysham Lancashire	Heysham North Ward	(Pages 88 - 91)
		Erection of two dugouts / outbuildings.		

- 13 A13 [22/00909/FUL](#) Turning Point Theatre Arts John (Pages 92 -
Lancaster Leisure Park Wyresdale O'Gaunt 95)
Road Lancaster Lancashire LA1 Ward
3LA

Erection of single storey rear extension.

14 **Delegated List (Pages 96 - 105)**

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Keith Budden (Vice-Chair), Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Cleet, Roger Dennison, Kevin Frea, June Greenwell, Mel Guilding, Mandy King, Jack Lenox, Robert Redfern, Sue Tyldesley and Malcolm Thomas

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Alan Biddulph (Substitute), Jake Goodwin (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), Debbie Jenkins (Substitute), Geoff Knight (Substitute), Sally Maddocks (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.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 21st October 2022.

Agenda Item	A5
Application Number	22/00332/FUL
Proposal	Demolition of existing carpet store and car wash (Class E Use) and erection of one 8 storey building and one 6 storey building for purpose-built student accommodation comprising 388 studios (Class C3 Use) with ancillary communal facilities, new pedestrian access, public realm and landscaping
Application site	Land North of Bulk Road And East Of Parliament Street, Lancaster Lancashire
Applicant	PPG Lancaster
Agent	Mr Ed Flood
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Delegate back to the Head of Service until the publicity period has expired and subject to the completion of a legal agreement (if required) APPROVAL

(i) **Procedural Matters**

The application has been re-publicised following a minor change to the application site to address highway comments and subsequent changes to the application form and the issuing of correct ownership certificates. Consequently, despite the proposal being advertised and re-publicised upon its initial submission and following substantial amendments to the scheme, the statutory consultation for the application now expires after the committee date.

1.0 Application Site and Setting

1.1 The proposed site occupies a prominent position on the north-eastern edge of the city centre, bound by Caton Road, Bulk Road and Parliament Street. The site comprises two parcels of land (hereafter referred to as Block A and Block B) connected by a narrow slither of land (around 0.4 hectares in total), all of which is considered previously developed land. The site sits within a larger block of urban development bound by two primary vehicular routes – Parliament Street and Caton Road. Together, they form part of the city's gyratory system at the northern approach from the M6 towards the city centre. Development in this urban block consists of a mix of low storey modern warehouse buildings with some historic development (on the west side). Buildings vary in quality, materiality, and appearance with large areas used for service yards and parking, enclosed by security fencing and gates. This whole area is allocated in the Local Plan as a Development Opportunity Site, which falls within a wider regeneration allocation (Central Lancaster Regeneration Priority Area).

- 1.2 Block A occupies an existing carpet store and warehouse (now closed), car park associated with the carpet store and a former car hire business (ceased in 2019) and former car wash (now ceased operation). The carpet store and car park are accessed off Caton Road with the former car wash accessed close to the junction of Caton Road/Bulk Road and its egress close to the junction of Bulk Road/Parliament Street. Block B is largely derelict, overgrown with scrub with areas of hardstanding and made ground (associated with an historical timber yard). Block B has an existing dropped kerb access arrangement off Parliament Street.
- 1.3 The site is situated around 250m north of the defined City Centre boundary. Immediately south of the site is the Parliament Street Retail Park (separated by Bulk Road). Kingsway Retail Park lies to the north of the site, albeit separated by existing uses namely Farmfoods and a commercial laundry. To the east of Caton Road is the recently constructed Caton Court student development (also allocated as a Development Opportunity Site). To the north and east and beyond Caton Court, are large areas of relatively dense housing elevated above the surrounding built environment. Neighbouring land uses are a mix of retail, industrial and residential - typical of what would be expected in an urban location such as this one.
- 1.4 Block B faces west overlooking designated public open space (Green Ayre), which runs alongside the River Lune (a designated Biological Heritage Site and Marine Conservation Zone (MCZ)), and the associated River Lune Millennium Path (also Route 69 River Lune cycleway). This path provides a primary recreational route along the River Lune out towards the estuary and Morecambe Bay, which is nationally and internationally designated for its nature conservation interests (Morecambe Bay and Dudden Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and RAMSAR and the Lune Estuary Site of Special Scientific Interest (SSSI).
- 1.5 Lancaster's Conservation Area boundary is around 75 metres south of the site. Two listed buildings are located immediately to the north and west of the site, including the Grade II* listed former toll house (38-42 Parliament Street) and the Grade II listed 32 Parliament Street. Further afield, the Skerton Bridge Scheduled Monument (also grade II* listed) connects Parliament Street with Owen Road to the north and remains a key landmark within the city.
- 1.6 The site is affected by flood risk and falls within both floodzones 2 and 3, as well as areas affected by surface water flooding and a 25-50% risk of ground water flooding. Lancaster's Air Quality Management Area broadly aligns with the gyratory. Consequently, the site is also affected by this constraint.

2.0 Proposal

- 2.1 This is an application for full planning permission for purpose-built student accommodation (PBSA) consisting of 388 studio apartments (for single occupancy) with ancillary communal space split across two building blocks, connected by an external landscaped courtyard. If approved, the applicant has a desire for the accommodation to be provided for the October 2023 student intake.

2.2 Block A

Block A consists of an eight-storey building occupying a staggered 'L' shaped plan form split into three building blocks/components. The tallest sections of the building (maximum height of c25m) relate to the building blocks at the corner of Bulk Road and Caton Road. The third building component steps down to seven-storey (c21m in height) and is set back 5m from the closest facade of the building to Caton Road. Block A has a finished floor level of 7.50 metres Above Ordnance Datum (AOD), slightly higher than the adjacent highway. Consequently, a stepped and ramped access is proposed on the Bulk Road frontage. The full length of the building along Caton Road measures almost 50 metres and approximately 28 metres to Bulk Road. The depth of the building across the three blocks ranges from between c21.5 metres and 15.5 metres.

- 2.3 This building will provide 284 studios in total, including 13 DDA studios. The accommodation is spread over eight floors with no residential accommodation at ground floor level. This building has a gross internal area (GIA) of 7,711 square metres (sqm). The ground floor proposes extensive amenity space over 487sqm, which comprises a range of facilities including a games room, laundry, cinema/gaming room, yoga/dance studio, private study rooms and meetings rooms, private dining,

reception space and back of house office accommodation. Block A's main entrance is on the elevation fronting Bulk Road.

2.4 Block B

Block B occupies a rectangular plan form and is broken into two building elements/blocks, fronting Parliament Street. The northern most building block is six-storeys (c18 metres in height) with the second block dropping to five-storey (c15.5 metres in height) with a finished floor level of 7.70 metres Above Ordnance Datum (AOD). The design of these two building elements is purposefully distinct from one another. However, they are physically connected, giving a total building length of approximately 58 metres fronting Parliament Street. The building depth measures approximately 15 metres.

2.5 Block B proposes a total of 133 studios, including 8 DDA compliant studios, with no residential accommodation at ground floor level. This building has a GIA of 4,346 sqm. Like Block A, there is a range of amenity space provided at the ground floor level (totalling 486 sqm), including lounge areas, games rooms, gym, laundry, and study space. The principal entrance to this building is on Parliament Street.

2.6 Both buildings include internal refuse stores at the ground floor and within the building envelope. Block A includes two separate bin store rooms served off Caton Road. Block B provides one room to be accessed via the internal courtyard. Both buildings include a plant room, switch room and substation at ground floor level to service the development.

2.7 The proposed buildings shall be constructed and finished in a purposefully limited palette of high-quality materials, including brickwork and glass reinforced concrete (GRC) or stone cladding in muted grey/buff tones. The materials shall be laid and finished in varying forms to add interest and detail to the building appearance. All curtain walling, windows and doors shall be a powder coated aluminium frame in a colour to complement the brickwork. Block A will accommodate PV panels to the roof (positioned on shallow A frames) to support the energy demands of the development. The proposal also incorporates green roofs to support the drainage system and site biodiversity.

2.8 Private external amenity space and public realm is proposed to the rear of each of the two blocks forming the central and linking courtyard. There is modest public realm landscaping to the frontage of the buildings given the buildings tight position adjacent to the highway. In total, the proposed amenity space amounts to 973 sqm.

2.9 The external amenity space within the courtyard includes a mix of formal and informal space to relax and mix with other residents of the development. It includes pockets of formal planting, a boules area and includes a 240-capacity cycle store with sedum roof. A further 32 uncovered cycle parking spaces are provided within the public realm space. The courtyard is enclosed and fenced off from the public highway at two entrance points on Caton road and Bulk Road. The Caton Road access is capable of accommodating emergency vehicles. The proposal includes some modest public realm and landscaping works to the development frontage along Caton Road and Bulk Road, as well as a lay-by for servicing and drop-off and pick-up, 3 parking spaces and an indicative scheme for a new pedestrian crossing over Caton Road to tie into the existing crossing over Bulk Road (as part of the Caton Court scheme). External lighting is proposed across the site including a combination of 4.5m high column lighting, LED bollard lighting, building lights and festoon lighting.

3.0 Since the initial submission there have been various amendments to the proposals, largely working towards addressing scale and design concerns as well as addressing comments from the highway authority over the location of the proposed lay-by. The main changes are summarised as follows:

- A reduction of 53 studio bedrooms from the scheme (a result of the reduction to the height of Block A and the inclusion of set backs to Bulk Road)
- An additional metre set back of the building footprint from Caton Road
- Changes/breaks in materials to break up the horizontal massing of the development.

- Additional detail added to Block B to provide different architectural language between the two buildings elements of Block B.
- Alterations to the fenestration across both blocks to articulate the building design, add interest to reinforce local distinctiveness and reduce massing effects.

3.0 Site History

- 3.1 The applicant has engaged extensively with the local planning authority at the pre-application stage, along with other stakeholders. This included presenting the initial proposals to Places Matter Design Review! Significant attention was given to urban design, townscape and heritage considerations as well as legibility within the development to the neighbouring built environment, the materiality and massing/scale of the buildings and consideration to the type of accommodation proposed as well as traffic, parking and servicing. Pre-application discussions broadly supported the principle of the development and the need to delivery high quality design to complement and enhance the quality of the area. Places Matter! were not averse to the height of the proposal and in fact advocated and encouraged the applicant not to be afraid of bold design and scale in this location.
- 3.2 Aside from the pre-application discussions, in recent years there has been little planning history associated with the site. The latest and most significant was an application in 2008 for a comprehensive redevelopment of the site (and surrounding land) for the retail-led mixed-use scheme. This was refused and dismissed at appeal on the grounds the proposal was a departure from the development plan and the benefits of the scheme did not outweigh the policy conflict.
- 3.3 The most relevant planning history relates to that associated with Caton Court to the east of the site. Full planning permission was granted in January 2017 for eight buildings up to eleven stories high for student accommodation and associated communal space, infrastructure, landscaping and parking. There have been numerous variations to this parent permission, which are not set out in this report as they are not directly relevant. Phase 1 of this development has been implemented and completed. There is also a pending planning application at 1 Bulk Road for the demolition of the former public house and the redevelopment of the site comprising a 5-storey building for student accommodation above a commercial unit. This is located to the west of the proposed Block B.

Application Number	Proposal	Decision
22/00346/EIR	Screening opinion for the demolition of existing carpet store and car wash and erection of one 9 storey building and one 6 storey building for purpose-built student accommodation comprising 441 studios (sui generis) with ancillary communal facilities, new pedestrian access, public realm and landscaping	EIA Not Required
20/00895/FUL	Demolition of vacant former pub and erection of 4 and 5 storey building with roof garden and 1st floor above existing building to rear comprising of ground floor commercial unit (Use Class E) and 19 self contained flats for student accommodation	Still Pending Consideration
16/01084/FUL (and subsequent variations)	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping	Permitted

4.0 Consultation Responses

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

Consultee	Response
Local Highway Authority (LCC)	<p>Following the submission of amended plans (relocated layby), LCC has no objection, subject to the following matters being addressed:</p> <ul style="list-style-type: none"> • Contributions will be required to deliver infrastructure improvements across the city as a piecemeal approach to development does not consider the cumulative impacts of development. The highway authority contends that if cumulative impacts are not addressed, it will put the delivery of the Local Plan at risk. <i>NB: LCC have not yet provided details of the anticipated contribution requirements.</i> • Framework Travel Plan to be updated to include commitment for a Full Travel Plan within 3 months of initial travel survey. • £6k TP contribution for monitoring the Travel Plan. <p>and the following conditions:</p> <ul style="list-style-type: none"> • Traffic Management Plan (Access Strategy for drop of and pick up times) • CMP • Wheel Cleaning • Provision of car parking before occupation • Provision of cycle parking • Scheme for off-site highway works to be agreed and completed before occupation. • Travel Plan
Historic England	Response to advise HE are not offered any advice and advise the LPA obtains views from its own specialist conservation and archaeological advisors.
Conservation Team	<p>No objection - following the submission of amended plans, a summary of the amended comments are as follows:</p> <ul style="list-style-type: none"> • Block A amendments - While the scale undoubtedly remains significant, these alterations in form and massing mean the proposals are more appropriately scaled in relation to their context, improve the relationship with the adjacent Caton Court building, and creates a more varied, less monumental, architectural form. However, there have been no changes to the base of the building and only minor changes to the detailed design to introduce more variety in order to better relate it to Lancaster's character. • Block B amendments - Transposing the mass of the building to the north, would result in an improved relationship with the listed building at 32 Parliament Street. In architectural terms, the changes to this block have introduced more variety and a less dominant character, which is welcomed. This has overcome the previous adverse impact of the previous scheme. • Rope Walk NDHA - In relation to the Rope Walk, a NDHA assessment of this building was carried out and it was not considered to be of sufficient heritage significance to warrant such designation. This is largely due to the lack of survival of associated structures. • Having regard to 66 and 72 of the 1990 Act, the NPPF and policies DM37 and DM38 of the Local Plan, we consider this development, on the balance of the various proposals in the amended scheme, would satisfy the statutory and policy context in relation to its heritage impact. • Conditions relating to the precise window opening details, reveals, external materials and samples and landscaping are recommended.

<p>Historic Environment Team (County Archaeology)</p>	<p>No objection. Following an extensive response setting out comments in respect of the submitted Desk-based Archaeology report, County Archaeology (in summary) recommend the following:</p> <ul style="list-style-type: none"> • The impact of the scheme of the former Mill Race to be closely examined and assessed before determination. • The former Rope Walk building warrants archaeological investigation and recording. • Archaeological investigation to be carried out on the open yard associated with the former garage (accessed off Caton Road). • The remains of Dickinson’s Buildings to be provided from the impacts of development and if not recording would be required. <p>Recommends an Archaeological Investigation condition to capture the above matters.</p> <p>Following the submission of the WSI, County Archaeology recommends further amendments to the submitted WSI before this would be acceptable.</p>
<p>Civic Society</p>	<p>Following the submission of amendments (2nd) the Civic Society maintain their objection. The initial reasons for objection and comments on the amendments are as follows:</p> <ul style="list-style-type: none"> • No further student accommodation is required. • The application site and the adjacent corner plot should be considered in conjunction with one another – CGI’s required • Proposal of this size and bulk hinder views onto the river and from the north of the river back towards Ashton Memorial – bland in the extreme. • No mention of the outward views from Ashton Memorial, adjacent retail park along Back Caton Road. • The relationship between the proposed two blocks and thee existing Caton Court has not been examined. • No dates have been given from when County Historic Environment Record were contacted, no reference to 1:500 OS of 1892. • LB’s have been referenced, however no info provided on current condition • Inconsistencies in Heritage Statement. • Townscape Assessment doesn’t refer to any map sources between 1890 and 1957. • The Rope Walk – is mentioned in passing, but not the shipbuilding industry in Lancaster or the Rope Walks’s association – should be an NDHA and the importance has not been discussed. • The Mill Race has been overlooked. <p>Comments to the amendments:</p> <ul style="list-style-type: none"> • Minor improvements in massing and spacing. • Swapping the five and six storey element to Block B is palliative rather than remedial. • Bulk Road will be dark and oppressive. • Parliament Street frontage is deserving of a building of elegance and distinction to complement the adjacent listed building. • Concerns over materials and lighter tones and being much the same as Caton Court and recommends stone cladding. • Fully supports the comments of the City Conservation Team and County Archaeologist.
<p>Historic Buildings & Places (working name for the Ancient Monuments Society)</p>	<p>Comments summarised as follows:</p> <ul style="list-style-type: none"> • The LPA should ascertain the genuine need for the proposed studio apartments for students in Lancaster, noting the cumulative impact of further development of this scale increases the risk of harm to the historic cityscape. • The Heritage and Townscape Report acknowledges the significance of the grade 1 listed 32 Parliament street, but downplays the buildings setting. <p>Concerns raised in relation to the following matters:</p>

	<ul style="list-style-type: none"> ○ Scale and bulk of the development would absolutely dominate the streetscape and detract from the prominence and position 32 Parliament Street has historically held within the street. ○ The development would have an overbearing and negative impact on the setting of No.32 and recommends amendments to revise and reflect the setting and significance of existing heritage assets. ○ Recommends combination of setbacks at upper levels, reduction in building height and greater variation to design and materials, which overall would help deliver high-quality development and to reduce the perceived bulk of the development to ensure the scheme better reflects local character and the wider heritage of the site. <p>Relevant paragraphs of the NPPF have been highlighted to the LPA.</p>
Environment Agency	<p>Following submission of further information, the EA's initial objection has been withdrawn. The EA have no objection subject to the following conditions:</p> <ul style="list-style-type: none"> ● The development to be carried out in accordance with the mitigation set out in the amended FRA.
Lead Local Flood Authority	<p>Following the submission of amended information, the LLFA has withdrawn their objection and recommend the following conditions:</p> <ul style="list-style-type: none"> ● Development to be carried out in accordance with the amended FRA and sustainable drainage strategy ● Detailed Surface water Drainage scheme ● Construction Surface Water Management Plan ● Sustainable Drainage Operation and Maintenance Plan
United Utilities	<p>Initially UU recommended the following the conditions:</p> <ul style="list-style-type: none"> ● A detailed surface water drainage and foul drainage scheme to be conditioned. ● A condition for the Management and Maintenance of Sustainable Drainage recommended. <p>Following the submission of amended plans, UU state the amended scheme is no longer acceptable as the scheme has failed to evidence why the surface water cannot discharge to the mill race.</p>
Community Protection Team (Environmental Health)	<p>Following the submission of additional information, subject to the following conditions, the EHO has no objections:</p> <ul style="list-style-type: none"> ● The development shall be constructed and operated by mechanical ventilation ● Development to be carried out in accordance with the submitted noise mitigation (glazing specifications) and side elevation glazing specification to be provided based on the specification proposed for Caton Road. ● Phase II Site investigation ● Provision of cycle storage ● Noise mitigation scheme during construction
Natural England	<p>No objection subject to mitigation being secured by condition. NE concur with the conclusion of the HRA which requires the provision of homeowner packs for future occupants of the development (controlled by condition).</p>
GMEU	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> ● CEMP (given the proximity to the River Lune MCZ) ● No demolition until the Licence from NE has been submitted to the LPA or NE confirm Licence is not required. ● No works of demolition or works to trees shrubs between 11st March and 31st August. ● Scheme for ecological protection measures and ecological enhancement proposals
RSPB	<p>No objection and recommends enhancement measures to support the Swift City Project – integrating nest bricks into the wall and planting fruit trees to provide enhanced biodiversity.</p>
Planning Policy Team (City Council)	<p>A summary of the comments received are as follows:</p> <ul style="list-style-type: none"> ● The proposal is deemed a Departure to the Development Plan by reason of the use not forming a commercial use as envisaged by DOS1 and because

	<p>the site is not within or adjacent to the Town Centre where purpose-built student accommodation should be provided (policy DM7).</p> <ul style="list-style-type: none"> • During the preparation of the Local Plan, residential uses were considered inappropriate in the context of flood risk matters in this location. • In terms of student needs/demands, the applicant's Market Analysis does not include information with regard to capacity and void rates in the existing PBSA to demonstrate the need for further development. Reference is made to freeing up housing but there is no evidence to validate this point. • The proposal would exacerbate the concentration of students within the locality (noting the density of HMO accommodation in the defined area exceeds 25% of residential properties). This increased concentration of student accommodation would be contrary to the aims of policy DM1 which seeks to promote balanced communities. • Flood Risk Sequential tests fails to consider campus sites as an alternative and fails to consider disaggregation of the development. • BREEAM 'Very Good' should be a condition of any planning consent, although questions why the applicant has not aimed for BREEAM 'Excellent'. • The application does not address emission reductions in terms of full operational emissions of the site. Nor is it clear if embodied carbon and life cycle emissions have been taken into account and if the applicant has sought to reduce them. • Energy Statement to be updated to reflect updated Building Regulation requirements and enhancement measures proposed beyond the regulations. • Insufficient details in relation to where, what and how air source, battery and PV installations would be provided and associated noises affects considered. • More consideration to be given to overheating and potential scope for architectural interventions to support this. • More information to be provided in relation delivery and maintenance of green roofs. • Concerns over the provision, type, security and location of the cycle storage. • No disabled parking provision on site.
<p>Waste and Recycling Team (City Council)</p>	<p>Following the submission of the Waste Management Strategy, it is noted waste will be collected by a private waste collection service. The Council are unlikely to service the development.</p> <p>Initial comments raised concerns over insufficient refuse storage for fortnightly collections by the council and service routing to the stores.</p>
<p>Lancaster University</p>	<p>Comments as follows:</p> <ul style="list-style-type: none"> • Request to see more evidence of the demand analysis to support a studio only scheme. The University wishes to see a mix of accommodation types to provide economic activity. • Recommends the accommodation is promoted and advertised under the LU Homes remit (as an accepted student housing accreditation scheme). • Recommends the proposal meets Fire Service requirements • The accommodation is close to Bulk Road, the A6 and adjacent industrial units and may be adversely affected by noise and poor air quality. Adequate levels of air quality need to be maintained throughout the building. <p>Additional concerns include:</p> <ul style="list-style-type: none"> • Privacy to studios to the east elevation close to Caton Court • Little or no drop off areas for either block, creating traffic and safety issues at peak times (arrivals and departures) • Proposals do not appear to comply with LCC HMO standards. • Insufficient cycle storage • Unclear how refuse collection operates from Block B. <p>Lack of parking forcing parking on residents streets to the detriment to the local residents.</p>

Morecambe Bay Clinical Commissioning Group (NHS)	Requests a financial contribution of £142,350 towards new infrastructure at Lancaster Medical Practice. Failure to secure the contribution amounts to an objection.
Lancashire Constabulary (Designing Out Crime Officer)	In summary, the following concerns/comments have been provided: <ul style="list-style-type: none"> • The scheme should be designed to Secure by Design Homes 2019, including measures to provide adequate security within and around the development (e.g CCTV, access control systems, internal security compartmentalisation, dust until dawn 24 hour lighting). • Concerns noted in relation to the vehicular access and parking facilities. • Cycle storage to be secure and covered by CCTV and illuminated. Secure mail delivery provision.
Lancashire Constabulary (Counter – Terrorism Unit)	Counter-Terrorism Unit requests their response is shared with the applicant at an early opportunity to discussed risks and threats and necessary security mitigation to be taken into account at an early stage in the development process.
Lancashire Fire and Rescue	No objection – standard recommendations provided in relation to Access for Fire Appliances and Water Provision under Part B of Building Regulations. NB: No comments provided in relation to the submitted Fire Safety report.
Economic Development (LCC)	No objection - provides a positive commitment to meeting the output requirements for the eight key performance indicators detailed in the Construction Industry Training Board's benchmarks band 6 for residential development.

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

3 letters of objection. A summary of the mains reasons for opposition include:

- No need for student accommodation in Lancaster.
- More flats will make an already unsightly area even worse.
- Land should be utilised to provide low-cost homes for homeless individuals and families where there is the need is greatest.
- No diversity of land uses required – better shops, children centres and family homes for the people who live permanently in Lancaster.
- The proposed height of the building will make Bulk Road very dark with two buildings towering above it.
- Increased traffic would worsen existing congestion - likely lane closures to build he development would be disruptive to the community.
- Loss of employment

Additional publicity has been carried out following the amendments to reduce the scale of the development. The consultation period does not expire until 11 November 2022. Accordingly, any further representations will be presented verbally at the committee meeting.

5.0 Analysis

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

1. Land use principles and housing need
2. Heritage, design and townscape
3. Traffic, access and sustainable travel
4. Amenity (living conditions)
5. Pollution (noise and air quality)
6. Flood risk and drainage
7. Biodiversity
8. Climate Change
9. Health
10. Socio-economic benefits

- 5.2 **Consideration 1 - Land use principles and housing need** (NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraphs 39-42: Pre-application engagement and front loading, paragraph 47: Determining applications, Chapter 5 (paragraphs 61-62, 74 – 75) – Delivering a sufficient supply of homes, Chapter 7 (paragraphs 86-88 and 91): Ensuring the vitality of town centres; 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, SP6: The Delivery of New Homes, DOS1: Development Opportunity Site and EC5.2: Regeneration Priority Area; Policy TC2: Town Centre Designations and Development Management (DM) DPD policies DM7: Purpose Built Accommodation for Students and DM14: proposals involving Employment and Premises and the Meeting Housing Needs Supplementary Planning Document (SPD).
- 5.2.1 Land Use principles
The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. This approach aims to deliver sustainable growth across the district and further aims to maximise opportunities to support the regeneration of sustainable brownfield sites. In this context, the development seeks to regenerate a brownfield site within a highly sustainable settlement in accordance with these overarching strategic policies.
- 5.2.2 In recognising the importance of this part of the city and its need for regeneration, the Local Plan designates the proposed site (and the wider urban block) as a Development Opportunity Site (policy DOS1) which is located within the wider Central Lancaster Regeneration Priority Area (policy EC5.2).
- 5.2.3 Policy EC5.2 (Central Lancaster Regeneration Priority Area (RPA) seeks to support, in principle, the regeneration, reuse and redevelopment of land and buildings where it accords with other relevant policies in the Local Plan. For this area, policy EC5.2 recognises the area provides significant opportunities for improvement in both retail and cultural offer via regeneration of the Lancaster Canal Quarter and Lancaster Castle areas specifically. The proposed site sits outside these two areas but is connected by the existing gyratory and the regeneration aspirations associated with the wider movement strategy and public realm ambitions through the city. This policy does not strictly preclude residential development, although the spirit of the policy focuses largely on economic opportunities along side the aspirations of reducing traffic movements through the city and creating a more pleasant and safe environment. Subject to all other considerations, the principle of the regeneration on this brownfield site could accord with policy EC5.
- 5.2.4 Policy DOS1 (Development Opportunity Site Land at Bulk Road, Lawsons Quay, Lancaster) reiterates the principles of policy EC5 but it specific to the application site and the wider urban block it sits within. Policy DOS1 promotes the redevelopment of the site for a broader range of uses including commercial, leisure and retail uses where such uses complement the neighbouring Canal Quarter site (policy SG5). The policy goes on to state proposals should not include uses that could be located on available, sequentially preferable sites either within or adjacent to the Primary Shopping Area. Both policies EC5 and DOS1 lean towards supporting commercial development in the regeneration of this site. This proposal is not a commercial development and is a fully residential scheme. On the other hand, policy DOS1 does not specifically state residential development would not be permitted but based on the sites location within floodzones 2 and 3, residential development is clearly not promoted or anticipated (via DOS1) on this site. Furthermore, Policy DM7 (Purpose Built Accommodation for Students) specifically states PBSA will be supported where it is located on campus, within or directly adjacent to Lancaster city centre (and not on allocated housing sites). Policy TC2 of the SPLAs DPD defined the districts town and city centres. The proposed site is located circa 200m north of the defined city centre. Arguably, therefore, the development for PBSA on the proposed site is a departure to the Local Plan. A local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed. This is a matter that shall be addressed in the concluding planning balance.
- 5.2.5 In addition, Policy DOS1 expects development proposals to address several key issues, including:
- No adverse impacts on the surrounding network, local amenity and highway safety.

- Any employment and commercial uses do not impact on residential amenity of existing properties on Bulk Road, in terms of noise, odours, light and air pollution.
- Applications are supported by a Flood Risk Assessment which must be to the satisfaction of the Environment Agency and Lead Local Flood Authority.
- Cycle and walking connections between the site and the city are generated.
- Proposals should seek to preserve or enhance the setting of heritage assets surrounding the site and across the wider townscape of Lancaster.
- Due regard to all relevant policies contained within the Local Plan.

These matters will be addressed throughout the assessment of the key issues.

5.2.6 Housing needs

Policy SP6 provides the strategic framework for housing delivery during the plan period. This sets a housing requirement of 10,440 dwellings of which 2,249 of these will be student accommodation. Student accommodation comprises an important component of the district's housing market and therefore contributes towards the Council's housing supply. Currently, the Council cannot demonstrate a 5-year land supply with only 2.6 years supply of deliverable housing. The consequences of not having a 5-year housing supply means paragraph 11d of the NPPF is engaged ('the presumption in favour of sustainable development') unless policies in the Framework that protect areas or assets of particular importance provides a clear reasons for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessment against the policies in the Framework taken as a whole.

5.2.7 Policy DM1 (New Residential Development and Meeting Housing Needs) supports proposals for new residential development that ensures land is used effectively and the natural environment, services and infrastructure can or could be made to accommodate the impacts of the development. This policy also supports proposals that seek to promote balanced communities that meet evidenced housing needs. There is a significant concentration of purpose-built student accommodation (PBSA) and student HMOs close to the application site, not least from the recent Caton Court development. The density of HMO accommodation exceeds 25% of residential properties, however the restrictions imposed by policy DM13 in terms of the 10% threshold in the concentration of HMOs in a specified area would not apply to this proposal (it only applies to conversions). Nevertheless, the proposal would add a significant number of student flats resulting in a significant concentration of student accommodation within a relatively confined area. Whilst policy DM1 seeks to ensure development contributes to well-balanced communities, this policy is directed at general residential development and therefore not strictly applicable to the proposed development.

5.2.8 In this case, the application proposes single occupancy studio apartments for students as the only form of accommodation. This is a model of accommodation that the applicant is satisfied meets current demands, targeting year 2, 3 undergraduate and post-graduate students. Policy DM7 and Appendix G, which relates specifically to PBSA, does not prescribe what specific student accommodation type (i.e. cluster flats or studios) or mix of such types should be provided as part of new development. Nevertheless, the local planning authority has generally encouraged a mix of accommodate types to ensure the development provides greater diversity of accommodation.

5.2.9 The application has been supported by a detailed Socio-Economic Assessment, Market Overview Report and Planning Statement setting out the applicant's position in respect of the demand for PBSA in the city. Despite some criticism of this assessment, there is no evidence to counter the detailed and thorough information provided which indicates there is an increasing unmet demand for PBSA to support the district's existing and future student population. This looks in detail at the pattern of student growth (which continues to increase locally), international and UK demands for university places, market demands and the availability of PBSA. The assessment also notes that the provision of PBSA has the potential to free up housing supply for general family accommodation, although this is not validated by evidence from the applicant, the universities or in deed the Council. Consequently, the proposal would clearly make a positive contribution to the supply of housing generally, and specifically for students, in the district which must be afforded great weight in the planning balance.

5.2.10 Loss of Employment Uses/Community Services

Policy DM14 is relevant in the context of the loss of employment land/uses operating from the site. The site is not specifically protected by policies EC1 and EC2 (strategic existing and future employment allocations). However, policy DM14 states that the Council will seek to retain land and

buildings in active (or previous recent history of employment use) or where it still has an economic value worthy of retention, unless robustly justified. A similar approach is advocated by policy DM56 (Protection of local services and community facilities), which requires proposals that would result in the loss of a building/use which currently (or have previously) provided the community with a local service. In this case, the proposal will result in the loss of a carpet shop and warehouse, hand car wash and the car hire rental office. At the time of the case officer site visit, only the carpet shop was still in operation, although during the course of the determination of the application this has now ceased. All the buildings and land associated with these exiting and former uses are in a poor condition and in need of significant investment and regeneration.

5.2.11 Both policies DM14 and DM56 require 12 months of marketing to demonstrate the existing use is no longer economically viable or feasible; that alternative provision of the key service can be reasonably accessed by pedestrians and public transport; and the current/previous uses no longer retains an economic and social value for the community it serves.

5.2.12 In relation to 'A Cut Above', this retail space (1,355m²) has not recently been marketed but the owner has sought to sell the site for some years, appointing Richard P Taylors as their commercial agents in 2007. The applicant has not provided any evidence of historic marketing and contends formal marketing would have been economical ruinous for this existing business. Furthermore, the applicant argues the poor condition of the building also makes it uninviting for future tenants without significant investment. The applicant goes on to argue alternative carpet retailers are available locally to serve the community and as such the loss of this retail premises would be detrimental to the community it serves. The absence of a full marketing exercise does result in a conflict with the requirements of policy DM56. However, given the sites wider context within a regeneration priority area and within the DOS, the level of harm arising from this conflict of DM56 would not be significant.

5.2.13 The Council's development strategy (policy SP3) for the district seeks to maximise development growth in a sustainable manner, focusing development in urban locations and maximising regeneration opportunities on brownfield sites, particularly through allocated Development Opportunity Sites. The degree of conflict with DM56 would not outweigh the wider benefits associated with the regeneration of the site with a high- quality development proposal.

5.3 **Heritage, Design and Townscape** (NPPF Section 16 Conserving and enhancing the historic environment - paragraphs 194-202 and 205; Section 12 Achieving well-designed places – paragraphs 126, 134; Strategic Policy and Land Allocation DPD Policy SP7 Maintaining the Districts Unique Heritage and Policy DOS1 Development Opportunity Site and Development Management DPP Policies DM38 Development affecting Conservation Areas, DM39 The setting of Designated Heritage Assets, DM42 Archaeology and DM46 (Development and Landscape Impact)

5.3.1 Strategic policy SP7 (SPLA) states that '*Lancaster District has an extraordinarily rich and varied historic environment*' and that its heritage assets shape the district's distinctive identity. Policy SP7 requires the Council, as well as fulfilling its statutory duty, and amongst other requirements, to protect and enhance local heritage assets and to maximise opportunities to reinforce the district's unique identity and the wider enjoyment of the historic environment. This also links in with the central Lancaster regeneration aspirations set out in policy ER7.

5.3.2 When assessing development that affects designated heritage assets the Council must demonstrate it fulfils its statutory duty. This is provided below:

The local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have **special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses***"; and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires ***special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.***

5.3.3 This legal framework to *preserve* and *enhance* is reflected in national and local planning policy. Paragraph 197 of the NPPF provides the starting point for determination planning application that affect heritage assets. It requires the local planning authority to take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

5.3.4 It does state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm of loss requiring clear justification. Furthermore, the NPPF defines the setting of a heritage asset as the surrounding in which it is experienced. The extent is not fixed and could change as the asset and its surroundings evolve over time. The NPPF does make clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset the greater the weight that should be attached. Significance derives not only from its physical presence, but also the setting.

5.3.5 Lancaster is situated within a broad valley beside the River Lune with moorland to the east and Castle Hill to the west. The hilly skyline is an important part of the city's setting, with key civic buildings occupying the higher ground and breaking the skyline. The Castle, St Mary's Church and the Ashton Memorial, all grade I listed buildings and of the highest significance, provide the principal focal points to west and east respectively and provide the city with a distinctive sense of place. The hilly topography provides fine views and interesting level changes which are a distinctive aspect of Lancaster with more intimate framed views along streets. The river and canal provide strong landscapes within the city, lined by good groups of historic warehouses, mills and workers housing, complemented by recent development. The city centre is still predominately low-rise and finely grained, allowing landmark historic buildings to punctuate the townscape.

5.3.6 The proposed development is situated just to the north-east of the city centre near to the River Lune and close to the boundary of the conservation area. The Conservation Area covers the historic core of the city, as well as peripheral areas of 19th century urban expansion for housing and industry. The archaeologically sensitive Roman and medieval heart of the city has been overlaid with phases of 18th and 19th century development which have created a city of great richness, character and diversity.

5.3.7 The proposed development is awkwardly disposed on Parliament Street facing the River Lune and at the corner of Caton Road and Bulk Road. The other corner plot between the two sites is in separate ownership. The proposal lies outside of the conservation area and does not contain any listed buildings. Therefore, the proposal will not directly affect the fabric of any heritage assets (although there could be buried remains which will be discussed in Section 5.3.12). In this case, the main heritage considerations relate to the effect of the proposals on the setting of heritage assets, largely the conservation area, Ashton Memorial, St Johns Church (and other listed buildings on the city skyline), 32 Parliament Street, Skerton Bridge and 38 -42 Parliament Street and archaeological interests.

5.3.8 Impact on Conservation Areas
Lancaster Conservation Area is sited around 100m to the south of the application site with the applicants suggesting that the setting of the Conservation Area will be largely unaffected by the proposed development. The Bulk area of the city forms part of the setting of the conservation area with distant views from across the River Lune are particularly important. Given the scale of the proposal there are views into, across and out of the conservation area where the development will provide a new prominent feature within the townscape. The main concern relates to Block A. Block A as initially submitted was of a scale and form that was not in keeping with the finer grain of Lancaster (more so to the east and south) and contrary to the applicant's assertions that the proposal would have a neutral impact to the significance of the conservation area overall, officers did not share this view. The amended scale and massing of Block A still results in a building of significant scale and bulk, therefore these concerns are not fully overcome. However, except for the neighbouring listed buildings, the immediate local area is of little historic character and is in need of significant regeneration. The reduction in height, the inclusion of setbacks, the stepping down in height to the north and high-quality material and fenestration breaks, together with enhanced architectural detailing has helped mitigate the concerns over massing. In views from across the

river, the development will sit below Caton Tower with prominent vertical features of important listed buildings in the skyline retained. Whilst the development is significant in height and massing the embodied design mitigation will deliver a high-quality form of development which overall would not lead to harm to the significance to the setting of the conservation area overall. Thus, continuing to preserve the special character of the heritage asset in accordance with statutory provisions and planning policy.

5.3.9 Impacts on 38-42 Parliament Street and Skerton Bridge

These Grade II* listed buildings and Scheduled Monument are not directly adjacent to the site. These designated heritage assets derive quite a high degree of significance from their setting and their relationship with one another. There are existing aspects of the setting which already detract from this significance, most notably the large buildings on the urban island and the poor quality of buildings that sit adjacent to the asset and the busy nature of the traffic over the bridge. The townscape quality is generally poor but is predominately low-scale and has a sense of openness (allowing expansive views of the city's townscape and skyline in the backdrop). The current site and buildings do not positively contribute to the setting of the asset. The proposed development, in particular Block B, will affect the setting of these assets especially in views looking north along Parliament Street and from Skerton Bridge. The proposed development will present a large mass of development and will result in an inevitably minor adverse impact on the setting of the assets. This is largely because the new buildings will become a new prominent feature on the townscape, detracting from the significance of the assets (more so 38-42 Parliament Street). Nevertheless, the development will substantially improve the townscape quality around the listed buildings compared to the current condition of the site. In this regard the proposal is now considered to have a neutral impact with the adverse impacts arising from the massing of the buildings balanced against the improvements to the townscape quality which is considered beneficial to the setting of the asset.

5.3.10 Impacts on 32 Parliament Street

Unlike the previous heritage assets considered, this listed building does not derive much of its significance from its setting. It is a rare example of Ventian Gothic style and provides a contrast to much of the city's Georgian features. It was designed to showcase its architectural interest and difference with most of the city at its time. Nevertheless, its setting is important and currently consists of the proposed vacant site to the north and poor quality (but low-scale) development to the immediate south. Caton Court and larger industrial buildings form part of the townscape setting detracting from the significance of this heritage asset.

5.3.11 Both Blocks A and B have the potential to impact this listed building, though Block B has a more intimate relationship, as it will effectively infill the gap and create a new street scene character. Block A will be seen in the backdrop to this heritage asset. There have been various amendments to the scale and design of Block B. Most notably the transposing of the highest part of this block to the northern element, subtle setbacks at roof level, and amendments to the architectural language of the development so it reads as two buildings (albeit connected). Design, fenestration, and material changes have also ensured the development now has a more vertical emphasis and a greater design variety to compliment the local townscape character. The massing of Block A, with the amendments, will still form a large and rather incongruous mass of development in the backdrop and setting of the asset (but not untypical of the area given the presence of Caton Court). Blocks A and B combined will create a sense of enclosure to the setting of this listed building and will to a certain extent have an overbearing presence (more so Block A). Block B, with its embodied design mitigation, will be taller than the adjacent listed building and will arguably detract from its presence. However, on the other hand, it will substantially improve the character and townscape quality along Parliament Street which is seen as a benefit. Overall, there would be a minor adverse impact to the significance of this listed building largely deriving from the increased scale and massing of the proposed development. This harm is considered less than substantial.

5.3.12 Buried Archaeology

Policy DM42 states development proposals should conserve or enhance those elements which contribute towards the significance of a Scheduled Monument or an archaeological site of national importance. The NPPF also places emphasis on the need to record and understand the significance of any heritage assets to be lost in a manner proportionate to their importance. In this case, the site is located in an area of high archaeological interest. The applicant has considered the effects on archaeology and has submitted an Archaeological Desk-Based Assessment and an initial Written Scheme of Investigation to facilitate the next stage on assessment and recording. The majority of

the existing buildings on site are of no historical interest, with the exception of the Rope Walk building. This building has been considered and assessed by the Council's Conservation Team who have concluded this building would not meet the criteria for a non-designated heritage asset largely because of the lack of survival of associated structures. However, a building recording condition is necessary to record what does remain and the associated history, including other historic structures on the wider site.

5.3.13 The history of the site has been carefully examined by the applicant and the County Archaeologist who have concluded the need for further archaeological investigations, which should also include consideration of the impact of ground works on the Mill Race. The applicant has submitted a WSI which following consultation requires further amendments, largely to take account of the timing of ground works, demolition and invasive investigations and the effect on the Mill Race and the type of recording needed for the Rope Walk building. The County Archaeologist has concerns over the timing of archaeological investigations and the timing for the proposed works to implement the development on the effect on the Mill Race. There has been no objection from statutory consultees in connection with the impact of the proposal on the integrity of the Mill Race. As such, it is contended that through the submission of an appropriate Surface Water Construction Management Plan (which needs to evidence the development will not impact the Mill Race) amendments to the submitted WSI (by condition), this could be reasonable controlled by planning condition.

5.3.14 Paragraph 202 of the NPPF and local planning policy states that '*where a development proposed will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal*'. Despite some objections and concerns over the effect of the proposal on the townscape character and significance of heritage assets, officers are satisfied the less than substantial harm identified to 32 Parliament Street, would be outweighed by the wider benefits associated with the development. These benefits include the regeneration of a prominent gateway site, improvements to the townscape quality through high-quality designed development and the housing benefits). The Council's Conservation Officer is now satisfied with the proposals and raises no objection to the development, subject to conditions to secure the design quality proposed. Consequently, the proposed development is considered compliant with Section 16 of the NPPF and policies DOS1 of the SPLA DPD and policies DM38, DM 39 and DM41 and DM 42 of the Development Management DPD.

5.3.15 Design and Townscape Considerations

Planning policy places an increasing emphasis on the need to deliver high-quality, beautiful and sustainable places. Policy DM29 and DM46 seek to achieve this overriding ambition by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Recognising the scale of the development, the applicant has undertaken a townscape assessment (with a series of visualisations) and undertaken a lengthy design assessment in formulating the latest proposals. The design and access statement demonstrates a commendable effort in looking closely at Lancaster's architecture and overall character.

5.3.16 The proposed development has evolved during the determination period. This has led to a more interesting and varied design composition, which has taken careful and sensitive influences from local vernacular and the architectural detailing of significant buildings and structures locally. The contemporary interpretation of historic features is especially noticeable on Block B, which shall have a more intricate and prominent position in townscape terms to Block A. Block A is more tightly confined by the highway network and the existing built environment. Nevertheless, attention to the detailing of the development and the subtle changes in window forms and materiality alleviate some massing concerns with modest improvements to the public realm along the street frontages. The materials proposed at minimal - typical of Lancaster. Rather than introducing numerous materials, the applicant proposes the use of limited materials in different tones and textures (brickwork) to create variety and interest. It is noted that there have been concerns raised over the colour and tones of the upper levels noting Lancaster would typically see darker tones to reflect the roofscape. Officers are satisfied the lighter tones at this level will be acceptable given the interesting design of the roof level (to Block B). The aesthetics of the development has substantially improved and would now conform to the requirements of policy DOS1 and DM29 which seeks to secure good design.

5.3.17 In terms of place-making, this concept and approach is limited to the application site given the piecemeal nature of the proposal across the wider development opportunity site. Notwithstanding

this, the proposed public realm and landscaping to the rear of the buildings is of high quality and will create a distinct sense of place for future residents to enjoy. This a positive aspect to the scheme, particularly given the dense urban character of the site and its surroundings.

- 5.3.18 The immediate townscape is arguable of poor quality (the urban island between the gyratory system) and clearly recognised in the Local Plan as an area in need of significant regeneration. The building forms vary substantially from low-scale industrial warehouses, large and bulky residential development to important and intricate listed buildings. The site is located in a character area which despite being enclosed by the highway network occupies a prominent position overlooking the River Lune and has a distinct sense of presence in townscape terms. The character area to the east (Bulk area) is a much finer grain – dominated by dense rows of low-scale stone terraced housing.
- 5.3.19 The applicant’s assessment concludes that the proposed development will have a minor adverse townscape impact on the character of the Bulk area but a moderate beneficial townscape impact on the urban site where the site is located. The effects on the other character areas assessed (including the canal corridor area, Newton area and residential areas to the east) would experience negligible effects on townscape character. Officers concur with this conclusions. The overall scale and massing of the development, despite the design mitigation to reduce the massing effect, will still lead to a degree of harm on the townscape character to the Bulk Road area. Arguably this relates Block A rather than Block B. In this sense there is a degree of conflict with policy DM29.
- 5.3.20 In terms of the visual effects of the proposal, a proportionate selection of viewpoints has been assessed including views from across the River Lune, where the city’s topography and intricate skyline is particularly noticeable. For the ten viewpoints assessment, the views from Skerton Bridge looking across toward the site with the city’s townscape in the backdrop would experience the greater level of impact. Whilst the development has been reduced in height, the massing of Blocks A and B combined, when forming the foreground to the recently constructed Caton Court, would represent a substantial parcel of large-scale development, which is notably not typical of Lancaster. It is accepted the reductions to the height of the development improve the relationship with Caton Court, allowing the tower to remain a focal point (standing approximately 10 metres taller than the proposed development), but the massing of the overall development creates an urban block dominated by significant mass and scale. However, the amendments have improved the visual impacts of the development in all other viewpoints. Concerns raised in relation to the sense of enclosure to Caton road (a consequence of the proximity of the development to Caton Court), are valid but given the set back from the highway and dropping in height to the northern element of Block A, these concerns would not be substantiated.
- 5.3.21 The adverse effects identified are balanced against some beneficial townscape and visual effects arising from the proposal. While the massing of the development is not typical of Lancaster’s character more generally, it is not untypical of the townscape in the immediate locality. Furthermore, it will undoubtedly improve the street scene and townscape qualities along Parliament Street and regenerate an important gateway position, which currently fails to positively contribute to the area. Provided the quality of design can be secured (by condition), on balance, the proposal is considered compliance with the high-quality design aspirations of the NPPF, policy DO1 and DM 29 of the Local Plan.
- 5.4 **Accessibility, sustainable travel, and traffic impacts** – (NPPF: Chapter 9 paragraphs 104-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for the District), 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
- 5.4.1 Accessibility and sustainability
Policy SP10 of the SPLA DPD and policies DM60, DM61 and DM63 seek to direct new development to sustainable locations, to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. This policy approach aligns with the Council’s development strategy (policy SP3) and is reflective of the principal objectives set out

in the NPPF (paragraphs 104-105) to promote sustainable transport in planning policy and decision-taking.

- 5.4.2 The application has been supported by a Transport Assessment. This considers accessibility and traffic impacts associated with the development. Firstly, policy DM7 directs new PBSA to the university campus or within or directly adjacent to the city centre. Fundamentally this is because of the good sustainable travel connections between the city (and all its services and facilities) and the university. In this case, the site is located outside the city centre itself, but it is in a highly sustainable and accessible location with public transport and local amenities within 400m of the site. The nearest bus stops are within 150 metres of the site with the city's bus stop around a 5 minute walk from the site. There are regular bus services available for future occupants with public transport anticipated to be the main modal choice. The Uni-rider ticket will be promoted through the Travel Plan.
- 5.4.3 The existing pedestrian infrastructure provides a good basis for future pedestrian trips to and from the site. Improvements to the pedestrian network are proposed to ensure pedestrian movements are efficient and safe. This includes widening of the Caton Road frontage footway to 2mtres, provision of tactile paving at crossing points and a new controlled crossing at the Bulk Road/Caton Road junction. There are also ramped and step access points into the development.
- 5.4.4 Existing cycle routes are within easy reach of the application site, which provide both leisure and commuter routes between the city and the universities. These routes shall be promoted in the Travel Plan (to be conditioned). Cycle parking provision equates to around 70% of the total number of studio units. Policy indicates 100% cycle parking should be provided. However, from the applicant's own experience delivering PBSA and having regard to the level of provision provided across other schemes, including Caton Court, the proposed cycle storage provision is deemed acceptable and sufficient to support sustainable travel options. Precise details of the cycle storage proposals and their provision before occupation shall be controlled by planning condition.
- 5.4.5 Given the sites accessible location, the development is car-free, other than three spaces located on the Caton Road frontage for staff and an accessible space. Each of these spaces will have access to electric vehicle charging.
- 5.4.6 The proposal includes a new loading bay located on Caton Road. The location of this has been amended to address concerns raised by the highway authority. This loading bay will form part of the off-site highway improvements works and will facilitate safe loading for servicing and taxi drop off and pick up. The site is in close proximity to other public car parks for visitors of the development. the proposed access off Caton Road, intended only for the developments access strategy and for emergency vehicles is considered suitable for its intended purpose. There is no vehicle access proposed off Parliament Street.
- 5.4.7 Overall, the proposal would adequately comply with the requirements of local and national planning policy regarding the prioritisation of sustainable travel modes and ensuring the development can be safely accessed.
- 5.4.8 Traffic Impacts
The submitted Transport Assessment also assesses the traffic impacts through an assessment of the anticipated trip generation. TRICS data has been used to establish the vehicles trips associated with the development. This predicts around 45 vehicles trips per day. This is based on an assumed average parking level of 4.5% (for student accommodation), which is significantly higher than the proposed development. Therefore, this traffic forecast provides an overestimation of likely traffic flows on the network. This level of traffic will have a negligible impact on the highway network, particularly factoring in the traffic generated by the former uses and especially the car wash.
- 5.4.9 Given the nature of the proposed development, on a typical day, the proposal will generate a low level of traffic, which will be mainly associated with servicing, taxi and staff movements. However, an Access Strategy to manage student arrival and departures each term will be required. The applicant accepts the need to address this as part of the wider management of the development to ensure, during these periods, there would not be unacceptable impacts or safety concerns on the highway network. This is particularly important given the location of the site on an extremely busy (and at peak times) congested part of the gyratory. The TA provides a framework of how the development would manage arrivals and departures by allocating allotted times for drop off/pick up.

The central courtyard would be utilised for this with access taken off Caton Road. Like other developments, this can be controlled and managed by planning condition.

- 5.4.10 In terms of highway safety, the proposal will remove several access and egress points from the network – most notably those associated with the former car wash which were poorly sited close to the Caton Road/Bulk Road junction. The amended loading bay position, which is located further north on Caton Road, has addressed initial safety concerns raised by the highway authority. Given the negligible traffic generated by the proposal and improvements to the safety of the network in the vicinity of the Caton Road/Bulk Road junction, together with the provision of a suitable loading bay and improved pedestrian crossing facilities, the development is considered acceptable and compliant with policies DOS1, DM29, DM60 and DM61 of the Local Plan and the NPPF. The highway authority has raised no objections to the development from an accessibility and highway safety perspective.
- 5.4.11 The local highway authority has, however, indicated that all new development should contribute to the district wide highway infrastructure strategy. This is intended to help support and facilitate extensive new highway changes and improvements to existing infrastructure to ensure development does not compromise existing and future movement needs and supports the delivery of infrastructure to accommodate planned growth. This approach is supported by policy DM58. The applicant accepts the principle of a likely contribution provided it meets the CIL tests as set out in paragraph 57 of the NPPF (and DM58). At the time of writing this report, the highway authority has not provided details of their S106 request to support the infrastructure strategy. A verbal update will be provided. Should their requests be supported, this would require the applicant entering into a planning obligation with the local planning authority and local highway authority.
- 5.5 **Residential Amenity and Pollution** (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 DM7 (PBSA), DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being)).
- 5.5.1 Residential amenity standards set out in the NPPF and in the Local Plan are equally applicable to student accommodation. The proposed development has been designed to ensure all the studios meet the requirements of policy DM7 and specifically appendix G which sets out the required amenity standards to ensure acceptable living standards can be provided. For single occupancy, this requires all studios to be at least 19 square metres, to have an acceptable level of outlook and natural light. The proposed layout of the development sufficiently meets these standards. The pre-amble to Policy DM29 (applicable to all new development) provides additional criteria to ensure new dwellings are private and free from overlooking and overshadowing. This includes expected interface distances between habitable and non-habitable space within new and existing buildings. In this case, the proposed development marginally falls below these expected levels between Block A and Caton Court (around 19 metres) and Block A and existing buildings to Parliament Street (c18.5m). The rear of Block B has an interface distance of 16.2m to the rear of the laundry building. Policy does recognise that there will be instances where interface distances may need to be increased or reduced depending on circumstances such as topography and density. Given the characteristics of the site and surrounding development, the reduced interface distances in the locations identified, would not result in unacceptable living conditions for future occupants of the development.
- 5.5.2 The proposed development has provided adequate provision for refuse storage, which will require a private waste management strategy, as well as high-quality external amenity space to ensure future residents have access to open space to support their health and well-being. These elements of the scheme are considered compliant with the local plan and NPPF.
- 5.5.3 In terms of the effects of the development on neighbouring residential development and given the scale of the proposed development, the applicant has undertaken an appropriate daylight and sunlight assessment based on the methodologies and guidance set out in the Building Research Establishment (BRE) Guidelines titled 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). This assessment has been carried out based on the original proposals and does not account for the amendments which have resulted in a minor increased in separation between Block A and Caton Court, the reduction in height to Block A (by a storey across the whole

block and a storey and a half to the northern element of Block A) and the transposing of the taller section of Block B to the north. Against the baseline, the assessment does identify a level of impact to adjoining development, this mainly relates to the property to the rear Parliament Street, side of Bulk Road and the lower floors of Caton Court.

- 5.5.4 The assessment confirms that of the 384 windows assessed on Caton Court, 333 windows would meet the BRE guidelines for Vertical Sky Component (VSC – from a single point at the centre of the window the quantum of sky visible) with 51 not meeting the guidelines. Of the 303 rooms considered for the No Sky Line (NSL – a simple test to establish if the sky will be visible with the proposed room) assessment 261 rooms continue to be the BRE Guidelines (42 rooms falling below the guidelines). The assessment for Annual Probable Sunlight Hours (APSH - the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness at the location in question) shows all rooms affected to continuing to meet the guidelines. For 30 Parliament Street the results are as follows:
VSC – of 30 windows, 18 windows continue to meet the BRE guidelines and 12 do not
NSL – of the 14 rooms, 7 rooms meet the BRE guidelines and 7 do not
APSH – of the 6 rooms assessed only 1 meets the guidelines and 5 fall below the guidance.
 For Bulk Road: of the two rooms assessed both the VSC and NSL fall below the BRE guidelines.
- 5.5.5 Caton Court comprises a high-rise student development providing a mix of student accommodation types (cluster flats and studios) with significant communal space provided, including a sky lounge and study space offering existing residents alternative habitable space from their own bedrooms/studios. The design of Caton Court (like the proposed scheme) is self-limiting on the availability of daylight (generally a rectangular floorplan with single window) meaning daylight can only penetrate so far into the rooms. The development will cause a reduction to the NSL daylight but the level of impact is not considered significant overall. Development to the rear of 30 Parliament Street also has consent also for student accommodation, with habitable windows facing over the proposed courtyard to Block A at an interface distance of c25m. Whilst interface distances are acceptable, given the height and form of the development there will be an inevitable impact on natural light and sunlight (as the applicant's assessment indicates). In the case of Bulk Road, the site is unoccupied at present and previously used for storage (at the first floor) and commercial uses at ground floor. The pending planning application (at Bulk Road) proposes two windows facing east which would be impacted by the development. As this does not have planning consent and there are no occupants to experience the change in daylight/sunlight, the impacts are equally not considered significant. In all cases, the sensitivity of changes to daylight/sunlight will vary dependant on the receptors and the character of the area. In this case, all residential development surrounding the site is for student occupation. Furthermore, it is in a highly urbanised location where the expectation for changes to the build environment would be greater than in a suburban location.
- 5.5.6 Furthermore, the BRE guidelines are just guidelines. Meeting particular targets or values from the BRE is not prescribed in planning policy. Equally, the National Planning Practice Guidance (NPPG) recognises that *“appropriate levels of sunlight and daylight will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.”* There are many factors to be taken into account aside from the physical separation between buildings. It is important to have regard to location, context and the nature and character of surroundings uses. Overall, it is considered that the impacts identified would not result in significantly adverse living conditions to existing occupants to warrant the development contrary to the requirements of DM29 and paragraph 130 of the NPPF.
- 5.6 Noise and Pollution - NPPF paragraphs 183-186; Development Management (DM) DPD policy DM31 (Air Quality Management and Pollution) and the Council's Low Emissions and Air Quality Planning Advisory Note 11.
- 5.6.1 Paragraph 185 of the NPPF states decisions should ensure new development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment. Policy DM29 seeks to secure the same. Given the sites location on a busy section of the gyratory and nearby industrial uses, the application is supported by a noise assessment. The submitted noise assessment suggests glazing specifications achieving 37dB R_w+C_{Tr} to the façade facing Caton Road and 29dB R_w+C_{Tr} to the rear are required to safeguard future residents from

adverse environmental noise conditions. This level of mitigation can be controlled by condition. The noise assessment fails to give a glazing specification for the side elevation. The Council's Environmental Health Officer (EHO) suggests the same glazing specification to that on Caton Road, unless additional information is provided. The applicant is agreeable to a further noise assessment to be submitted by condition to establish the required specification to the side elevation. The initial assessment indicated trickle vents within the windows, however, the applicant now proposes the development to be fully mechanically ventilated which will secure acceptable noise levels with the windows closed. It is noted the applicant intends to provide air source heat pumps and other plant to service the development. The noise assessment purposes noise limits for the plant to meet the required standards. This can be controlled by planning condition.

- 5.6.2 Given previous uses on the site, a phase II site investigation and remediation strategy will be required. This is to ensure the ground conditions and risk arising from land stability and contamination can be fully considered and mitigated against. This will be required as a pre-commencement condition and is an approach supported by the Council's EHO.
- 5.6.3 Noise and vibration impacts during construction are capable of being minimised to acceptable levels through the submission of a scheme for the control of noise and vibration to be secured by conditions. This can form part of the CEMP.
- 5.6.4 Air Quality - The site lies within the Lancaster Air Quality Management Area and has been supported by an Air Quality Assessment (AQA). This assessment has been subsequently updated to address initial concerns raised by the Environmental Protection Team. It is accepted that the proposal has the potential to cause air quality impacts as a result on potential dust emissions during construction and road traffic emissions associated with vehicles travelling to and from the development once operational. Policy DM31 states all development proposals must demonstrate that they have sought to minimise the levels of air polluting emissions generated from the development and to adequately protect existing and new users from the effects of poor air quality. Paragraph 186 of the NPPF is relevant and requires planning decisions to sustain and contribute towards compliance of relevant limit values or nationally objectives for pollutants and to take opportunities to improve air quality or mitigate identified impacts.
- 5.6.5 In terms of the air quality impacts during construction (including the demolition, earthworks, construction and track out) the assessment concludes there would be a negligible to low risk on human health. In accordance with good practice guidance (IAQM), mitigation measures to reduce fugitive dust emissions during construction phases are proposed and would be covered through the submission of a Construction Environmental Management Plan (CEMP). With appropriate mitigation controlled by the CEMP, the residual impacts from dust generating activities during construction are predicted to be not significant.
- 5.6.6 The main air quality considerations once operational relate to the protection of new occupants given the sites location within the AQMA (and their exposure to existing pollutants) and the effects on new and existing occupants from the potential increase concentrations of NO₂ as a result of increased road traffic exhaust emissions associated with the vehicles travelling to and from the development. The submitted AQA has assessed the potential for air quality impacts as a result of traffic emissions and using standard screening criteria, in accordance with the Institute of Air Quality Management (IAQM) guidance, concludes the development would not lead to significant air quality impacts. This is because of the low number of vehicles trips anticipated to be generated (44 vehicle movements per day). The assessment submitted also includes a review of local monitoring results in order to identify potential for exceedance of the long and short-term AQOs for NO₂ at the development site. This concludes the annual mean NO₂ concentrations recorded close to the site (Caton Road) have not exceeded the AQO in recent years. There is no local authority NO₂ monitoring along Parliament Street. However, the assessment indicates levels recorded at 1 Parliament Street were also below the AQO. Subsequently, the assessment concludes exposure of exceedances of NO₂ for future occupant is not considered likely and as such the site is considered suitable for residential use without the inclusion of mitigation.
- 5.6.7 Whilst future occupants would not be exposed to unacceptable pollutant levels, the amended AQA has now included an emissions assessment in accordance with the Council's PAN. Based on the assumed level of traffic generated from the development, the assessment calculates a damage costs value of £2,242. The proposal includes standard mitigation in the form of the production and

implementation of a CEMP and the provision of electric vehicle charging infrastructure (three in total). In addition, the proposal includes a few measures to support and encourage sustainable travel options, such as improvements to existing pedestrian footways, a new crossing facility at Caton Road/Bulk Road, cycle parking infrastructure, parking management and travel planning. The AQA summarises the associated costs for this additional mitigation, which considerably exceeds the damage cost value set out in the emissions statement. Furthermore, and whilst not explicitly required for air quality reasons, the proposed development will also be fully mechanically ventilated thereby adding an additional level of protection for future occupants.

- 5.6.8 The application had initially been submitted without an odour assessment to assess the effects of the adjacent laundry on future occupants of the proposed development. Given the requirement to consider the agent of change principle, on request, the applicant provided further information in relation to the effects of the emissions from the laundry. Having regard to the assessment undertaken on the adjacent development site (Caton Court) and the proposed development orientation and height/window position relative to the chimney (some 6.5 metres lower than the height where the concentrations of NO_x are reported – the height of the top of the flue), it is considered that the impact of unacceptable exposure to pollutants from the adjacent laundry are not significant. Furthermore, and notwithstanding the above conclusions, the proposal includes a fully mechanical ventilation and heat recovery system, which allows the studios to operate with windows closed. The inlets for the development for the northernmost section of Block A (the section closest to the flue) are located on the east and western building facades meaning air will not be drawn from the north where the emissions (whilst below AQO) are most likely.
- 5.6.9 The Council's Environmental Health Service has assessed the amended AQA and further information in relation to the risk of emissions from the adjacent laundry and is now satisfied emissions from the flue would not result in exceedances of the AQO and nor would the development be adversely affected by odours associated with the laundry. Overall, there is an acceptance that air quality will not result in any adverse impacts and therefore accords with DM31 and the NPPF.
- 5.7 **Consideration 2 Flood Risk and Drainage** (NPPF: Chapter 14 (Planning for Climate Change) paragraphs 152-154, 157, (Planning and Flood Risk) paragraphs 159--169; D01 (Development Opportunity Site); Strategic Policies and Land Allocations DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure) and the Application of the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6
- 5.7.1 National and local planning policy aims to direct development to areas within the lowest probability of flooding (floodzone 1). This is particularly important for development that would be vulnerable to flood risk. The proposed site lies within floodzones 2 and 3 and as such would be at risk of flooding. Accordingly, the applicant is required to undertake and satisfy the sequential and exception tests. Paragraph 162 of the NPPF states that development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding. This paragraph goes on to state that the Strategic Flood Risk Assessment (SFRA) forms the basis for applying the sequential test. The NPPG indicates a pragmatic approach to the availability of alternative sites for the purposes of the sequential test should be taken. The scheme proposal is for 388 residential studios for student occupation with ground floor communal facilities/accommodation. The initial Flood Risk Sequential Test has been updated with a more comprehensive assessment following officer concerns.
- 5.7.2 The applicant's sequential test limits the area of search (for alternative sites) to the city and the university campus. It considers sites contained in the Local Plan (allocations), the SHLAA and has considers sites from a general market survey. The scope of this assessment is now considered reasonable and proportionate and reflects the policy expectations for where student accommodation should be delivered in the district. Furthermore, it is noted that the Councils PAN 6 indicates proposals located in areas in specific need for regeneration identified in the local plan provides a legitimate reason to depart from the district-wide approach.
- 5.7.3 The sequential test has been satisfied and satisfactorily demonstrates that there are no alternative sites reasonable availability and appropriate for the development in sequentially preferable locations (in the context of flood risk). In accordance with DM33 and paragraphs 163 and 165 of the NPPF,

if it is not possible for development to be in areas with a lower risk of flooding, the exception test may have to be applied.

- 5.7.4 The Flood Risk Vulnerability Classification identified in the NPPG considered the development a 'more vulnerable' development. Given the vulnerability of the development, the exception test also needs to be satisfied. To pass the exception test it should be demonstrated that:
- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.7.5 The applicant's exception test assessment focuses on the benefits of the proposal, including: -
- the opportunity to regenerate a long standing, derelict, brownfield site identified as a development opportunity site in the Local Plan;
 - the development has a energy and climate change strategy and will incorporate several sustainable design measures (aiming for BREEAM Very Good standard), and;
 - The site is highly accessible with excellent links to services and facilities in the city and the university and is a highly sustainable location to support the proposed use.
- 5.7.6 As set out earlier the proposal is a departure from the local plan allocation based on the fact the allocation did not envisage residential development coming forward. The departure from the allocation must be weighed in the planning balance. Policy DOS1 also sets a number of criteria to be satisfied to demonstrate compliance (see paragraph 5.2.5 of this report). The assessment so far indicates the development can meet the required policy criteria and that the proposal (despite it being a residential scheme) would accord with the regeneration aspirations of policy EC7 of the SPLA. NPPG (Paragraph: 036 Reference ID: 7-036-20140306) indicates that where a site is part of a regeneration site/strategy it is likely it will provide the wider sustainability benefits to pass the first part of the Exception test. Subject to the overall planning balance weighing in favour of the development, officers are satisfied the first test of the exception test could be passed.
- 5.7.7 The second test requires the development to be '*safe for its lifetime, taking account of the vulnerability of its users without increasing the flood risk elsewhere, and where possible, will reduce flood risk elsewhere*'. The application has been submitted with a Flood Risk Assessment and Drainage Strategy, which have both been amended and updated to reflect initial concerns from the Lead Local Flood Authority (LLFA) and the Environment Agency (EA).
- 5.7.8 It is recognised that the buildings have been sequentially located to the drier areas of the site (FZ2) and the design of the development has considered the flood heights. The amended flood risk assessment indicates the peak design flood level would be 8.06 metres AOD. The building FFLs are proposed as follows:
- Block A - FFL of 7.5m AOD
 - Block B – FFL of 7.7m AOD
- Whilst this is below the peak flood level, the ground floor use of the development does not incorporate residential studios and comprises communal space only. The FFL of the first-floor accommodation is above the peak flood height meaning residents would be safe. Notwithstanding this, access and egress would be through flood zone 3. The amended information confirms there would be a safe wet route between Blocks A and B (flood depths of around 0.56m (at peak) of low velocities), which is deemed accepted to the Environment Agency. Flood mitigation and resilience measures would be required including the provision of flood gates, flood warning and evacuation procedures and general resilient design advice. The precise details of this can be adequately controlled by condition.
- 5.7.9 The management of surface water also poses a flood risk, particularly given the sites location within a flood risk area, including surface water flooding. Paragraph 167 and 169 of the NPPF and policy DM34 of the DM DPD requires major development to incorporate sustainable drainage systems, based on the SuDS hierarchy, and to demonstrate the drainage proposals would not pose a flood risk on site or elsewhere. The site currently drains and at unrestricted rate to the existing combined sewer. In accordance with policy and best practice guidance, the applicant proposes to significantly reduce the proposed surface water discharge to 4.4l/s (QBAR), through the use of cellular attenuation on site. This provides a significant betterment from the existing situation if discharging to the combined sewer (as proposed in the latest Drainage Strategy). This, in principle has been

supported by the LLFA. However, United Utilities (UU) have indicated this is not acceptable to them, as the applicant has failed to adequately demonstrate compliance with the SuDS hierarchy. UU query why the surface water could not discharge to the Mill Race (as a watercourse) rather than the combined sewer. The applicant's position is that the Mill Race itself is a flood risk generator and should be discounted for this reason, as any discharge would increase the flood risk downstream as there is no connection as existing. This seems a reasonable position and given the LLFA have raised no objection to the current strategy, would not substantiate a refusal of planning permission on flood risk grounds. There are ongoing discussions regarding the point of discharge, but it is apparent that with the reduced discharge rate (compared to existing), there will be a sustainable solution which would not lead to an increase in flood risk. A verbal update will be provided if clarification is sought ahead of the planning committee. Alternatively, this can be adequately controlled by planning condition. On this basis, officers are satisfied that the surface water is capable of being managed and drained in a sustainable manner subject to detailed design in accordance with local and national planning policy.

5.7.10 To ensure the development is safe for the lifetime of development, planning conditions are recommended to secure the proposed FFLs, a flood warning and evacuation scheme, flood resilience design measures including details of the flood gates, a detailed sustainable surface water design scheme (based on the proposed greenfield rate) and a management and maintenance plan. With these conditions, the development would satisfy the second strand of the exception test. Overall, therefore the development can be supported having passed the sequential and exception tests.

5.8 **Sustainable Design and Renewable Energy** (NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM30 (Sustainable Design).)

5.8.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the primary areas for emissions reductions for development in supporting the transition to net zero is in building to high fabric standards and supplying the new buildings with renewable and low carbon energy. This is highlighted in the Local Plan in policies DM29: Key Design Principles and DM30: Sustainable Design and supported by PAN9 – Energy Efficiency in new Development Planning Advisory Note.

5.8.2 The application has been supported to an updated Energy Statement. The applicant states the design approach adopted follows the energy hierarchy of Be Lean, Be Clean and Be Green. Given the timing of the submission of the application and the intention to commence development before June 2023, the applicant claims the development will be assessed against Building Regulations Part L 2013. However, the submitted strategy demonstrates a 12% overall betterment in terms of Co2 reductions over the Part L 2013 requirements and a commitment to achieve BREEAM 'Very Good' rating. In addition, the application proposal includes an array of photovoltaic panels estimated to cover 359m² on the roof of Block A and 242m² on the roof of Block B with air source heat pumps as the heating source for the centralised hot water systems on both blocks. In addition, the applicant proposes no fossil fuel burning heating systems within or gas connection to the development, providing a potential pathway to net zero in the future as the grid decarbonises. Conditions are recommended to secure the BREEAM 'Very Good' rating as well as a detailed scheme setting out compliance to achieve the 12% betterment above building regulations and all renewable energy proposals. The proposed development will positively contribute to the Council's ambitions to move towards more sustainably designed development in order to tackle the effects of climate change. The proposal is considered compliant with current national and local planning policy in this regard.

5.9 **Biodiversity** (NPPF: Chapter 15 paragraph 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).)

- 5.9.1 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 and the districts green infrastructure. This strategic policy position is reflected in the Development Management DPD policies. Policy DM44 goes on to state development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. This policy states 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.
- 5.9.2 The application has been supported by a Preliminary Ecological Appraisal (PEA) (including a Biodiversity Net Gain Assessment), a Bat Survey Report and Agricultural Impact Assessment (AIA) to assess the impact of the proposal on biodiversity. Given the built-up character of the site (consisting of a complex of existing commercial and industrial buildings, hardstanding, bare ground and some dense scrub) the ecological value of the site is considered to be low. The site is not designated or protected for its nature conservation and is separated from the River Lune by highway infrastructure, existing development and open space.
- 5.9.3 The site includes a range of existing buildings all except one building have low to negligible potential for use by bats. The existing workshop building associated with the former carpet shop offers moderate potential but during the building inspections there was no definitive evidence of bats using the site. Activity surveys have been carried out which confirm bat activity to be very low. However, despite this, during the survey a single bat was observed emerging from the northern gable of the workshop building indicating a potential roost site for a single male common pipistrelle bat. Consequently, a derogation licence would be required from Natural England. Given the nature of the proposals, avoidance of the bat roost is not possible. Given the very low levels of bat activity at the site and the low conservation significance of the roost and the provision of three replacements roosting habitats on the site would provide an acceptable form of mitigation. Consequently, the local planning authority can be confident a licence could be obtained from Natural England. GMEU (our ecology advisors) are satisfied with the proposals in this regard. A condition is recommended to secure appropriate measures to minimise impacts on protected species during demolition and construction, together with a scheme for habitat mitigation and enhancement measures. With this condition, the development would accord with the NPPF and policy DM44.
- 5.9.4 The submitted PEA and AIA demonstrates the site is not constrained by significant trees and existing scrub habitat. There is one off-site sycamore tree (west of Block A) and a group of young, self-seeded Willow and Birch trees where Block B is proposed. The Sycamore tree is located outside the red edge and is separated from the site by an existing wall. It is considered an AMS and tree protection will not be required given the presence of this wall. The group of trees on site are not significant landscape features and are not worthy of retention. The proposed development and the landscaping scheme will offer greater landscape and biodiversity benefits than the existing trees on site. In this regard, the proposal accords with policy DM45 of the Local Plan.
- 5.9.5 The River Lune Biological Heritage Site (BHS) and Marine Conservation Zone is located less than 100m to the west of the site, and the River has direct connectivity with the Morecambe Bay European protected site (SPA). There are no direct impacts on the River Lune itself or the designated sites (SPA, SSSI, SAC and Ramsar) arising from the development. This is because the site is separated by existing highway infrastructure, existing built development and the public open space that runs alongside parliament Street. Any indirect effects arising from the development during the demolition and construction works can be carefully minimised and mitigated through appropriate construction and environmental management practices and procedures (to be controlled through a CEMP). Indirect effects once the development is operational would be limited to recreational disturbance. 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. These conclusions are supported by Natural England and GMEU whom raise no objections to the proposals.

The application has been supported by a biodiversity net gain assessment. Given the condition of the existing site and the extent of landscaping proposed within the public realm space and the inclusion of green roofs to the buildings, the proposal will deliver a meaningful net gain in biodiversity equating to 31.2%. Subject to mitigation and enhancement measures, the applicant has adequately demonstrated overall, the proposed development would comply with local and national planning policy and the Habitat Regulations.

5.10 **Health** (NPPF paragraphs: 55 – 57 (Planning conditions and obligations); **Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), (DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding).**

5.10.1 The response from the NHS sets out that the proposal will generate approximately 618 new patient registrations based on average household size of 2.4. The site falls within the catchment area of Lancaster Medical Practice (Dalton Square) and they have advised that this need can only be met through the development of a new practice premises in order to ensure sustainable general practice. The NHS have not provided further comments to the amended scheme. Their response goes on to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options and a figure of £142,350 has been requested. This figure should be reduced given the proposed amendments to the scheme and the fact the units are for single occupancy. The response also sets out that the physical constraints of the existing site means the current premises cannot be extended. Therefore, it is not clear how the requested contribution would be used and, with a lack of evidence to support this request, it is considered that it fails to meet the requirements of the CIL regulation tests and could not therefore be supported at this time.

5.10.2 **Socio-economic**

The proposed development will lead to a number of benefits during the construction phases and operation phases. During the construction phases, the applicant has committed to the implementation of an employment skills plan which seeks to support local people sure experience and upskilling in the construction and design sector. A condition is recommended to this effect. The proposal will also lead to a number of construction jobs. This is estimated by the applicant to amount to 75 full-time construction jobs and around 100 indirect full-time jobs over a two year period. The GVA arising from the construction of the development would amount o an estimated £13.14 million and indirect GVA of £17.48 million. Once operational, only 3 full-time jobs are anticipated on site, but around 74 indirect full-time jobs arising from the proposals. The GVA per annum is established to amount to £3.9 million and additional £345,000 per annum of Council Tax. The applicant claims the proposal could create opportunities to release 171 houses used as HMOs back to family homes by providing PBSA. These are all benefits to be weighed in favour of the proposal and to be given moderate weight.

6.0 Conclusion and Planning Balance

6.1 As set out at the head of this report, the proposed development is considered a departure of the Local Plan because of the residential nature of the proposal within the development opportunity site. Aside from the fact the scheme does not conform to the policy intention to deliver commercial, leisure or retail on the site, all other requirements are considered to have been satisfied, which includes:-

- ensuring the proposal does not present a flood risk and is safe for the lifetime of the development.
- that safe access can be provided, and appropriate connections are made between the site and the city centre to encourage sustainable travel.
- The development would not lead to adverse highway conditions; and,
- that the proposal takes account of the need to preserve and enhance heritage assets.

6.2 A local planning authority can depart from their Local Plan if there are material considerations of the particular case that indicate the plan should not be followed. This is a substantial development proposal which occupies a prominent gateway position, with the site having been vacant and in a poor condition for several years. The assessment here confirms there is a degree of conflict with policy DM56 regarding the lack of marketing for the loss of former commercial uses, DM39 relating

to the less than substantial harm identified to 32 Parliament Street and DM29 an DM46 in terms of the townscape impacts arising from the large-scale nature of the development. The assessment identifies some impacts to the daylight/sunlight to neighbouring property but not such that would on balance outweigh the benefits of the proposal (DM29). Matters pertaining to drainage, ecology, archaeological investigation, noise, sustainable design, architectural detailing and materials, and highway improvements works are matters that can be made acceptable using conditions (to largely accord with the submitted details).

- 6.3 The impacts identified must be weighed against the benefits of the proposal in the context of the presumption in favour of sustainable development (paragraph 11d). This means approving development proposals that accord with the Development Plan without delay; and where the development plan is out-of-date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.
- 6.4 On balance, it is considered that the impacts identified would not significantly or demonstrably outweigh the benefits of the proposal, in particular the opportunity that the delivery of this scheme could have in terms of bringing regeneration to this important city centre site and the contribution the proposal would make to meeting the districts housing needs. It is recommended to Members that the scheme is approved subject to the conditions as outlined below and any reasonable contribution the highway authority may request ahead of the planning committee. Members will note that the publicity of the application does not expire until after the committee date and there is a remaining issue relating to highway contributions and the final discharge point for the drainage (with United Utilities). Subject to these matters being resolved, the recommendation seeks delegation back until this publicity period has expired and then subject to a legal agreement (if required), approve the development.

Recommendation

Delegation back to the Head of Planning to await the expiry of the publicity of the application and that subject to the completion of a legal agreement (if required) that Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Approved Plans	Control
3	ESP	Pre-commencement
4	CEMP (including pollution control, noise and vibration mitigation during construction and protection of protected species)	Pre-commencement
5	Surface Water Construction Management Plan and Scheme for the Protection of the Mill Race	Pre-commencement
6	Notwithstanding the submitted WSI, an amended WSI to be submitted and approved	Pre-commencement
7	Phasing Scheme	Pre-commencement
8	Surface Water Drainage Scheme	Pre-commencement
9	Foul Drainage Scheme	Pre-commencement
10	Phase II Site Contamination Report and Remediation	Pre-commencement
11	Highway access and off-site highway work details	Above-ground/slab level
12	External materials and finishes, including samples, to building (including windows/doors, details of RWGs) and hard landscaping	Above-ground/slab level
13	Habitat mitigation and enhancement scheme	Above-ground/slab level
14	Precise details of the cycle store and trigger for full implementation	Above-ground/slab level

15	Details of glazing and ventilation specification (informed by updated noise report)	Above-ground/slab level
16	Precise scheme for all renewable energy technology and associated plant	Above-ground/slab level
17	External lighting details and security measures	Above-ground/slab level
18	Planting Schedules including details of the green roofs	Above-ground/slab level
19	Scheme for landscape maintenance including green roofs	Pre-occupation
20	Homeowner Packs – HRA Mitigation	Pre-occupation
21	Waste Management Strategy	Pre-occupation
22	Sustainable Drainage Management and Maintenance Plan	Pre-occupation
23	Servicing, Access, Parking Management and Maintenance Plan	Pre-occupation
24	Travel Plan	Pre-occupation
25	Parking to be provided and operational before first occupation	Control
26	In accordance with submitted FRA	Control
27	Noise limitation to plant	Control
28	Single Occupation Student Occupation Only	Control
29	Removal of PD (Telecoms)	Control
30	BREEAM Very Good	Control

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

Officers have made this 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

Agenda Item	A6
Application Number	22/00017/FUL
Proposal	Installation of a solar farm with associated access and infrastructure to include substations, inverter stations, control room, CCTV, lighting, perimeter fence and all associated works
Application site	Proposed Solar Farm, Grimeshaw Lane, Quernmore
Applicant	Opdenergy UK 6 Limited
Agent	
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The application relates to approximately 28 hectares of agricultural land located to the eastern side of the M6 motorway, just to the south of junction 34, and approximately 2 kilometres to the northeast of Lancaster City Centre. The site comprises a number of fields which are bound by a mix of hedgerows, fencing, stone walls and groups of trees. It is divided into three distinct parcels, with the larger two separated by Grimeshaw Lane which is a Public Right of Way (Restricted Bridleway) that links Moor Lane and Ridge Lane (which are also Bridleways) to Lancaster Road, close to Denny Beck Bridge. The smaller southern portion is separated from the land to the north by a farm track. The western boundary of the site is approximately 1.2 kilometres in length and is mostly shared with the M6, and its embankment, with the exception of a small section which is shared with Grimeshaw Lane where it joins a bridge across the motorway. The remainder of the site boundaries are shared with adjoining agricultural land.
- 1.2 The land levels rise from a point around 34 metres AOD at the north of the site, to a high point of around 75 metres AOD, just beyond the centre and lower to approximately 50 metres AOD on the south east boundary. To the east of the site the land levels lower slightly before rising up towards the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB), beyond which the land rises above the highest point of the application site. The closest part of the AONB is mostly wooded and the boundary is between approximately 300 metres and 600 metres from the eastern boundary of the site.
- 1.3 The site is located within the Open Countryside, as defined by the Local Plan, and has an agricultural land classification of 3b. It is also within a Mineral Safeguarding Area and a small part at the north of the site is identified as being at risk from surface water flooding (1 in 100 and 1 in 1000). Lancaster Moor Conservation Area is approximately 600 metres to the southwest, at its closest point, and this contains a number of listed buildings, including Lancaster Moor Hospital (Grade II) and also abuts the Williamson Park Conservation Area which includes the Aston Memorial (Grade I), although this is approximately 1.5 kilometres from the site. Parts of the site are within the consultation zone for two high pressure gas pipelines. The site is located approximately 4 kilometres from the Lune

Estuary Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. It is also approximately 3.5 kilometres from Bowland Fells SSSI and SPA.

2.0 Proposal

2.1 Planning permission is sought for the installation of a solar farm consisting of around 56,000 fixed photovoltaic (PV) panels mounted on steel frames and arranged in rows running east to west across the site. The solar farm would be capable of generating up to 28MW of power, which is the equivalent of supplying 7700 homes and would save 1,150,000 tonnes of CO2 over 30 years of operation. Amended plans were submitted during the course of the application which have removed panels of some areas of the site and increased landscaping, in addition to proposing some changes to the associated infrastructure. However, the applicant has advised that the alteration to the scheme will not result in a decrease in the number of panels or total output from the solar farm, they will just be more closely spaced. The details below are based on the amended plans.

2.2 The panels would have a maximum height of 2.35 metres, with the lower edge around 0.4 metres from the ground and there would be a minimum separation of 3.4 metres between the rows. The proposal also includes some associated infrastructure and typical details of these have been provided. There are five cabinets proposed across the site to house the inverters and transformers, and these would measure approximately 12.8 metres x 2.5 metres x 3.1 metres high. A control room is proposed close to the western boundary and would measure 26 metres by 7 metres by 2.8 metres high. The substation would consist of two cabins and would be located at the north of the site. One would be approximately 5.7 metres by 5 metres and 4 metres high and the other would be 3.2 metres by 3.7 metres and 2.4 metres in height. Plans were submitted showing additional infrastructure to allow for the connection to the electricity network, with the equipment spaced across approximately 43 metres, having a maximum height of approximately 5.7 metres. However, the applicant has advised that this will not now be required, following clarification from Electricity North West, and the cabling will be underground from the substation building to the point of connection to the grid.

2.3 As set out above, the site is divided into three parcels and each would have its own road and fencing around the perimeter, in addition to pole mounted CCTV cameras. The fencing would have a total height of 2.4 metres and be constructed of galvanised steel wire mesh on timber posts. A total of 26 CCTV cameras are proposed around the perimeter of the three parcels of land, with a height of 3.5 metres. Whilst operational the land can continue to be grazed and after construction the land will be planted with species rich grasses and wildflowers. Construction is unlikely to last more than 9 months and the solar farm will be operational for 35 years after which it will be decommissioned, and the site restored.

3.0 Site History

3.1 The only relevant applications to this site relate to a screening opinion and a request for pre-application advice. The details are set out below:

Application Number	Proposal	Decision
21/00255/EIR	Screening opinion for solar farm	ES not required
21/00101/PRE3	Pre application advice for the construction of a solar farm of up to 26MW capacity	Advice given but no forum undertaken

4.0 Consultation Responses

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

Consultee	Response
Quernmore Parish Council	No comments received
Environmental Health	No advice or comments to make – no significant health implications noted

Planning Policy	<p>Objection. The site needs to be seen in the context of its setting in relation to the AONB to the South and East but also its setting within the wider landscape and the potential impacts it may have to the north and west, in particular, the strategic housing allocation located immediately to the west of the M6. The proposal will contribute to the decarbonisation of electric energy in the district and contribute to both local and national climate mitigation targets and clearly supports the Council's climate change agenda. However, it is considered that the proposal, both in terms of its extent and the associated infrastructure, will have significant visual and landscape impacts. In particular:</p> <ul style="list-style-type: none"> • This is a highly visible site, emphasised by the photomontages • No assessment of visual and glint/glare impacts from the allocated housing site • Photomontage demonstrates that panels are clearly visible and still visible after 10yrs pf growth • No photomontage from the M6 itself particularly south bound • Infrastructure is higher than on other approved schemes including panels and camera poles and the fencing is shown as metal on drawings compared to a standard post and wire stockproof fence • No elevational drawings of buildings to confirm design
Arboricultural Officer	<p>Comments. No significant tree works are scheduled. The AIA identifies 25 trees, 23 groups and 19 hedgerows located around the perimeter of the site, of which one tree and part of one hedgerow will require felling to allow access. A second tree is identified for felling due to its poor condition. All trees and hedgerows contribute positively to the undulating farming landscape and are visible from numerous local and wider vantage points, including Grimeshaw Lane which bisects the site. It is positive that existing hedgerows would be enhanced, and approximately 40 standard trees planted within the hedge lines. The ecological assessment and landscape strategy discuss the enhancement of the existing grassland using a wildflower seed mix and limited grazing, although details as to how this will be achieved are lacking. The landscape and visual impact assessment states that the site is not publicly accessible, however the site it is bisected by a popular public right of way, which provides a quick escape from the town into the countryside. The solar panels and extensive security fencing and CCTV cameras will have a notable impact upon the rural character of Grimshaw Lane, the public enjoyment of the local area, and the setting of the AONB which rises above Moorside Farm.</p>
Conservation Team	<p>No objection. While the development is likely to be highly prominent in landscape terms, given the distances involved, the character of the views from the site and from longer viewpoints, the topography, and the intervening features, conclude that the site does not contribute to the significance of the listed buildings by way of setting.</p>
County Highways	<p>No objection - The submitted preferred route for operational vehicles via Quernmore Avenue and Stone Row Head over the M6 via Grimeshaw Lane bridge is the most appropriate. Construction traffic would be routed east along Quernmore Road towards Caton village then west along the A683 to M6 junction 34 which avoids the city centre and is acceptable. The proposal will have a negligible impact on highway safety and capacity subject to conditions requiring: a survey condition of the adopted highway before and after construction; submission of a construction management plan or method statement; and wheel cleaning facilities during construction.</p>
County Archaeology	<p>Comments. The submitted historic environment desk based assessment is appropriate and its conclusions are accepted. A condition is requested for submission for approval and implementation of a written scheme of investigation.</p>
Lead Local Flood Authority (LLFA)	<p>No objection subject to conditions requiring: the development to be carried out in accordance with the Flood Risk Assessment; submission of a final surface water drainage strategy; submission of a construction surface water management plan; submission of a sustainable drainage system operation and maintenance manual; and submission of a verification report of constructed sustainable drainage system.</p>
County Policy (Minerals)	<p>No comments received</p>

Public Rights of Way Officer	No comments received
Forest of Bowland AONB	No comments received
County Landscape Officer	No comments received
Greater Manchester Ecology Unit (GMEU)	No objection , subject to: protection of hedgerows and woodland during works; a comprehensive Habitat and Landscape Creation and Management Plan; No vegetation clearance or groundworks should take place during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person; and reptiles or amphibians are encountered during any groundworks, work should cease and advice sought from a suitably qualified ecologist.
National Highways	No objection , subject to conditions requiring: no access to the M6 Grimeshaw Lane bridge for vehicles with a weight of 7.5 tonnes or more; submission of a site access management plan for construction and operational phases; submission of a site access management plan for decommissioning; recording of the condition of the existing M6 motorway boundary fence and running surface and parapets of the M6 Grimeshaw Lane bridge, before and after construction and remedied any damage; construction management plan in relation to the M6; submission of a revised Landscape Management Strategy based upon the principles of drawing 7457/ASP3 Rev.A; no drainage to connect into the drainage system of the M6 or additional surface water runoff; and submission of the design, materials and construction methods for the closed circuit television masts, foundations and fixings.
Natural England	No Objection subject to implementation of a Construction Environmental Management Plan (to be submitted and approved). Agree with the conclusions of the Habitats Regulations Assessment.
Historic England	Not offering advice
RSPB	No comments received
Ramblers Association	No comments received
Cadent Gas	No objection
Fire Safety Officer	Standard advice provided
Shell	No comments to make
National Grid	No objection

4.2 Four letters of support have been received from members of the public which set out the following:

- Provision of green energy
- Retention of natural habitat
- Ideal location with no negative amenity or visual impact
- Generate green economy income enabling grazing to continue

5.0 Analysis

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

- Principal of the development
- Highway impacts
- Landscape and visual impacts
- Biodiversity
- Impacts on heritage assets
- Flood risk and drainage
- Impacts on residential amenity
- Mineral safeguarding

5.2 **Principle of the development** (NPPF paragraphs 7-12 (Achieving Sustainable Development), 152 and 158 (Renewable and low carbon development), and 174 (Best and most versatile agricultural land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), EN3 (The Open Countryside); Development Management (DM) DPD

policies DM44 (The Protection and Enhancement of Biodiversity), DM47 (Economic Development in Rural Areas) and DM53 (Renewable and Low Carbon Energy); Draft Climate Emergency Review of the Strategic Policies and Land Allocations DPD policy CC1 (Responding to Climate Change and Creating Environmental Sustainability)

5.2.1 The application proposes a solar farm on agricultural land. The submission sets out that it would have a generating capacity of up to 28 MW, which is the equivalent of supplying 7700 homes and would save 1,150,000 tonnes of CO₂ over 30 years of operation, which is 38,000 tonnes per year. Lancaster City Council declared a Climate Emergency in January 2020. There is a raft of policy support at international, national, and local level which aims to combat climate change and to provide energy security. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Following the adoption of the Local Plan in July 2020, the council entered into an immediate review of the Plan to ensure that the impacts of climate change are fully considered within the planning policies for the District. This plan is now at a progressed stage, with the Examination being undertaken recently. The scope of the Review is limited to issues connected to Climate Change, and it is important to note that many of the policies within the adopted Local Plan, including landscape and land allocations, will not be affected by this and maintain their full material weight in determining planning applications.

5.2.2 As set out in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out that the planning system has three overarching objectives which are economic, social and environmental. The proposal would meet the economic objective through supporting the provision of infrastructure and the environmental objective, in terms of mitigating and adapting to climate change and moving to a low carbon economy. In particular relation to renewable and low carbon development, paragraph 158 sets out that, when determining applications, local planning authorities should:

- Not require applicants to demonstrate the overall need for renewable or low carbon energy; and
- Approve the application if its impacts are (or can be made) acceptable.

The Planning Practice Guidance sets out the particular planning considerations relating to large scale ground mounted solar farm, which will be considered in the sections below.

5.2.3 The proposal clearly supports the Council's climate change agenda, however, it also needs to be considered alongside relevant policies within the Local Plan. The site is located in an area designated as open countryside where there are no development or solar farm allocations. Policy DM47 sets out that renewable energy schemes in rural areas will be supported in principle in appropriate locations and in accordance with other relevant Local Plan policies. Policy DM53 relates specifically to renewable and low carbon energy. It sets out that proposals will be supported where the direct, indirect, individual and cumulative impacts on the following are or will be made acceptable:

- As a result of its scale, siting or design impacts on the landscape character, visual amenity, biodiversity, geodiversity, flood risk, townscape and historic assets of the district, highway safety, aviation and defence navigation systems/communications are satisfactorily addressed;
- Impacts on the amenities of sensitive neighbouring uses and local residents are minimised;
- The wider environmental, economic, social and community benefits directly related to the scheme outweigh any significant adverse effects; and
- The proposal is consistent with other relevant policies.

It goes on to say that the Council will require that where renewable energy installations become non-operational for a period in excess of one year, the facility will be removed and the site will be fully restored to its original condition within one year.

5.2.4 The equivalent policy within the Climate Emergency Local Plan Review (CELPR) puts slightly more emphasis on the commitment to support the transition to a lower carbon future, however the criteria set out above remain the same. It also sets out that all schemes it will be expected to allow for community investment where applicable. The detailed considerations are set out in the sections below. However, in relation to that point, this does not appear to be the case with this scheme,

although it is noted that the submission states that the applicant operates community benefit funds for all their projects and such a fund will be available to support community projects near this site.

- 5.2.5 The project has potential negative climate impacts such as the associated emissions with production and decommissioning of the solar arrays, transport associated emissions and other material emissions which do not appear to have been quantified and subtracted from the CO₂e savings provided by the application. However, from a carbon emissions perspective, the overall project should produce net positive climate benefits over the expected lifetime of the development though the generation of renewable energy and will be expected to be a net contributor to both climate adaptation and mitigation in line with emerging Policy CC1 within the draft CELPR)
- 5.2.6 As set out above, the site is agricultural land and an agricultural land classification report has been submitted with the application which identifies the land as Grade 3b. The NPPF places support for maintaining agricultural land under Paragraphs 174 and footnote 53 and the best and most versatile land is defined as Grades 1, 2 and 3a. Policy DM44 sets out that proposals should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable. At least some of the land is currently used for growing crops and it is intended that the land would be used for grazing once the development is complete. It is also intended that, after 35 years, all the equipment will be removed and the land restored. Therefore, it is considered that the proposal would not result in a loss of best and most versatile agricultural land and that agriculture, in the form of grazing, can still take place on the land if the proposal is developed.
- 5.2.7 The proposed solar farm will contribute to the decarbonisation of electric energy in the district and to both local and national climate mitigation targets and clearly supports the Council's climate change agenda. Local plan policy accepts that renewable energy schemes can be acceptable in rural areas and it would not impact the best or most versatile agricultural land. The principle of the development is therefore considered to be acceptable. However, there are a number of specific matters that also need to be taken into consideration, as detailed above, that are considered in the sections below.
- 5.3 **Highway Impacts NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies: T2 (Cycling and Walking Network); Development Management (DM) DPD policies DM29 (Key Design Principles), DM53 (Renewable and Low Carbon Energy Generation), DM58 (Infrastructure Delivery and Funding, DM60 (Enhancing Accessibility and Transport Linkages) and DM61 (Walking and Cycling)**
- 5.3.1 The site borders the southbound M6 motorway for approximately 1 mile. The preferred access during construction and for the maintenance and operation of the site is from the west via Moor Lane and the Grimeshaw Lane accommodation bridge over the M6. The majority of the site bordering the motorway is located above the level of the carriageways, which are in cutting, and so is not visible to motorists. Sections of the site towards the north and southern ends are at or below the level of the motorway and clearly visible to users of the M6 motorway. Given the proximity to the M6, and the use of the bridge, National Highways have been consulted on the application. They originally raised a holding objection and discussions have been undertaken between them and the applicant to resolve a number of issues. However, they have advised that they have no objection to the proposal in terms of the additional traffic it would be likely to generate upon the strategic road network itself.
- 5.3.2 The first of these issues relates to the access to the site and the use of the bridge across the M6. This bridge carries Grimeshaw Lane over the motorway on a deck that is single vehicle width, meaning that only one vehicle can travel across it in one direction at one time. The bridge structure is the responsibility of National Highways, with Lancashire County Council responsible for Grimeshaw Lane as the public rights of way authority. The bridge was designed to accommodate residential access, access by farm vehicles (tractors and trailers) to Moorside Farm and users of the Grimeshaw Lane restricted byway (i.e. access rights for walkers, cyclists, horse riders and carriage drivers) and was designed to the standards of the time. From 1955, the Ministry of Transport recommended designing accommodation bridges for a 7.5 Tonne vehicle and the structure was not designed for use in the same way as it would be if it were to carry a highway. National Highways have advised that their obligation is to maintain accommodation bridges for the load carrying capability they were originally provided with. Based upon Department of the Environment advice in 1974, many of these structures were signed with a 32 Tonne weight limit (as this one has been) on

the basis of a perceived occasional use by vehicles of no more than 32 Tonnes. The design definition of a 32 Tonne vehicle has changed since 1974, with the maximum axle load being greater than this.

- 5.3.3 National Highways have advised that the bridge has an assessed loading capacity limit of 7.5 Tonnes, and so is not suitable for use by a critical proportion of traffic in connection with this development proposal. They have set out that a full structural assessment, with a view to possibly agreeing a departure to allow for reduced axle impact load, might be a way to achieve a higher allowable single vehicle weight. However, this would be costly in terms of money and time and would not guarantee a higher assessed capacity. Consequently, a construction management plan has been requested, on the basis that site access via the bridge is not permitted for traffic movements associated with the construction, operation, maintenance and dismantling of the solar farm in excess of the 7.5 Tonne single vehicle weight restriction and design standards of the bridge.
- 5.3.4 National Highways have also raised some concerns regarding the use of Moor Lane to access the bridge and the site beyond. Moor Lane is a dirt track running parallel to the northbound M6 on approach to the accommodation bridge, meaning that vehicles would need to make a 90 degree turning manoeuvre onto and off the bridge on a corner where visibility is obscured by vegetation which would restrict visibility of oncoming vehicles. This is a safety-critical issue for a structure that was designed to accommodate one vehicle load on it at once, and so this runs the risk of two opposing vehicles entering the bridge at the same time. However, Ridge Lane approaches the bridge on the same alignment and has good forward visibility. This road is surfaced with concrete and, whilst single width, is likely to have been improved at the time of the motorway's construction and so is the preferred accommodation route to Moorside Farm. Whilst a swept-path analysis has been included in the Transport Assessment (TA) for the largest vehicle associated with the site (16.5 metre long articulated), it is the view of National Highways that the level of room for turning LGVs to regularly enter and leave the western end of the bridge is insufficient to avoid damage to the bridge parapets and verge abutments. National Highways have therefore advised that the proposed Construction Traffic Management Plan is therefore not agree.
- 5.3.5 National Highways have not objected to the proposal, and has advised that a construction management plan can be conditioned. To be able to do this, there needs to be a degree of certainty that an appropriate access can be achieved. A technical note has been submitted containing construction access option. This sets out that the site has two existing points of access, and the potential for three new temporary accesses to be created if an agreement could be made with adjacent landowners. Those accesses are to the west, across the motorway bridge, and to the north, off Lancaster Road. The submission sets out that, whilst the majority of deliveries could be broken down into smaller loads, a small element could not be broken down and therefore an alternate means of access would need to be explored. On the basis of the submission, it is considered that there are alternative access points that could be used for the construction phase and therefore this could be covered by a condition. A response is awaited from County Highways to ensure that there are no specific highway safety concerns regarding any of these options. They initially advised that the route using Moor Lane, Stone Row Head and Quernmore Avenue was likely to be the preferable option as their junctions would be able to support the levels of vehicle movements associated with the development, subject to a robust Construction Traffic Management Plan.
- 5.3.6 National Highways also raised concerns regarding the potential for vehicles breaching the motorway boundary and entering the site. This relates specifically to the lower area of the site at the north, which is not protected by a barrier, but also the lower area at the south as the barrier may not withstand an HGV breach. Due to the change in land use, and the hazard posed by collision with the solar farm apparatus, amendments have been made to the layout of the proposed development, removing some of the development at the north and south of the site and stepping the fenced boundary in from the boundary with the motorway verge.
- 5.3.7 A Road Restraints Risk Assessment (RRRAP) has also been undertaken to determine whether there is a need for additional or upgraded motorway verge safety barrier to protect road users from the effects of a collision with equipment within the site based on the amended layout drawings. This concludes that there is no requirement for additional or enhanced motorway verge safety barrier to be installed to protect road users from the development. National Highways have confirmed agreement with this. They have advised that the proposed CCTV masts are not covered by this assessment and they will need to be designed to deflect upon impact. Notwithstanding this, steps will need to be taken during the construction, maintenance and eventual dismantling of the

development to ensure that road users are protected from operations and any plant operating within the site itself. National Highways is of the view that, as a minimum, safety barrier must be installed around the site works and maintenance compound located close to the motorway boundary to the north of the Grimeshaw Lane bridge. However, this can be dealt with via a planning conditions.

- 5.3.8 Glint and glare from the solar panels has also been raised as a potential issue to users of the motorway. As mentioned above, the development would share a boundary with the M6 of approximately one mile. This would represent 51 seconds of a vehicle's journey time travelling at 70mph and one minute at 60mph. The solar panels would be visible to users of the M6 at the north and south of the site. The submitted Glint & Glare assessment states that: *"There is no formal guidance with regard to the maximum distance at which glint and glare should be assessed. From a technical perspective, there is no maximum distance for potential reflections. The significance of a reflection however decreases with distance because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances."* The report identifies several receptor locations where glint and glare would be experienced by users on the M6 from both the photovoltaic panels and frames during the early mornings of the spring to autumn months. This is a safety issue as it presents the risk of driver distraction. Existing motorway verge planting is not considered to be sufficient to screen view of the panels for drivers as this is not continuous and varies in height and density, it is not there to provide for the screening of adjacent development and may be removed at any time as a result of damage and arboriculture management.
- 5.3.9 Close to the southern boundary, there is a clear view into the whole of the site and so panels would be visible to oncoming northbound M6 traffic. The motorway verge landscaping does not fully screen this part of the site from the reflections that the glint and glare assessment states will be visible on the motorway. National Highways have advised that, this is a particular safety issue, because whilst the panels are not in front of drivers, the potential for visual distraction should be minimised by the provision of a clear, continuous view of the solar farm which develops over the maximum possible length of approach carriageway. A clear view from distance will considerably reduce the temptation for drivers to turn their heads when passing the panels. They have advised that the problem is made worse by the fact that the panels within the site will become visible at short range and without notice but are also partially obscured. Concealing the view of the panels until the last minute should be avoided, as drivers may be distracted suddenly and take their attention away from the driving task. In this case, the partial screening is likely to increase the possibility of driver distraction. National Highways have advised that it should be noted that a northbound driver travelling at 70mph would take around 7 seconds to travel past, which is a significant period of time for the conditions for a serious collision to occur.
- 5.3.10 The plans have been amended to provide set-back of the panels and additional native planting within the site towards the southern end of the M6 boundary which may further help to screen the site to motorists. Whilst this is welcomed, a gap remains where the site is visible and National Highways have recommended that the Landscaping Strategy Plan is revised to extend landscape screening further north to assist in further mitigating the potential for driver distraction. This has been shown on a subsequent Landscape Strategy Plan that has been submitted. The landscaping can be covered by a condition.
- 5.3.11 The central section of the site, adjacent to the M6, is at a much higher level than the carriageway. However, it has been identified as a location where reflections would be experienced. National Highways have set out that, whilst it is agreed that the terrain would provide screening of the site for road users, there is reliance on the verge-side planting which provides no screening cover and has many years left to establish. They have advised that screening measures at these locations should therefore be reviewed as part of an amended landscape mitigation strategy. Some additional landscaping has been shown on the most recent plan, but again can be covered by condition. At the north of the site, the land falls to the same level as the motorway. Whilst the solar farm would be visible to southbound M6 road users and those joining southbound at Junction 34, the risk of driver distraction is minimal given that the panels face away from traffic and there is there is enough of an advance view of the site for drivers. National Highways have advised that the risk of distraction for northbound drivers would be easily removed by enhanced independent screening measures.
- 5.3.12 In addition to the comments from National Highways, County Highways have responded in relation to the impact on the local highway network. A response is awaited to the options for access, in the

event that utilising the bridge over the M6 is not feasible given the weight limit confirmed by National Highways. However, they have previously advised that the level of traffic generated from the construction phase and the development once operational would not have an unacceptable impact on the surrounding highway network. They have advised that the submitted Construction Traffic Management Plan does not cover all the elements that they would expect to be included. Therefore, a revised Construction Management Plan should be submitted prior to the commencement of development, and can be covered by a condition. They have requested a survey condition of the adopted highway before and after construction and the remediation of any damage caused. However, it is considered that this is not a reasonable or enforceable condition given the extent of the adopted highway that would be used by construction traffic which is also used by other traffic. Therefore, it would be difficult to be certain that any damage caused was as a result of this development. National Highways have requested a similar condition in relation to the bridge across the M6. This is likely to be more reasonable given that access is currently restricted to the byway, although it is used by farm vehicles.

5.3.13 Overall, it is considered that the development would not have a detrimental impact on the highway network or highway safety, subject to the measures detailed above being secured by condition.

5.4 **Landscape and visual impacts** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126, 130 and 34 (Achieving Well-Designed Places), 174 and 176 (Valued and protected landscapes and the countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), T2 (Cycling and Walking Network); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM46 (Development and Landscape Impact), DM53 (Renewable and Low carbon Energy Generation), DM61 (Walking and Cycling)

5.4.1 The site is located immediately to the east of the M6 motorway corridor and comprises gently undulating farmland. The land levels rise from a point around 34 metres AOD at the north of the site, to a high point of around 75 metres AOD, just beyond the centre and lower to approximately 50 metres AOD on the southeast boundary. To the east of the site the land levels lower slightly before rising up towards the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB), beyond which the land rises above the highest point of the application site. The closest part of the AONB is mostly wooded and the boundary is between approximately 300 metres and 600 metres from the eastern boundary of the site.

5.4.2 The landscape character type which covers the site is identified as Drumlin Field (13), sub-type Docker-Kellet-Lancaster (13c), within the Lancashire County Council Landscape Strategy for Lancashire (December 2000). This character type is characterised by a 'field' of rolling drumlins. The consistent orientation of the hills gives the landscape a uniform grain, which is sometimes difficult to appreciate from within the field. Pasture predominates and fields are bounded by clipped hedges or, more often, stone walls, which rise up over the hillocks accentuating the relief of the hills. Narrow streams wind through the drumlins draining the field and small mixed woodlands contribute to the rural wooded character. Major roads often cross or skirt the edge of the drumlin fields and settlement is dispersed, with small hamlets and farmsteads in sheltered sites on the mid-slope of the drumlins. Whilst Lancaster and other towns are on the edges of the Drumlin Field, the landscape is generally rural.

5.4.3 This particular drumlin field has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. Woodlands are often associated with designed landscapes and built development takes advantage of views from the hill tops, for example the Ashton Memorial on the edge of Lancaster which sits atop a drumlin and is a landmark for miles around. The drumlins create a setting for the city of Lancaster. The Landscape Strategy for Lancashire goes on to discuss recommendations for different landscape types. In order to conserve the distinctive rolling landform it sets out that vertical elements should be limited to retain the uncluttered character of the landscape and built development should be sheltered within the undulating landform. Whilst the first point relates to tall structures it does highlight that the rolling landform and uncluttered appearance are important characteristics of this landscape type.

- 5.4.4 The site and surroundings comprise rolling landform, typical of the landscape character type. Fields are mostly separated by hedgerows and trees and there are also wooded groups close to the site. This landform has been impacted by the development of the M6 motorway corridor, which cuts through the drumlin, leaving a banking along part of the boundary between the site and the M6. However, it is open and rural in character and appearance and provides a rural setting to Lancaster and the designated landscape of the Forest of Bowland AONB to the east.
- 5.4.5 The site extends to approximately 28 hectares and comprises a number of agricultural fields. Part of the site has recently been used to grow crops, whilst other parts appears to have been used for grazing animals. The development is separated into three distinct parcels, and a public bridleway runs between two of these in a southwest/ northeast direction. The original submission identified solar panels across most of the site. However, amended plans have been submitted which remove panels from the northern and southern extents of the site, adjacent to the M6, and propose native woodland planting. Two more groups of woodland planting are also now proposed towards the north of the site and within the central parcel, around the highest part of the site. Additional landscaping is also proposed along existing field boundaries. The same number of panels are still proposed, although they would need to be more closely spaced. The proposal also includes a number of ancillary buildings/ containers, fencing, CCTV cameras and tracks around the perimeter of each parcel.
- 5.4.6 A landscape and visual impact assessment has been submitted with the application. Visualisations were not provided within this, but have been subsequently provided from several viewpoints. The assessment includes a Zone of Theoretical Visibility (ZTV) which highlights where the development may be visible. This is relatively localised but includes longer views to the north and south. Immediately adjacent to the site are key views from the public bridleway, which is bordered on both sides by the site for approximately 550 metres. Views are also gained from the north looking towards the site to the south. This bridleway appears to be well used for recreation but may also be used for commuting as it provides a link from the edge of Lancaster to the A683, just to the south of Halton. Other main views are from rural roads to the north, such as around Foundry Lane and Bottomdale Road, From the M6 and from the land to the west of the M6 which is allocated as a Strategic Housing site (East Lancaster) under policy SG7.
- 5.4.7 Views will be gained of the development at various points of the public right of way. These will vary between short views where there are gaps in hedgerows, including access points and more continuous and expansive views at the northern end of the site. In particular there are likely to be clear views from the north of the rear of the solar panels as the land rises up to its highest point. These views are covered by viewpoints 2a and 2b within the submitted assessment which sets out that the magnitude of change is considered to be high and this would result in a significance of effect of Major Adverse at year 0. It goes on to say that once the landscape strategy and additional planting has matured, the existing field boundary hedgerow will have reached a height that would heavily filter view of the proposals, the magnitude of change would reduce to Medium and the significance of effect to Major / Moderate Adverse at year 10. The assessment includes three other viewpoints along the bridleway which have been assessed as between Major and Moderate Adverse with one reducing to Moderate/ Minor adverse at year 10.
- 5.4.8 The photomontages and assessment highlight that there will be impacts on views from the public bridleway, even after 10 years once landscaping has matured. Due to the nature of the solar panels and the associated infrastructure, it will significantly alter the appearance of the landscape from open rolling agricultural land, to one of an industrial nature. Whilst enjoyment of the public right of way is likely to be impacted to some degree by the presence of the motorway, it is rural in nature and part of the open countryside and provides a quick escape from the built up area of Lancaster. As such it is considered that the development would impact on the enjoyment and experience of users of the public right of way. It is positive to see that existing hedgerows would be enhanced, and standard trees planted within the hedge lines. The submission sets out that hedgerows will be allowed to reach their full potential height to screen the development. Whilst managing hedgerows on a less intensive regime should be encouraged, simply allowing hedgerows to grow in height is not in keeping with the traditional management and could impact upon their long-term retention and biodiversity value, as well as people's enjoyment of the public right of way.
- 5.4.9 It is acknowledged that in some views from the north/ northwest, the development will be seen in the context of the M6 motorway. However, as set out above, this landscape provides a setting for

the urban area of Lancaster and the foreground to the AONB. There are also some views where the M6 is not visible or less intrusive where the site form a clear part of the wider undulating landscape. In particular, the photomontage from view point 10 shows how the character and appearance of the site would be changed by the proposed development. Due to the undulating nature of the site and the surrounding land, the site does not provide for a well contained development. The development will also be highly visible and prominent when travelling along the M6, particularly from the north before the site and for the first section in particular. Whilst there are no issues with glint and glare, the highest point the rear and side of the panels will be clearly visible, in addition to associated buildings and infrastructure, which will give a very industrial appearance. It is accepted that users will be travelling along a major transport corridor, however, as set out above, this landscape does provide an attract rural setting for Lancaster which would be diminished by this proposal.

5.4.10 Whilst there are currently no public views on the land to the west, on the other side of the M6, this is allocated as a Strategic Housing Site. As such, it is anticipated that development would be delivered and therefore public views created. These may well be at the highest points of this land, to reduce the impact of the housing development, which would likely provide clear views of the site.

5.4.11 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Policy DM29 of the Development Management DPD sets out that new development should make a positive contribution to the surrounding landscape or townscape and policy DM46 states that the council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping. This policy also goes on to say that the Council will require proposals that are within, or would impact upon the setting of, designated landscapes to be appropriate to the landscape character type and designation.

5.4.12 Amendments have been made to the scheme which have increased the landscaping within the site and also improved the appearance of the boundary fencing and reduced the height and number of the poles for the CCTV camera. However, given the large scale of the proposal, the nature of the infrastructure, which is industrial in appearance, and the open and rolling character of the landscape, it is considered that the proposal would have a detrimental impact on the character and appearance of the landscape and the rural character of the public right of way adjacent to the site and its enjoyment, in addition to the setting of the Forest of Bowland AONB which rises above Moorside Farm. The proposal therefore fails to comply with the local plan policies, in particular those detailed above, but also policy DM53 which relates to proposals for renewable energy.

5.5 **Biodiversity (NPPF paragraphs: 174 and 179-182 (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 DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland) and DM53 (Renewable and Low Carbon Energy Generation)**

5.5.1 The site is located approximately 4 kilometres from the Lune Estuary Site of Special Scientific Interest (SSSI), which is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site. Natural England has provided comments in relation to the designated sites. They initially raised an objection and advised that there was insufficient information to determine if likely significant effects to the designated sites could be ruled out. In particular, they advised that further details of how surface water drainage would be managed during the construction and operation phase to avoid impacts upon the designated sites, including any mitigation measures deemed necessary.

5.5.2 Following the comments from Natural England, the Council has undertaken a Habitats Regulations Assessment. This sets out that there is potential for hydrological connectivity between the site and the protected areas via site run-off into the River Lune. This has the potential for pollutants to adversely affect the protected sites. It is considered that the impacts related to polluted water run-off during, and post, construction could be avoided, but only through mitigation. Therefore, an Appropriate Assessment has been undertaken. This concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. It is considered that the Flood Risk Assessment and Drainage Strategy submitted with the application demonstrate that this potential impact could be adequately mitigated and can be covered by conditions, requiring a Construction

Environmental Management Plan and a final drainage scheme. Natural England have confirmed that they agree with the assessment conclusions.

- 5.5.3 Greater Manchester Ecology Unit (GMEU) have been consulted regarding other ecology impacts in relation to the proposal, including biodiversity enhancements. An ecological impact assessment has been submitted with the application. This sets out that most of the site comprises semi-improved grassland. There are a number of hedgerows along field boundaries and also some boundary walls towards the south of the site. There are a number of individual trees, mostly at the north of the site, and three veteran trees have also been identified which are within hedgerow boundaries. The submitted Arboricultural Implications Assessment (AIA) identifies 25 trees, 23 groups and 19 hedgerows located around the perimeter of the site. Areas of wet grassland have been identified adjacent to the site in addition to broad-leaved semi-natural woodland identified adjacent to the north and east site. The submission sets out that the site is considered to be of lower overall ecological value although hedgerows and veteran trees are of high value. The layout has been designed to concentrate development within the improved grassland areas and maintain and enhance hedgerows. One tree (T15) and part of one hedgerow (H19) are proposed to be felled to allow access. A second tree (T9) is identified for felling due to its poor condition. Since the ecology report was prepared, additional landscaping, including native woodland planting has been incorporated into the layout.
- 5.5.4 The veteran trees and shrubs present on the site are proposed to be retained and their roots protected in the development. Natural England's advice is to retain an unbuilt 15m buffer around veteran trees. The submitted AIA does not identify these as veteran trees / coppice stools, however it does show the retention of all trees in the location of the veteran trees and shrubs. However, the plan does not appear to show protection fencing around this area so a further plan would be required to show this which could be covered by a condition. Some of the solar panels in this location seem to go quite close to the boundary, so it might be appropriate to condition that an appropriate buffer zone is agreed prior to commencement and ensure that these are taken into account within an arboricultural method statement.
- 5.5.5 In terms of particular species, the report sets out that the site has limited potential to support protected/ rare and/ or priority invertebrates. In relation to amphibians, it sets out that, the records returned from the local record centre and those found on MAGIC Maps coupled with a paucity of suitable ponds in the local area and the barriers to movement presented by the River Lune, Denny Beck and the M6 indicate that great crested newts are unlikely to be present on or near the site. It also sets out that the number of other amphibian species in the wider local area is low and the scarcity of standing water means that the site is likely of up to lower value. The report also sets out that the proposed development is likely to provide improved foraging opportunities within the site, with the grassland underneath the solar panels providing foraging opportunities throughout the site.
- 5.5.6 The majority of habitats within the site, such as the pasture and silage fields, are of low value to reptiles. Features, such as hedgerows, watercourses and wooded habitats, offered suitable commuting, foraging and sheltering opportunities for this group. The report sets out that, during the installation of the solar panels, there is a potential chance for negative impacts to reptiles such as sheltering in construction materials and being killed or injured, and leaving fields to vegetate before construction which could attract species. Mitigation has been suggested to safeguard this species during construction. The report sets out that the site offers suitable foraging opportunities for badgers, brown hare and hedgehogs. However, the hedgerows and woodland provide sub-optimal cover for sett creation, due to their condition and no badger activity was recorded during the survey. The fields will continue to provide foraging habitats for terrestrial mammals post-development through the grassland and wildflower habitats. To maintain connectivity, it is recommended that holes are dug beneath security fencing to allow hedgehogs to move around within the site.
- 5.5.7 The site is likely to be used by common breeding bird species, both for nesting and foraging, with the wooded habitats, hedgerows, trees and scrub habitats being of greatest value in this respect. With the intensively managed grasslands it is considered that the value of the site to breeding birds is low. The report advises that vegetation removal for the construction phase should take place outside the bird breeding season of March to August inclusive, to prevent disturbance to birds, unless a nesting bird check has taken place prior to removal. Multiple trees within the field boundaries offer roosting potential for bats. The AIA does not show any of those identified as having potential to be removed. If works are proposed to trees with moderate or high bat roost potential

then further surveys would be required. However, the development can be undertaken without impacting on these. The submission sets out that the hedges and woodland are likely to be used for foraging and commuting by a low number of bats, because of proximity to the M6 and the intensive use of the grass fields indicating that there is likely to be relatively few flying insects present. The development would provide improved foraging opportunities, with gaps in hedgerows being planted up and with the grassland underneath the solar panels providing better foraging opportunities throughout the site.

- 5.5.8 In relation to the biodiversity enhancements, GMEU have set out that, although the report mentions that the solar panels will have gaps left between rows which would facilitate the enhancement of the grassland around and under the panels, it is difficult to ascertain if the layout of the panels would be of such a density which would allow future grassland management that is beneficial to nature conservation. The report states that the ground beneath the solar panels will be seeded with a traditional grazing mixture which contains a more diverse seed mix than modern high-yielding swards and the land under the solar panels should be sheep grazed once established at a density to ensure that the grassland always has an average sward height of 15cm in at least half of the fields. Sheep should be rotated around the fields to ensure that a variety of sward heights persists throughout the year. GMEU support these recommendations and have advised that in principle the development could deliver a local gain in biodiversity, although this depends on the future management of the dominant habitat on the site, which is the grassland. They have therefore recommend that a comprehensive Habitat and Landscape Creation and Management Plan in order to ensure that this is secured and delivered. In addition, following these comments, the plans have been amended to significantly increase planting within the site, including the inclusion of woodland groups and further improvements to hedgerows.
- 5.5.9 Overall, it is considered that impact to ecology can be adequately mitigated and that the scheme can achieve a net gain in biodiversity.
- 5.6 **Impacts on Heritage Assets** NPPF paragraphs: 189, 194 - 197, 199 – 206 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development Affecting Listed Buildings), DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings), DM42 (Archaeology) and DM53 (Renewable and Low Carbon Energy Generation)
- 5.6.1 A historic environment desk based assessment has been submitted with the application. Lancaster Moor Conservation Area is approximately 600 metres to the southwest, at its closest point, and this contains a number of listed buildings, including Lancaster Moor Hospital (Grade II) and also abuts the Williamson Park Conservation Area which includes the Aston Memorial (Grade I), although this is approximately 1.5 kilometres from the site. The proposal would not directly impact any designated heritage assets, however it does have the potential to impact on the setting of these, which contributes to their significance.
- 5.6.2 There is development separating the assets mentioned above from the site, including residential properties, Lancaster Farms Prison and the M6 motorway. The development would be viewed in the context of Lancaster Moor Hospital and Ashton Memorial towards the northern end of the site. In particular, the development would be on rising land that currently forms the foreground of views of these assets from the bridleway through the site. However, whilst it would alter the appearance of the landscape in this location, to one of a more industrial nature, it is considered site does not contribute to the significance of the listed buildings by way of setting due to the separation distance and intervening features.
- 5.6.3 In relation to archaeology, the submitted Historic Environment Desk-based assessment states that there is a significant potential for the development to damage archaeological remains of Romano-British and Medieval dates and that a scheme of investigation and mitigation will be necessary. County Archaeology have been consulted and have confirmed that they agree with this conclusion but note that whilst there is no strong evidence for either Prehistoric or Early Medieval remains on the site, their presence should be stated as 'unknown' rather than 'absent'. They have advised that they agree that there is no strong evidence for the existence of nationally important remains to exist within the site and that there is therefore no reason to require the scheme of investigation and

mitigation to be undertaken before a planning decision is taken. It is therefore considered that a programme of archaeological work, including any required mitigation following the further investigation, can be adequately controlled by condition.

- 5.7 **Flood Risk and Drainage** NPPF paragraphs: 159, 167 and 169 (Planning and Flood Risk); Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM53 (Renewable and Low Carbon Energy Generation)
- 5.7.1 The site is located within Flood Zone 1, which is at the lowest risk of flooding. A very small area at the north of the site is identified as being at risk of surface water flooding, which appears to follow flow paths. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The Lead Local Flood Authority has been consulted on the application. They have raised no objection to the proposal but have raised some concerns regarding the submitted drainage strategy. The submission sets out that the surface water will be managed on the site by maintaining the current site infiltration characteristics and flow paths. However, some impermeable areas will be introduced by the compounds. The LLFA also considers the proposed access roads to be impermeable, as these are designed to direct runoff off the road surface. They have advised that the drainage strategy should consider these impermeable areas, providing calculations to demonstrate that the proposed swales and filter drains have an appropriate size and capacity to manage runoff from these areas up to the 1 in 100-year + climate change event. In addition, infiltration testing will be required at the location of each infiltration component, to demonstrate that this is an appropriate way of managing surface water on the site. If infiltration is not possible, or possible for only part of the site, the development should utilise the next level of the drainage hierarchy and provide an attenuated discharge to a surface water body or utilise a hybrid approach. It is considered that this can be adequately controlled by condition.
- 5.7.2 The LLFA have also advised that surface water flowing from the arrays onto the areas between the rows will lead to an increased concentration of surface water and soil erosion, increasing the rates and volumes of surface water runoff. This can be further exacerbated by a lack of maintenance. The submission sets out that this will be managed by maintaining vegetation, mainly grass cover, in good condition between and underneath the panels. The LLFA expect these measures to be detailed within the SuDS operation and maintenance manual. They have also advised that, after construction, the soil should be chisel ploughed, or similar, to mitigate soil compaction during construction. This will ensure that the site can infiltrate to its potential. Furthermore, during the first few years it is important to hold frequent inspections of the planting and soil to ensure it is growing properly, and the soil is not bare or compacted, with any remedial work occurring as soon as possible.
- 5.7.3 In addition, the LLFA have advised that no development should occur within 8 metres of any ordinary watercourse, present towards the north of the site. This includes the construction of structures such as walls and fences. Construction within 8 metres of any ordinary watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures should flooding occur.
- 5.7.4 National Highways have also advised that there are existing problems with regards to drainage and run-off on the adjacent section of the M6 and have set out that a cut-off drainage would be welcomed if possible. They have not requested details of the drainage by condition, although they could be consulted in relation to a subsequent drainage scheme. However, they have requested a condition to ensure that there is no additional run-off to the M6. Overall it is considered that the site is not at a high risk of flooding and surface water drainage can be appropriately managed by securing an appropriate scheme and management by condition. A condition will also be required to ensure that run-off is managed during construction.
- 5.8 **Impacts on residential amenity** NPPF paragraphs: 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM53 (Renewable and Low Carbon Energy Generation), DM57 (Health and Well-Being).
- 5.8.1 The site is located in a rural area, around 900 metres from the nearest residential areas at the edge of the built up area of Lancaster. There are a number of dispersed farms in the vicinity of the site.

The submission sets out that, when in operation, the Inverters and Substations will occasionally produce a hum from cooling fans during peak operating conditions, however this will be at a very low level and therefore it is very unlikely that these installations will be audible above existing background noise levels. It goes on to say that a recommended 250 metre buffer between any residential houses and the inverters was set following the instructions of their specialist. This corresponds with the locations shown on the submitted layout plan. No permanent lighting is proposed, although there may be some bulkhead lights on the inverters which would be switched on if there was a need for emergency work in the dark.

5.8.2 The other potential impact to residential amenity from the solar farm relates to glint and glare. The submission sets out that the panels absorb sunlight and the glass is coated with a translucent coating to improve light transmittance into the glass. It sets out that the panels appear to have a dull sheen and do not reflect light as strong glint or glare. Studies into the likely impacts from glare on aviation have shown that glare from a photovoltaic installation is less than that from a similar sized water body, such as a lake. Glint is a more intense, but intermittent direct reflection of the sun from reflective surfaces, which can occur on rare occasions when several environmental conditions coincide. The sun has to be at the right height in the sky (seasonal) and at the right angle (time of day) and there must be no cloud obscuring the sun. Assuming that there is no cloud cover, these circumstances would only result in glint impacts on each receptor for a short period of time each day and for a few days twice a year. With the added constraint of cloudy weather, and other variables such as the slight differences in the pitch of panels and undulations in topography, the submission sets out that it is almost impossible to predict these impacts. Newly manufactured PV panels and their alloy frames may create glint initially but, with weathering and surface oxidation, this will reduce over time. In terms of impacts on nearby roads, a separate Glint and Glare report has been commissioned.

5.8.3 Taking the above into account, the distance and intervening landscape and screening from the main residential areas, and the position of the closer residential properties, it is unlikely that the proposal would have a detrimental impact as a result of glint and glare from the solar panels. There is also a Strategic housing allocation site on the eastern side of the M6 motorway. It is difficult to assess the impacts to this site as there are currently no detailed plans for the development. However, some assessment relating to the M6 is relevant to this site. As discussed above, the significance of a reflection decreases with distance because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances. It is likely that development on the Strategic site would be set in from the M6, increasing the separation. There would also likely be additional planting that would restrict views, in addition to the location of buildings. Given this, it is considered that the proposal is unlikely to have a detrimental impact on amenity at the allocated site and would therefore be unlikely to undermine its delivery.

5.9 **Mineral safeguarding NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals): Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)**

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

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

5.9.2 No assessment has been submitted with the application. However, the proposal does relate to a development that is intended to be removed from the site and the land restored, albeit after a period of 35 years. As excavation is not proposed to construct the development, it would not be appropriate to extract the minerals prior to the development. Given that the land can be restored to its current

use, it is considered that the development would not sterilise the mineral resource. In addition, there is no active quarry close to the site, so it would be unlikely that any mineral development would come forward on this site in the near future.

6.0 Conclusion and Planning Balance

- 6.1 The proposed solar farm will contribute to the decarbonisation of electric energy in the district and to both local and national climate mitigation targets and clearly supports the Council's climate change agenda. There are clearly environmental benefits from the proposal in terms of mitigating the impacts of climate change and associated economic benefits. However, as a result of the large scale of the proposal, its prominent location within an open undulating drumlin landscape and the industrial appearance of the proposed infrastructure required to deliver the solar farm, the proposal would have a detrimental impact on the character and appearance of the landscape and the rural character of the public right of way adjacent to the site and its enjoyment. It would also have an adverse impact on the setting of the Forest of Bowland AONB which rises above Moorside Farm. This clearly represents clear environmental disbenefits, and would also fail to achieve the social objective of sustainable development given the impact on users of the public right of way and visual impact.
- 6.2 Taking into consideration the benefits of the proposal, it is considered that the harmful landscape and visual impacts identified outweigh these and the proposal is considered to be contrary to the Local Plan as a whole, in addition to the aims and objectives of the NPPF.

Recommendation

That Planning Permission BE REFUSED for the following reason:

1. As a result of the large scale of the proposal, its prominent location within an open undulating drumlin landscape and the industrial appearance of the proposed infrastructure required to deliver the solar farm, the proposal would have a detrimental impact on the character and appearance of the landscape and the rural character of the public right of way adjacent to the site and its enjoyment. It would also have an adverse impact on the setting of the Forest of Bowland AONB. The proposal therefore fails to comply with the National Planning Policy Framework, in particular Sections 12 and 15, Policy EN2 of the Strategic Policies and Land Allocations Development Plan Document and Policies DM29, DM46 and DM53 of the Review of the Development Management Development Plan Document.

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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons set out in the report.

Background Papers

None

Agenda Item	A7
Application Number	22/00816/FUL
Proposal	Engineering works to create a surface water management scheme
Application site	Land Off Wyresdale Road Lancaster Lancashire
Applicant	Mr John Matthews
Agent	N/A
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Approval (subject to Section 106 Legal Agreement).

(i) Procedural Matters

The application has been advertised, and is considered to be a departure from planning policy due to implications on Urban Setting Landscape.

1.0 Application Site and Setting

1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals circa 7.8 hectares, including the land area for the concurrent variation to the residential development (22/00817/VCN), however the vast majority of this site area seeks development for surface water drainage infrastructure across the sloping fields. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track, which once would have served Lancaster Leisure Park when it was a rare breed's farm. Beyond this is Well House Farm, and Well House, with Pottery Gardens residential area and Lancaster Leisure Park also sited to the west of the site. Some small-scale business units are located to the east, whilst to the south are residential cul-de-sacs of Colchester Avenue and Chelmsford Close. The boundary treatment to the north consists of a post and wire fence followed by tree planting. To the east and west lies stockproof fencing with some landscaping, protected trees and drystone wall, whilst to the neighbouring residential properties to the south and east are bounded by some domestic fencing softened by topography and vegetation/trees.

1.2 The majority of the site is within Flood Zone 1 and therefore at the lowest risk of flooding from tidal and river sources, however to the south of the site along the Burrow Beck and a tributary to the east, the site is within Flood Zones 2 and 3. A small area of the Wyresdale frontage is known to suffer from surface water flooding during 1in100 and 1in1000 year events, with even higher surface water flood risk in the aforementioned areas of Flood Zones 2 and 3 in the southern section of the site. The site is within an area at 50 to 75% susceptibility to groundwater flooding. Part of the north-western

boundary and southern area of the site are allocated as mineral safeguarded land. The majority of boundaries to the site and another linear section of woodland to the southeast of the Pottery Gardens are protected by Tree Preservation Orders (no.484, 583 and 654 (2011, 2016 and 2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider park forming part of a Registered Park and Garden, which is located 400 metres from the site.

- 1.3 The Walton Le Dale/Slyne Distribution Pipeline runs to the east beyond the application site, though no development is proposed within any of its consultation zones. The site lies partially within Urban Setting Landscape within the Strategic Land and Policies DPD, with the wider site falling within a housing allocation for 'Land at Lancaster Leisure Park and Auction Mart, East Lancaster'. The site is within the larger site definition of potential impact upon designated AQMAs, which covers the vast majority of Lancaster and across to beyond Halton. The site is circa 1.5km east of the Lancaster Air Quality Management Area (AQMA), and approximately 3.3km from Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within an article 4 area removing permitted development rights for houses in multiple occupancy (HMO) and a Regulation 7 Direction to control 'To Let' signs.

2.0 Proposal

- 2.1 This application seeks planning permission for a surface water drainage scheme, which is to be delivered in association with a residential development currently seeking variation of conditions through concurrent application 22/00817/VCN (appearing on this agenda). The surface water drainage scheme includes swales to the east, north and western sides of the residential development area, which are included within the aforementioned concurrent variation of conditions application. The drainage then extends into the network of swales and overflow dams seeking planning permission through this planning application, located to the southwest of the residential development site and eventually leading to the Burrow Beck.

- 2.2 A series of swales would be dug into the existing hillside, aligned perpendicular to the fall of the land. The swales would be dug into the existing ground, and bunded on the downside slope through the reutilisation of spoil from the site works. Swales, basins and pipes are sought to control drainage flow to the south of the residential development site, managing overland flow and discharge rate. Prior to discharge to the watercourse, a series of stone check dams have been proposed within the swales to reduce the flow of the water as the elevation drops with the associated ground levels. The proposal includes the creation of 2no. bunded areas to the east / north of the watercourse, designed to attenuate any exceedance flood flow from the existing culverted watercourse.

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
22/00817/VCN	Erection of 27 dwellings (C3) with associated access (pursuant to the variation of conditions 2, 5 and 6 on planning permission 18/00472/FUL to amend house types, access, layout, surface water management plans and install a substation)	Pending consideration Planning Committee
21/01434/PRETWO	Proposed engineering works to include installation of ponds and swales, residential development and updated drainage proposals for 18/00472/FUL	Advice provided
18/00472/FUL	Erection of 27 dwellings (C3) with associated access	Approved
17/00920/PRETWO	Pre-application advice service in 2017 on the basis of the erection of 28 dwellings	Advice provided
17/00945/FUL	Erection of 44 dwellings with associated access and landscaping	Refused

16/00591/FUL	Erection of 44 dwellings with associated access and landscaping	Withdrawn
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4.0 Consultation Responses

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

Consultee	Response
Lead Local Flood Authority (LLFA)	No objection , recommend drainage conditions for implementation, maintenance and management of full details of drainage, submission of a verification report for the implement proposed drainage scheme through pre-use/occupation planning condition, and a construction management plan relating to surface water drainage through pre-commencement planning condition.
Engineering Team	No observation received
Tree Protection Officer	No objection , original concerns addressed through amendments for swales outside root protection areas, reduced incursions into root protection areas and appropriate methodology for necessary works within such areas.
United Utilities (UU)	No objection to the natural flood risk management proposals to reduce overland flows, recommend that the pre-commencement condition for protection of water mains during construction.
County Archaeology	No observation received
Environmental Health	No objection , recommend planning conditions regarding hours and dust control during construction, and contaminated land.
Environment Agency (EA)	No objection , sought changes reflect earlier discussions between the applicant and EA. The scheme should have a positive effect on flood risk in the area by intercepting runoff to Wyresdale Road and slowing the flow of water in the tributary to Burrow Beck, particularly during high flows
Planning Policy	Request that the sites connectivity is considered, and that opportunities are explored
Cadent Gas	No objection
Natural England	No objection , no significant adverse impact upon statutory protected nature conservation sites.

4.2 The following responses have been received from members of the public, raising **Objections from 2** responders:

- Removal of trees
- Drainage and flood risk
- Potential sewage problems
- Noise
- Traffic
- Loss of wildlife habitats
- Privacy
- Lack of public consultation

5.0 Analysis

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

- Principle, drainage and flood risk
- Trees and ecology
- Neighbouring residential amenity
- Contamination, heritage and mineral safeguarding

5.2 **Principle, drainage and flood risk** (NPPF Sections 2. Achieving sustainable development, Section 4. Decision-making and 14. Meeting the challenge of climate change, flooding and coastal change, Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of

- 5.2.1 This application seeks planning permission for various drainage swales, dams and attenuation features as part of an extensive surface water drainage scheme associated with a residential development of 27 dwellinghouses, currently seeking a variation to accommodate this drainage scheme. The entire site is within housing allocation H5, and the loss of this land for potential residential development is a negative of the proposal, although this needs to be viewed in the context of the proposed drainage development facilitating residential development, albeit unfortunately on a smaller portion of this land allocation. The proposal has been designed to mitigate the impacts of this associated development, as is the situation with the existing consent at the site. However, this proposed drainage scheme sought through this application should also have a positive effect on flood risk in the area, as detailed within the consultation response from the EA.
- 5.2.2 The proposal will intercept runoff from Wyresdale Road, slowing the flow of water in the tributary to Burrow Beck, particularly during high flows, resulting in a betterment in terms of flood risk downstream. The LLFA, who assess surface water drainage, have recommended a planning condition regarding mitigation measures for surface water during construction. However, the consultation response from the LLFA seeks to control the submitted surface water drainage details sought as part of this proposal, with no objection from this consultee. Further to the EA no objection, which concludes a beneficial flood risk reduction of the proposal, United Utilities also raise no objection, subject to construction management details to protect existing subterranean water mains infrastructure during construction. Such protection measures, drainage arrangements during construction, and other matters regarding the construction phase of land engineering works associated with this development, could all be controlled through planning condition for a comprehensive Construction Management Plan. Subject to such a planning condition, the surface water drainage arrangements are considered to be acceptable, and the proposal would result in a betterment to flood risk downstream along the Burrow Beck. This betterment weighs in favour of this proposal.
- 5.2.3 The consultation response from LLFA also seeks a planning condition regarding a verification report for the construction surface water management scheme. Whilst this is a valid request, given this proposal is for a surface water management scheme only, there is no logical trigger for the submission of such a report through this consent, as the associated residential development has been granted through an existing permission, and proposed through a separate concurrent variation to this permission. As such, requirement for a verification report should be controlled through legal agreement, which would also be necessary to tie the two consents together and ensure the implementation of drainage as part of the associated residential development, should both applications be granted. As such, this has not been included within recommended planning conditions, but should form part of a legal agreement, if permission is granted subject to delegation back to officer to undertake such an agreement.
- 5.3 Trees, ecology and landscape (NPPF Sections 15. Conserving and enhancing the natural environment, Strategic Policies and Land Allocations (SPLA) DPD policies EN5: Local Landscape Designations and SP8: Protecting the Natural Environment and SP8: Protecting the Natural Environment, and Development Management (DM) DPD policies DM43: Green Infrastructure, DM44: The Protection and Enhancement of Biodiversity, DM45: Protection of Trees, Hedgerows and Woodland and DM46: Development and Landscape Impact)
- 5.3.1 The tree impacts associated the associated variation to residential development as part of concurrent application 22/00817/VCN have been reported on the concurrent committee report. It is worth noting that this proposal would also cover these impacts (three additional tree removals from the parent consent at the site), however this proposal would not duplicate those removals. As such, these will not be reassessed within this application. For the wider drainage proposal beyond the extents of concurrent application 22/00817/VCN, a further two trees are required to be removed to accommodate the first overflow attenuation dam, due to the location of the earth bunding to create this overflow dam. These are category B2 beech and sycamore trees, which should ideally be accommodated within proposed development, despite the fact that these trees are beyond the tree protection measures on site, and therefore are unprotected. Unfortunately, there does not appear to be a feasible way of retaining these trees sought for removal whilst delivering the proposed drainage

infrastructure. These tree removals weigh modestly against the proposal, however it is worth noting that this would have a neutral visual landscape impact, as the extent and location of removals limits wider landscape impact. A scheme to mitigate these tree removals is recommended through a soft landscaping planning condition, to ensure replacement planting and associated ecological aspects are delivered. However, given the category of these trees, this still generates modest harm weighing against this proposal, despite the reduced harm through replacement planting, which would be expected to achieve a policy required 3:1 ratio of 3 trees planted for every tree removed.

5.3.2 The site comprises an area of semi-improved grassland, with pockets of tall ruderal vegetation and scrub to the margins, with scattered and groups of trees across the site. The two aforementioned trees for removal have been assessed as having negligible potential for bat roosts within the submitted Ecological Appraisal, and notwithstanding these unfortunate tree removals, the proposed drainage scheme primarily impacts semi-improved grassland. The proposed development would constitute swales and surface water drainage features, which should encourage greater ecological value to the site, permeating existing grassland with elements of wetland formed by earth bunds. Subject to grass seeding all earthworks, for ecological and visual impact/landscaping reasons, combined with replacement tree planting, it is considered that the proposal would have no undue impact upon ecology. The ecological impact of this proposal should delivery a positive impact, although such benefits have not been substantiated within the submitted Ecological Appraisal, and as such only very limited positive weight could be applied to this.

5.4 Neighbouring residential amenity and open space (NPPF Sections 8. Promoting healthy and safe communities and 12. Achieving well-designed places and Development Management (DM) DPD policy DM29: Key Design Principles and DM61: Walking and Cycling)

5.4.1 The application site is extensive in scale, in an area bordering countryside with the associated noise and lighting environment, particularly in the evenings and night-time. This will make developments more noticeable to neighbouring residential dwellinghouses, although the proximity to Wyrse Dale Road and Lancaster Leisure Park generates existing noise and artificial light impacts, particularly during normal daytime hours. To control potential adverse impacts during more sensitive evening and night-time hours, particularly with regard to potential artificial lighting of extensive areas during nightfall, hours of construction should be controlled as part of a comprehensive construction management plan condition.

5.4.2 A consultation response from colleagues within the Planning Policy team raises connectivity aspirations across the site to delivery sustainable travel provisions. A review of the Sustainable Travel SPD is currently being prepared, with the draft form currently at public consultation. This document provides potential links across the site to Lancaster Leisure Park and Coulston Road. Whilst this isn't directly related to this drainage development proposal, and the early stages of the plan can be afforded very limited weight, this has been raised with the planning agent. There are existing topographical constraints across the site to providing usable walking and cycling provision, however it is noteworthy that this development does not prejudice any future delivery of walking or cycling connections across the site. Clearings are provided to the associated concurrent residential development. Therefore, whilst it would not meet the tests of a planning condition to impose cycling and walking provision or public open space across the site through this proposal, the application does not prevent the delivery of such facilities in the future, which can be explored as the Sustainable Travel SPD progresses through any future planning applications.

5.5 Contamination, heritage, and mineral safeguarding (NPPF Sections 15. Conserving and enhancing the natural environment, 16. Conserving and enhancing the historic environment and 17. Facilitating the sustainable use of minerals, and Development Management (DM) DPD policies, DM31: Air Quality Management and Pollution, DM39: The Setting of Designated Heritage Assets, DM42: Archaeology)

5.5.1 Given the greenfield nature of the site and former agricultural and equestrian use, it is considered reasonable to include a planning condition associated with land contamination on the site. This would be primarily to protect construction workers during the development of the drainage scheme, as there is no proposal for greater public access to the site than existing, and in the current scenario surfaces water drains across the site. Dust could generate contamination and pollution from the associated earthworks during the construction of the proposed drainage. This can be mitigated to acceptable levels through a comprehensive construction management plan, as recommended within

the Environmental Health consultation response, which can be controlled through planning conditions.

- 5.5.2 The site has the capability to impact on below ground archaeology, however trial trenching undertaken as part of the associated immediately adjacent residential development site revealed nothing of archaeological merit. Whilst this application site covers a wider area, given that the development would remain grassland and soft landscaping, with no permanent cap or development preventing any future investigation of the site, the proposal is considered to have no undue impact upon archaeology. County Archaeology return no consultation response to this proposal. The earthworks to facilitate the drainage scheme will have nominal visual impact and no undue impact upon the setting of heritage assets, subject to a planning condition to ensure this is grass seeded.
- 5.5.3 The application site contains mineral safeguarding areas. However, given that the site will remain grassland and soft landscaping, this would not restrict nor prevent any future extraction activities across the site, albeit these are considered unlikely given the lack of convenient access combined with the proximity to sensitive receptors such as neighbouring dwellinghouses.

6.0 Conclusion and Planning Balance

- 6.1 The proposal seeks to deliver a sustainable drainage scheme at the site, in conjunction with concurrent variation of conditions application 22/00817/VCN. This will achieve acceptable drainage arrangements of this residential development, with the added benefits of delivering a betterment in terms of flood risk, which is attributed moderate weight given the betterment to flood risk downstream along the Burrow Beck. Whilst the loss of two trees, in addition to those with the approved and varied residential development area, is unfortunate, and similarly the loss of potential housing land weighs against this proposal, it is important to consider that the proposal facilitates the delivery of 27 much needed dwellinghouses, whilst reducing flood risk downstream in locations where the impacts of flooding are particularly harmful. Subject to soft landscaping and grass seeding to mitigate the tree removals and visual impacts of the proposed earthworks, the benefits of facilitating deliverable homes and reducing flood risk downstream are considered to outweigh the additional tree losses and the wider housing allocation being occupied by such an extensive drainage scheme. There are potentially unacceptable impacts during the construction phase of the proposed drainage, however these can be satisfactorily mitigated through a comprehensive construction management plan through planning conditions.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions, and a s106 agreement to reflect this permission in terms of drainage associated with the adjacent residential development approval:

Condition no.	Description	Type
1	Timescale	Control
2	Accord with approved plans	Control
3	Construction management plan (hours of construction, SW drainage, dust and protection of water main)	Pre-commencement
4	Contaminated land	Control
5	Soft landscaping	Pre-commencement
6	AIA	Control
7	Implement/manage/maintain approved drainage details	Control
8	Ecological mitigation	Control
9	Grass seed all earthworks	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	A8
Application Number	22/00817/VCN
Proposal	Erection of 27 dwellings (C3) with associated access (pursuant to the variation of conditions 2, 5 and 6 on planning permission 18/00472/FUL to amend house types, access, layout, surface water management plans and install a substation)
Application site	Land Off Wyresdale Road Lancaster Lancashire
Applicant	Mr John Matthews
Agent	N/A
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Approval (subject to deed of amendment to extant Section 106 Legal Agreement).

(i) Procedural Matters

The application has been advertised, and is considered to be a departure from planning policy, due to implications on Urban Setting Landscape, Key Urban Landscape and Woodland Opportunity designations from the original approval.

1.0 Application Site and Setting

1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares, but the net developable area is 1.06 hectares, with the remainder of the site afforded to landscaping, open space and drainage. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track, which once would have served Lancaster Leisure Park when it was a rare breed's farm. Beyond this is Well House Farm, and Well House. Some small-scale business units are located to the east, with open fields to the south forming part of a concurrent planning application for a surface water management scheme associated with this proposal. The boundary treatment to the north consists of a post and wire fence followed by tree planting. To the east and west lies stockproof fencing with some landscaping and protected trees, and to the south of the site the boundary is open fields sloping downwards to the Burrow Beck.

- 1.2 The site is within Flood Zone 1, and therefore at the lowest risk of flooding from tidal and river sources, although a small area of the site frontage is known to suffer from surface water flooding during 1in100 and 1in1000 year events. The site is within an area at 50 to 75% susceptibility to groundwater flooding. Part of the north-western boundary of the site is allocated as mineral safeguarded land, and all the trees that bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider Williamsons Park forming part of a Registered Park and Garden, which is located 400 metres from the application site.
- 1.3 The Walton Le Dale/Slyne Distribution Pipeline runs to the east beyond the application site, however no development is proposed within any of its consultation zones. The site partially lies within the Urban Setting Landscape in the Strategic Land and Policies DPD, with the wider site falling within a housing allocation for 'Land at Lancaster Leisure Park and Auction Mart, East Lancaster'. The site is within the larger site definition of potential impact upon designated Air Quality Management Areas (AQMAs), which covers the vast majority of Lancaster and across to beyond Halton. The site is circa 1.5km east of the Lancaster AQMA predominantly along the gyratory road, and approximately 3.3km from Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and the Lune Estuary Site of Special Scientific Interest (SSSI). The site is within an article 4 area removing permitted development rights for houses in multiple occupancy (HMO) and a Regulation 7 Direction to control 'To Let' signs.

2.0 Proposal

- 2.1 This application seeks to vary a permission (18/00472/FUL) for the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. This application proposes to provide a surface water drainage scheme within the site (and beyond, to be considered through a concurrent application 22/00816/FUL). The proposed layout includes surface water drainage channels around the majority of the perimeter of the residential development area, with an updated and varied Arboricultural Impact Assessment and Method Statement submitted to incorporate the altered impacts upon existing trees within the site. The ecology report has also been updated to reflect the changes sought through this application.
- 2.2 This application seeks consent for an electricity substation adjacent to the site access point, which has move circa 2 metres southeast from the original submission, and garden areas of plots 23 to 27 have extended slightly to provide more garden depth and area to these predominantly affordable units from the original consent. Boundary treatments will predominately consist of 1.8-metre-high close boarding fencing, although certain prominent plots seek 1.8-metre-tall reconstituted stone walls for improved acoustic and aesthetic benefits. Knee high rail fencing is sought to the extremities of private road and parking areas, and refuse collection points and external lighting columns have been detailed within the proposed plans seeking consent through this variation of conditions application.
- 2.3 Some minor amendments to the approved house types are proposed, which are details below. The internal floorspaces to all units remains unchanged, and the proposed housing mix remains unchanged:-
- Edenfield house type – 4x 2-bed terrace, unchanged
 - Formby/Parkgate house type – 4-bed detached, lean-to roof with rooflights to rear projection in place of gable roof, bi-fold door in rear projection rear elevation and window to main dwelling rear elevation in place of bi-folds, remove side facing french doors of rear projection, side door to altered utility location in place of ground floor side window.
 - Haigh house type – 4-bed detached, rooflights in rear projection
 - Hartford house type – 4-bed detached, rooflights in rear projection
 - Heswall/Bramwell house type - 4-bed detached, altered position of openings to the rear elevation, altered location of utility and door in place of windows to the ground floor side elevation.
 - Tarleton house type – 2/3-bed semi-detached (box room), unchanged
 - Four Tarleton units has been replaced by 2/3-bed (box bedroom) semi-detached Culcheth units, which offer a marginally larger floorspace for units of the same number of bedrooms

- Willaston house type – 4-bed detached, rooflights in rear projection

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
22/00816/FUL	Engineering works to create a surface water management scheme	Pending consideration
21/01434/PRETWO	Proposed engineering works to include installation of ponds and swales, residential development and updated drainage proposals for 18/00472/FUL	Advice provided
18/00472/FUL	Erection of 27 dwellings (C3) with associated access	Approved
17/00920/PRETWO	Pre-application advice service in 2017 on the basis of the erection of 28 dwellings	Advice provided
17/00945/FUL	Erection of 44 dwellings with associated access and landscaping	Refused
16/00591/FUL	Erection of 44 dwellings with associated access and landscaping	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Lead Local Flood Authority (LLFA)	No objection , recommend that the pre-commencement drainage conditions for full details of drainage, maintenance and management are attached to the sought variation.
Engineering Team	No observation received
Tree Protection	No objection , original concerns addressed through amendments for swales outside root protection areas, reduced incursions into root protection areas and appropriate methodology for necessary works within such areas.
United Utilities (UU)	No objection to the natural flood risk management proposals to reduce overland flows, recommend that the pre-commencement drainage conditions for full details of drainage, maintenance and management are attached to the sought variation.
County Archaeology	No observation received
Cadent Gas	No observation received
Environmental Health	No objection , recommend planning conditions regarding hours and dust control during construction, air quality assessment and clean cover system of the site.
Environment Agency (EA)	No objection , sought changes reflect earlier discussions between the applicant and EA
County Highways	No objection to amended proposal, removing grass verge between carriageway and footway, as required for adoptable standards.
Planning Policy	Request that the sites connectivity is considered, and that opportunities are explored
Electricity NW	No observation received
Natural England (NE)	No adverse comment

4.2 The following responses have been received from members of the public, raising **Objections from 6** responders:

- Removals of trees, including protected trees, and environmental damage
- Drainage and localised flooding, introducing impermeable surfaces to the field
- Impact upon protected species, such as bats, and loss of wildlife corridor

- Noise during construction, air and noise pollution impacts from tree removal that provides existing mitigation
- Suggest acoustic fencing to west for privacy and noise barrier
- Detrimental visual impact, affordable housing may be unsightly
- Accessed from busy dangerous road (excessive speed), traffic
- Brownfield sites should be used first, loss of countryside land
- Negative impact upon local property prices

5.0 Analysis

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

- Procedural matters, principle of development
- Drainage and flood risk
- Trees and landscaping
- Ecology and lighting
- Layout, design and boundary treatments
- Highways and cycle storage
- Residential amenity and refuse storage/collection
- Other matters

5.2 **Procedural matters, principle of development** (NPPF Sections 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes and Section 6. Building a strong, competitive economy, 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, SP6: The Delivery of New Homes, SG1: Lancaster South Broad Area of Growth, SG8: Infrastructure Requirement & Delivery for Growth in East Lancaster, H1: Residential development in Urban Areas and H5: Land at Lancaster Leisure Park and Auction Mart, East Lancaster, and Development Management (DM) DPD policies, DM1: New Residential Development and Meeting Housing Needs, DM2: Housing standards and DM3: Delivery of Affordable Housing; Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note.

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. Whilst it is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted, due to the concurrent planning application for the wider drainage scheme associated with this development, a legal agreement will be required to tie the consents together, effectively necessitating the implementation of a varied scheme alongside this concurrent application, if approved. Section 73 provides a mechanism to consider and assess minor material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in June 2019. During this committee, with 11 Councillors voted in favour of the proposition and 1 against, with 2 abstentions, whereupon the Chair declared the proposal to be carried. This parent consent application 18/00472/FUL was brought to committee members again in July 2020 due to the intervening adoption of the current local plan and policies, and this was again considered acceptable and granted planning permission largely under the current suite of planning policies. All decision making must remain consistent with the requirements of planning legislation to determine applications in accordance with the provisions of the adopted local plan, unless materials considerations indicate otherwise.

5.2.3 The provision of up to 27 dwellings and the associated infrastructure has been established by the granting of a conditional planning permission. Most importantly, and for example, the planning

conditions (and obligations) relating to the delivery of market and affordable housing, the provision of an appropriate housing mix and other matters beyond the approved plans and drainage details (conditions 2, 5 and 6) remain intact and unaltered by this proposal. The material considerations of this application will focus only on the changes to the scheme proposed as part of this Section 73 application, namely the layout of the development, alteration to house types, location of the proposed site access, and drainage.

5.2.4 In addition to the aforementioned variations to conditions, further information has been submitted with this application relating to tree implications and method statements (controlled through planning conditions 14 and 15 of the original consent), ecology (condition 13), cycle storage (condition 17) and boundary treatments (condition 19). This information will be assessed as part of this planning application, as should the information provided be considered acceptable, this information can be assessed and altered to control planning conditions, rather than seeking further information through a subsequent discharge of conditions application.

5.3 **Drainage and flood risk (NPPF Section 14. Meeting the challenge of climate change, flooding and coastal change, Strategic Policies and Land Allocations (SPLA) DPD policies H5: Land at Lancaster Leisure Park and Auction Mart, East Lancaster, and Development Management (DM) DPD policies DM34: Surface Water Runoff and Sustainable Drainage, DM33: Development and Flood Risk and DM43: Green Infrastructure)**

5.3.1 The is located upstream of areas deemed to be at risk of surface/pluvial flooding attributable to Burrow Beck. The influence of the culverted watercourse to the south and overland flow along Wyresdale Road has been noted as potential contributing factors to the flood risk experienced downstream. As such, this application, and concurrent application 22/00816/FUL, seek a surface water management plan to serve the residential development site, and provide a betterment to the existing flood risk issues in the downstream reaches of Burrow Beck. Whilst the original planning permission at the site is acceptable and consented in terms of drainage and other matters, with no objections from LLFA subject to planning conditions attached to permission 18/00472/FUL, the current variation and full planning applications for consideration seek to provide a betterment in terms of drainage and flood risk, going significantly beyond the basic requirements of mitigating impacts of the approved residential development.

5.3.2 The drainage works within the application site under consideration through this variation of conditions proposal includes swales along the west, north and western sides of the site, with a culvert under the proposed access. This surface water drainage infrastructure is designed to lead to wider drainage developments and infrastructure to the southwest, seeking consent through concurrent application 22/00816/FUL. Ideally these would be considered under the same application, however due to the fact the wider drainage infrastructure extends beyond the red edge development area of the original consent for dwellinghouses at the site (referenced 18/00472/FUL), these works beyond the site must be proposed, considered and regularised (if approved) through a separate planning application. Whilst the drainage infrastructure proposed through this application seeks to mitigate the impacts of the development itself, these seek consent to link into a much wider scheme of swales and attenuation dams, which the EA conclude would offer betterment in terms of reducing flood risk downstream.

5.3.3 The full details of the wider scheme are assessed through the concurrent application, to which this variation of conditions application would link into, and if granted, this would be delegated back to officers to legally tie the developments and permissions together. However, it is noteworthy that the submitted drainage strategy seeks a surface water management scheme as a betterment to downstream flood risk. Even within the development area of this proposal, the use of surface water drainage provision such as swales is encouraged for drainage and green infrastructure benefits (DM DPD policies DM34 and DM43). Such drainage features are also working towards the aspirations of the emerging Climate Emergency Local Plan review. Whilst the impacts upon existing ecology and trees on site will be assessed in subsequent sections of this report, above ground surface water drainage infrastructure such as swales offers modest benefits in terms of habitats and ecology, whilst attenuating drainage from the development site. These considerations weigh in favour of the variation of conditions, with the LLFA, EA and UU all raising no objection to the varied proposal, subject to re-imposing conditions 5 and 6 for the provision of full details and management/maintenance through a subsequent discharge of conditions process. As such, these matters are considered to be acceptable subject to such conditions, and weigh in favour of this

proposal, facilitating the delivery of housing through seeking appropriate drainage of the site (in combination with the wider concurrent proposal).

5.4 **Trees and landscaping** (NPPF Sections 15. Conserving and enhancing the natural environment and 12. Achieving well-designed places, Strategic Policies and Land Allocations (SPLA) DPD policies EN5: Local Landscape Designations and SP8: Protecting the Natural Environment, and Development Management (DM) DPD policies DM45: Protection of Trees, Hedgerows and Woodland and DM46: Development and Landscape Impact

5.4.1 The amended proposal has implications on protected trees to the northwest of the site, with the altered road layout allowing for the retention of two trees previously permitted for removal in group G4 (Category B2), and a Pine tree adjacent to the site access in group G8. Other trees previously permitted for removal in groups G3, G7 and G8 remain to be removed within this variation of conditions application. However, unfortunately the sought drainage infrastructure and swales necessitates the removal of an additional ash tree in group G3 (Category C2), and 5 additional trees for removal in group G4 (Category B2), resulting in a net loss of three additional trees. Unfortunately, there does not appear to be a feasible way of retaining these trees sought for removal whilst delivering the proposed swales and drainage infrastructure. Additional amended information submitted during the course of this application in terms of the location swales, and the working methods in proximity of retained trees, should ensure that these losses are limited to those proposed and outlined above within the development area, addressing concerns raised by the Council's Tree Officer.

5.4.2 Whilst category C trees can be removed to accommodate development, ideally development should be designed around category A and B trees where possible. The additional losses of protected trees is unfortunately, but the tree-lined nature of the site will largely be retained, with a slight betterment to Wyresdale Road due to the retention of a Pine tree previously permitted for removal. There is a retained tree-lined aspect adjacent to the majority of removals in group G4, albeit beyond the development site and in separate ownership. Amendments to swale location and arboricultural details have ensured the retention of trees adjacent to residential dwellinghouses along Pottery Garden, and those with potential for bat roosts. Even when mitigated through additional planting through a planning condition seeking landscaping details, the additional tree removals weigh modestly against the proposal due to the retention value of these protected trees. These tree removals weigh modestly against this proposal. It is worth noting these removals would have a neutral visual landscape impact, as the minimal extent and location of removals reduces landscape harm, whilst the positioning of swales adjacent to trees and around the residential development aspect of the proposal provides a greater buffer from locally important landscape features, which outweighs any landscape impact of the few additional tree removals. The grass seeding of swales and drainage infrastructure within the development area of this application would be controlled through the retained soft landscaping planning condition 18.

5.5 **Ecology and lighting** (NPPF Sections 15. Conserving and enhancing the natural environment, Strategic Policies and Land Allocations (SPLA) DPD policy SP8: Protecting the Natural Environment, and Development Management (DM) DPD policy DM44: The Protection and Enhancement of Biodiversity)

5.5.1 An updated ecological appraisal has been submitted with this application, and following amendments to ensure the retention of trees that have potential for bat roosts, the ecological impacts of this varied proposal are the same as those previously approved. As such, the suggested mitigation remains unchanged.

5.5.2 The proposal includes details of external lighting bollards along the inner side of private roads along the northeast and southeast of the site. These measure less than 1.2 metres tall, with louvres to direct light downwards and reduce light spill from the narrower beam, with LED lighting in a 'warm white' colour (between 2700°K and 3000°K). Subject to being implemented in accordance with these details, in the locations specified, these should cause no undue impact upon trees and wooded areas. There would be no undue harm to bats in the vicinity, particularly when located within 9 metres of proposed dwellinghouses.

5.6 **Layout, design and boundary treatments** (NPPF Section 12. Achieving well-designed places, and Development Management (DM) DPD policies DM29: Key Design Principles and DM30: Sustainable

Design)

- 5.6.1 The sought layout is very similar to that previously approved, albeit slightly narrower and shifted slightly further from Wyresdale Road to accommodate the sought drainage arrangements. This provides a greater buffer between proposed domestic/road developments from public viewpoints along Wyresdale Road, and slightly greater separation from existing features within the Urban Setting Landscape, modestly improving the inter-relationships with this area of local landscape importance. Due to the layout shifting and slightly longer gardens to smaller properties to the west of the site, the residential development area extends slightly further southwest than previously approved. However, it is considered that this will cause no undue harm to the landscape or visual impact of the proposal.
- 5.6.2 The proposal seeks very minor alterations to approved dwellinghouse designs and layouts, with no reduction in internal space standards through the proposal. The proposed alterations are largely to the rear elevations, and will have no undue impact upon the designs of these dwellings or the broader streetscene. External materials to dwellinghouses and structures will remain controlled through an unchanged condition 9, requiring the submission and agreement through discharge of conditions. Whilst the alterations sought to dwellinghouses is neutral, modest design and visual improvements have been provided by rationalising and improving boundary treatments, removing superfluous stock fencing along the northwest boundary, and replacing acoustic fencing with 1.8-metre-tall stone wall in prominent location, which offers an improved aesthetic similar to Well House boundary treatments. The high surface density of these walls should also provide good acoustic insulation. Furthermore, a noise assessment and appropriate mitigation will still be controlled through an unchanged condition 8.
- 5.6.3 A small substation is sought, which has moved slightly further away from Wyresdale Road and the site access through amendments during this application process. This substation is a modest development scale, just 2.75 metres tall by 3.25 metres wide and 3.85 metres deep. Subject to being finished in an appropriate colour, controlled through the existing external material planning condition, this development would cause no undue harm from a design and visual perspective. This can be further softened through the landscaping scheme to be controlled and submitted through unchanged planning condition 18. Overall, the proposal is considered to be a modest improvement to the design of the development, in particular with the enhanced boundary treatments.
- 5.7 **Highways and cycle storage (NPPF Sections 8. Promoting healthy and safe communities and 9. Promoting sustainable transport, Strategic Policies and Land Allocations (SPLA) DPD policy SP10: Improving Transport Connectivity, and Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, and DM62: Vehicle Parking Provision)**
- 5.7.1 The internal layout and turning heads within the site are very similar to those already approved, and the site access has moved circa 2 metres southeast up Wyresdale Road from the approved arrangements. The visibility splays remain the same specification as previously approved, and parking provision to dwellinghouses is unchanged. Pavements to the internal access road have been amended to be immediately adjacent to the road, addressing a point raised by County Highways to ensure the sought layout is adoptable from this perspective. Conditions and obligations controlling details of the construction of the access, provision of visibility splays and on- and off-site highway improvements remain unchanged through this proposal, despite the minor alteration to the location of the site access. County Highway have raised no objection to the proposal, and these minor alterations to the approved arrangements are considered to offer neutral impacts upon the public highway and parking provision.
- 5.7.2 Details of cycle storage have been provided to proposed dwellinghouses that do not benefit from an integral or detached garage for such storage. The cycle storage details of 1.77m x 1.13m x 1.34m dimensions on a flag base within the rear curtilage of relevant properties is considered to be suitable and sufficient for cycle storage at these two- and three-bedroom properties. The implementation of these details can be controlled through planning condition, to ensure appropriate provision and encouragement of sustainable transport methods.
- 5.8 **Residential amenity and refuse storage/collection (NPPF Sections 8. Promoting healthy and safe communities and 12. Achieving well-designed places, Strategic Policies and Land Allocations**

5.8.1 The internal space standards proposed are the same as those previously approved, although the Culcheth units offer greater internal space and the same number of bedrooms as the Tarleton units these are to replace, offering modest improvements to residential amenity of future occupants of these dwellinghouses. This proposal also seeks to modestly increase the gardens to the terraced housing, and semi-detached unit 23, which been deepened to ensure these all provide the minimum 50sq.m area through this proposal. Refuse storage areas have been detailed for plots accessed via the private roads to the northeast and southeast of the site, and whilst drag distances for these are approximately 62 metres and 44 metres respectively, exceeding the sought standards of 30 metres, this is necessary to ensure these are well located and within 15 metres of the internal adoptable road for collection crews. The 62 metre drag distance from dwellinghouses to the collection point would be downhill, and whilst this is a large drag distance to return bins uphill to the furthest property, these should have been emptied at this point. These details are considered to be acceptable. The provision of larger and policy compliant garden spaces to plots 24 to 27, and greater internal floorspace of the Culcheth units replacing some of the smaller Tarleton units, are both considered to offer modest improvements with regard to residential amenity of future residents of these dwellinghouses.

5.9 **Other Matters** (NPPF Sections 16. Conserving and enhancing the historic environment, Strategic Policies and Land Allocations (SPLA) DPD policy EN9: Air Quality Management Areas and Development Management (DM) DPD policies DM27: Open Space, Sports and Recreation Facilities, DM28: Employment and Skills Plans, DM31: Air Quality Management and Pollution, DM39: The Setting of Designated Heritage Assets, DM42: Archaeology, DM57: Health and Wellbeing and DM58: Infrastructure Delivery and Funding)

5.9.1 The archaeology and heritage implications of the proposal remain unchanged, with archaeology addressed prior to determination of the original application, and the approved and proposed developments having little impact upon the setting of national heritage assets, and minor impact upon the setting of adjacent non-designated heritage assets.

5.9.2 No details have been provided regarding electric vehicle charging points, and the planning condition 17 should remain, with cycle storage details submitted to be controlled through a new planning condition as previously discussed. This will encourage sustainable transport uptake, along with the unchanged obligation to public transport. The impacts of nearby sources of potential air pollution upon future residential also remains unchanged through this proposal.

5.9.3 No amendment has been sought through this application in terms of obligations to affordable housing, education and contributions to public open space. A healthy quantum of open space is provided within and around the site, which the sought drainage arrangements expanding, albeit with some implications upon functionality due to changes in land levels. The proposal is considered to be neutral in this regard, meeting policy requirements and being materially similar to the approved parent consent. The requirement to submit and comply with an appropriate Employments and Skills Plan remains unchanged through condition 16.

5.9.4 The proposed 3-bed units would arguable be considered 2-bed units under the assessment of the Nationally Described Space Standards adopted since the original determination of permission 18/00472/FUL. However, these offer the same floorspace as previously approved, and the housing mix and offer is the same as previously considered and determined as acceptable through the parent consent.

6.0 Conclusion and Planning Balance

6.1 The proposal seeks variations to the original permission to facilitate a sustainable drainage scheme at the site, in conjunction with concurrent application 22/00816/FUL, which has implication upon the proposed development layout, access location and implications upon trees at the site. The original parent consent at the site offers an acceptable drainage arrangement, subject to planning conditions, however this variation of conditions application, alongside concurrent application 22/00816/FUL, offers significant betterment to drainage and downstream flood risk, weighing moderately in favour of this proposal.

- 6.2 The loss of a few additional protected trees is regrettable, and unfortunately this is considered necessary to deliver aforementioned betterments in drainage and flood risk, with additional associated improvements in ecological value of the development through above ground drainage infrastructure. Furthermore, the proposal offers modest improvements to some garden and dwellinghouse spaces, plus visual improvements to prominent boundary treatments. The impact upon ecology and the minor amendments to access arrangements and external design of proposed dwellinghouses are neutral in terms of planning balance and in comparison to the parent consent at this site.
- 6.3 The category of trees sought for removal should ideally be incorporate into development, rather than removed at the expense of this. However, given the planning benefits through betterments in terms of drainage, flood risk downstream on the Burrow Beck, and modest residential amenity and visual/landscaping improvements sought through this varied proposal, the benefits are considered to outweigh the detractions of the additional tree losses in this location. This is subject to a landscaping scheme to mitigate tree losses, other planning conditions recommended below, and the completion of a legal agreement to ensure the delivery of the wider sustainable drainage proposal and its associated benefits.

Recommendation

That Variation of Conditions Planning Permission BE GRANTED subject to the following conditions, and a variation to the s106 agreement to reflect this permission in terms of drainage within and beyond the application site:

Condition no.	Description	Type
1	Timescale (unchanged)	Control
2	Approved Plans (varied to submitted plans)	Control
3	Access construction details (unchanged)	Pre-commencement
4	Offsite highway works (unchanged)	Pre-occupation of 5 th dwelling
5	Surface water drainage details (unchanged)	Pre-commencement
6	Surface water drainage management/maintenance (unchanged)	Pre-commencement
7	Finished floor levels (unchanged)	Pre-commencement
8	Noise mitigation (unchanged)	Pre-occupation
9	External materials (unchanged)	Pre-commencement
10	Foul drainage details (unchanged)	Pre-occupation
11	Vehicle turning heads (updated to reflect additional information)	Control, implement pre-occupation
12	Visibility splays (unchanged)	Control, implement pre-occupation
13	Ecology mitigation (updated to reflect new report)	Control
14	Arboricultural Impact Assessment (updated to reflect new report)	Control
15	Arboricultural implications (updated to reflect new report)	Control
16	Employment skills plan (unchanged)	Pre-commencement
17	EV charging (updated to remove cycle storage aspect)	Pre-commencement
18	Hard and soft landscaping (unchanged)	Pre-commencement
19	Boundary treatments (updated to reflect additional information)	Control, implement pre-occupation
20	Cycle storage (new condition to reflect additional information)	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	A9
Application Number	21/00864/FUL
Proposal	Demolition of existing agricultural buildings and erection of 9 dwellings with access, parking, the raising of site levels and construction of retaining wall
Application site	Land And Buildings South Of Number 52 Low Road Middleton Lancashire
Applicant	Gulzar
Agent	HPA Chartered Architects
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) **Procedural Matters**

A previous outline planning application (Ref: 15/00238/OUT) proposed the demolition of the existing farm buildings and the erection of nine dwellings. The scheme was presented to Planning Committee and this was recommended for refusal in July 2015, because of the failure to satisfy the requirements of the sequential test in relation to flood risk, as required by the National Planning Policy Framework (NPPF). Notwithstanding this, the Committee resolved to approve the outline application, subject to conditions. Given this application history, and the issues that are involved, the Head of the Planning and Place Service considers that the application merits Committee determination again.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is land adjacent to Low Road in the village of Middleton and contains a group of modern agricultural buildings. There are no farm operations taking place from the site and many of the buildings are in a poor state of repair. The land slopes downwards away from the highway and is significantly lower at the rear of the site, to the east.
- 1.2 To the north, south and west of the site are residential properties which are a mix of bungalows and two storey buildings and to the east are agricultural fields. The site extends further to the east than the rear boundaries of the adjacent residential properties and behind the rear of Woodburn Farm, the dwelling to the north. The properties on the opposite site of Low Road, to the west, are at a higher level.
- 1.3 Most of the site is located within flood zone 3a. The site is located within the Open Countryside, as identified on the Local Plan Proposals Map. The Lune Estuary is approximately 800 metres to the southeast and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

2.0 Proposal

- 2.1 The application proposes the demolition of existing agricultural buildings and erection of 9 dwellings with access, parking, the raising of site levels and construction of retaining wall.
- 2.2 The 9 two-storey units as proposed comprise the following mix:
- Plots 1 and 5 – detached 4-bed
 - Plots 4, 6 and 7 - detached 4-bed
 - Plots 2, 3, 8 and 9 – semi-detached 3-bed
- 2.3 Each property is provided with dedicated off-road parking in accordance with the maximum standards as set out within appendix E of the DM DPD document.
- 2.4 The 9 properties all benefit from private amenity space which generally comprises grassed rear gardens with a small amount of patio also provided. Externally, the properties will be finished with a mix of the following materials:
- Elevations - Ivory render and coursed stone
 - Windows – grey upvc double glazed units
 - Roof treatment - Grey tiles
 - Boundary treatment - Timber hit & miss fencing max. 1800mm high and rendered retaining walls to match housing.

3.0 Site History

- 3.1 One relevant application relating to this site has previously been received by the Local Planning Authority.

Application Number	Proposal	Decision
15/00238/OUT	Outline application for the demolition of existing farm buildings and erection of 9 dwellings	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objections - Highway safety concerns as the access is too narrow and there are too many reversing movements in too tighter space for safety of all road users including pedestrians.
Planning Policy Officer	Neither supports or objects - The evidence within the Strategic Housing Market Assessment (SHMA) does not indicate a need for new dwellings on this site or within Middleton itself.
Engineers	Objections - The applicant will need to justify their surface water drainage proposals in accordance with planning policy DM34, and prove that the development does not present a local flood risk to itself or neighbouring properties.
Environment Agency	No objections -Development should be carried out in accordance with the submitted Flood Risk Assessment. It is for the LPA to consider whether or not the Sequential Test has been passed.
Environmental Health	No objections - subject to a condition requiring further site investigation, remediation method, final report and completion certificate.
United Utilities	No objections - Proposals are acceptable in principle
Tree Officer	No objections – Trees are not a barrier to this development
Natural England	No objections – Subject to condition for the provision of Homeowner Packs.
Waste and Recycling	No objections – Suggests that the refuse collection points should be collection points at the end of each shared driveway to ensure vehicular and pedestrian access is not blocked.

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

- One item of public comment has been received from the occupants of no.52 Low Road stating that they do not own the land relating to the application.

5.0 Analysis

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

- Principle of residential development in Middleton
- Flooding and Drainage
- Residential amenity
- Design and Impact on the character of the area
- Access and highway impacts
- Impact on trees and hedgerows
- Ecological Impacts
- Contaminated land

5.2 **Principle of residential development in Middleton:** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (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), SP6: (The Delivery of New Homes), H2: (Housing Delivery in Rural Areas of the District); Development Management (DM) DPD Policies DM1: (New Residential Development and Meeting Housing Needs), DM4: (Residential Development Outside Main Urban Areas)

5.2.1 The Local Plan requires development proposals to accord with the Councils identified settlement hierarchy set out in Policy SP2. Development outside of the main urban centres should preferentially be directed towards the identified rural settlements.

5.2.2 Middleton is a small rural village located to the south of Heysham, which is no longer identified as a sustainable rural settlement through policy SP2 of the SPLA DPD, but as a 'Rural Village' covering all other settlements that did not achieve the criteria to be considered sustainable settlements as part of the Strategic Housing Land Availability Assessment (SHLAA). Policy DM4 stipulates that proposals for new housing in such settlements, which have not been identified as sustainable settlements, will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need. Proposals lacking sufficient justification will be considered using the Rural Exceptions Sites criteria set out in Policy DM5 of the DPD. The site is not an allocated site through the local plan listed within SPLA DPD policy H2 for housing delivery in rural areas of the district, but has been identified in the SHLAA in 2018 as a deliverable site for 9 dwellinghouses. It is worth noting that the site is considered deliverable in the SHLAA due to a previous outline permission (15/00238/OUT) for outline which has now lapsed without the submission of a reserved matters application. As such there is no fallback position.

5.2.3 Applications for development in rural villages must demonstrate how the proposal will meet locally identified housing need (specific to the village or parish where the site is located) for market housing, affordable housing and community needs. The Councils Meeting Housing Needs SPD at section 7.6 onwards provides specific guidance as to what proposals in rural villages need to address. Such proposals need to demonstrate how the proposal will meet locally identified housing need (specific to the village or parish where the site is located) for market housing, affordable housing and community needs. The proposals must demonstrate how the number, type, size and tenure of housing will meet the needs identified in a village or parish or meet a proven local need, such as affordable housing or targeted market housing identified in an adopted Neighbourhood Plan.

- 5.2.4 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. It is acknowledged that the Council cannot currently demonstrate a five-year supply of deliverable housing sites and this can only be addressed by the approval of more residential proposals and the identification of further supply through the Land Allocations process. The most up to date housing land supply position for the council is contained within the 2021 Housing Land Supply Statement (September 2021) which identifies a 2.6-year supply of housing land. The council's 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 as set out in paragraph 11 of the NPPF. This means applying a tilted balance in favour of proposals for housing development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As this requires consideration of all the impacts of the development, this will be fully considered within the conclusion.
- 5.2.5 The scheme provides an opportunity to clear the site of dilapidated land and buildings and the application describes the site as "brownfield" i.e., previously developed land. However, the NPPF is very clear that land that is or was last occupied by agricultural buildings is not defined as previously developed. The submission proposes 9 open market houses but has failed to evidence how this will meet a locally identified housing need in accordance with policy SP2 of the SPLA DPD and policies DM4 and DM5 of the DMDPD.
- 5.3 **Flooding and drainage: NPPF paragraphs: 159-165, 167 and 169 (Planning and Flood Risk); 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).**
- 5.3.1 The majority of the site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance. Given the location of the proposed residential development, within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations exist which are in areas which are at lower risk from flooding. The need for and importance of the Sequential Test is set out in paragraph 162 of the National Planning Policy Framework (NPPF) which states that *'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding.'*
- 5.3.2 The NPPG in paragraph 23 sets out that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.
- 5.3.3 If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.
- 5.3.4 The applicant has submitted a Flood Risk Assessment which includes a Sequential Test. In order to assess this, the local planning authority needs to consider the scope of the test. Paragraph 27 of the NPPG states that *'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.'* The type of development proposed is residential which, if permitted, would assist in meeting market housing needs within the district. The most relevant and recent evidence on market housing needs comes from the Council's Strategic Market Housing Assessment (SHMA) which was published in 2018. The SHMA addresses housing needs / requirements on a district-wide basis and does not focus on housing needs for specific settlements, wards or parishes. As a result, the housing need for Middleton village is not known and no evidence has been provided by the applicant to evidence the level of specific local need. Given that the evidence for housing need is district-wide, the only consistent approach to take when determining a catchment area for the Sequential Test is to

consider the availability of housing sites on a district-wide basis and not to purely concentrate on the availability of sites within the immediate vicinity of Middleton.

- 5.3.5 The submitted Sequential Test (ST) states that a District wide search was undertaken using the Strategic Housing and Employment Land Availability Assessment (SHELAA) 2018 of which a total of 80 sites were reviewed. The ST sets out 65 sites which are allocated as housing, whilst the remaining 15 sites are considered for either employment or housing, all deliverable within 1-5 years and to be considered developable within the short term. Of the 80 sites 47 were considered to be greenfield sites and are therefore not sequentially preferable over brownfield sites (which the submission wrongly states that the application site is) and were therefore discounted from the sequential test on this basis. Out of the remaining 33 sites, the ST then goes on to eliminate the sites that cannot accommodate approximately 50% of the application site and therefore discounts 29 sites, leaving 4 remaining sites for consideration. Of these sites two are also within Flood Zone 3 and two are already developed.
- 5.3.6 The Sequential Test is obviously flawed as it refers to the site as “brownfield” but notwithstanding that given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development. It is therefore unlikely that the proposal could pass the Sequential Test even if a more appropriate assessment was submitted. Residential development is therefore considered to be unacceptable on this site.
- 5.3.7 The Environment Agency (EA) have raised no objection in principle to the proposed development but make it clear that it is for the local planning authority (not the EA) to determine whether or not the proposals satisfy the Sequential Test. They have only considered whether or not the proposals satisfy the requirements of the second part of the Exception Test. They have advised that finished floor levels should be 600mm above existing ground levels. The Flood Risk Assessment was revised during the course of the application to achieve this, to the satisfaction of the EA who have advised that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.
- 5.3.8 Even if the LPA were to accept the findings of the Sequential Test, the Exception Test would then need to be applied. For the Exception Test to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall. The very term “exception” means that it is development beyond that which would normally be allowed. The applicant’s Exception Test sets out that the re-development of a brownfield site is considered sustainable development and argues that this satisfies the first part of the Exception Test. However, as highlighted in paragraph 5.2.5, this is not a brownfield site. It is therefore considered that it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk. With regard to the second criteria of the Exception Test the submitted Flood Risk Assessment (FRA) has been considered by the Environment Agency (EA) who are satisfied in this regard as highlighted within paragraph 5.3.7. However, notwithstanding the EA comments, these matters are considered after the Sequential Test and only relate to one criteria of the Exception Test.
- 5.3.9 The Council’s Drainage Engineer has considered the revised Drainage Strategy which sets out that surface water is to discharge into an existing on-site culverted watercourse. However, the Drainage Engineer is of the view that the information provided does not adequately justify how surface water will be dealt with and could put the development at risk. Although the drainage strategy demonstrates a detailed proposal by which this site can be drained, insufficient information has been provided in relation to the culverted watercourse where all surface water runoff is being diverted to and as such the Drainage Engineer has recommended refusal of the application. In order to overcome these concerns, the applicant would need to justify the surface water drainage proposals in accordance with planning policy DM34, in order to demonstrate that the development would not present a local flood risk to itself or neighbouring properties.
- 5.4 **Residential amenity:** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), Development Management (DM) DPD policies DM2 (Housing Standards), DM29 (Key Design Principles), and DM57 (Health and Well-Being).

- 5.4.1 In conjunction with paragraph 127 of the NPPF, policy DM29 requires all developments to ensure that they do not give rise to unacceptable impacts on amenity or overlooking through inappropriate massing, scaling or design. In addition, policy DM2, applicants are expected to design schemes in accordance with the Nationally Described Space Standards (NDSS), including sufficient built-in storage.
- 5.4.2 The application seeks consent for the erection nine dwellings. There are residential properties on either side of the site, and the opposite side of the Low Road. The submitted plans indicate a separation distance of at least 21 metres between the front walls of the existing dwellings fronting onto Low Road, and those proposed at the front of the site. These neighbouring properties are also at a higher level than the application site. The plan also demonstrates that an adequate separation distance can be achieved between the side walls of the dwellings to the north and south and the rear wall of Woodburn Farm. As such, it is considered that the proposal would be adequately accommodated on the site without having a detrimental impact on the amenities of the neighbouring residential properties. Overall, it is considered that the scheme would provide an acceptable standard of residential amenity for future occupants while not impacting unduly on existing residential neighbours.
- 5.5 **Design and Impact on the character of the area: NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 (Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: EN3 (The Open Countryside); Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)**
- 5.5.1 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 NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside.
- 5.5.2 The layout shows three of the proposed two storey dwellings fronting Low Road with six to the rear, accessed via a new internal road. It is considered that the dwellings would be adequately accommodated within the site with sufficient garden space and separation distances between the proposed dwellings. The buildings have been shown with two storeys. There is a mix of bungalows and two storey properties in the vicinity of the site. The dwellings on the opposite side of the highway are at a higher level, and the adjacent dwelling to the north is two storey. As such the scale of the proposal is considered to be acceptable. The development will also result in the removal of several derelict buildings and should improve the overall appearance of the site. The development would extend further to the east than the adjacent residential properties, but this is not considered to have an adverse impact on the character or appearance of the area.
- 5.5.3 Plots 1, 8 and 9 would present a frontage to Low Road. Plots 2 and 3 orientated to face onto the courtyard area within the site. The site levels will be raised to improve the access and highway safety at the junction with Low Road. This requires the installation of retaining walls to the rear of properties on the eastern boundary (plots 1-7) where land levels will be increased by approximately 1.1 metres. Level access will be achieved from the internal ground floor out to the rear patio with steps down to the main garden level.
- 5.5.4 Externally, the development will comprise ivory render and coursed stone with grey framed windows under grey tiled roofs. This is considered appropriate and acceptable in the context of the site. Boundary treatments between gardens will be formed by timber fencing to a maximum height of 1800mm and retaining walls will be rendered to match the dwellings. Proposed surface treatments will be a combination of gravel for the driveways, block paved shared surfacing and tarmac.
- 5.6 **Access and highway impacts NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); 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.**
- 5.6.1 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.

- 5.6.2 The site already benefits from an established point of access off Low Road. This would be altered to a width of 14 metres where it meets the highway with the internal road reducing to a width of approximately 4.5 metres into the site where it meets a “T” section approximately 6.6 metres wide to provide access to the properties within the to the eastern part of the site. A footway (approximately 2 metres wide) would be provided along the site frontage and 26 metres into the site. The County Highways consultee is not satisfied that the highway arrangement within the site would allow for vehicles to manoeuvre safely and as such has raised objections. The agent is currently in negotiations with County Highways in order to agree a satisfactory solution. Should a satisfactory highway layout not be received then officers reserve the right to include an additional reason for refusal.
- 5.6.3 Each dwelling would benefit from two external parking spaces and a garage. This is considered to be acceptable and provides an acceptable level of parking. No concerns regarding the parking provision have been raised by the Highway Authority. A scheme for the provision of electric vehicle charging points would be conditioned in the case of an approval.
- 5.7 **Impact on trees: DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact). NPPF section 15**
- 5.7.1 The submitted Arboricultural Impact Assessment (AIA) identifies four trees and one group around the perimeter of the site, of which only one (T1) requires felling to facilitate the development. T1 is a relatively young Sycamore which has established in an area of rough grass adjacent to the highway boundary is a prominent tree in the local street scene and its removal will accommodate a suitable access and visibility splay to the site. The Tree Officer is of the view that given the defect noted in the AIA, the loss of this tree is acceptable and can be compensated for. The remaining trees are all off site, with the AIA recommending a series of pruning works to T2 and G1, on health and safety grounds. The tree protection measures are appropriate and designed to protect crowns as there is no rooting within the site.
- 5.7.2 The submitted plans show indicative planting and this would provide mitigation for the single tree removal required within the site and represent a significant increase in tree stock. Further detail is required to ascertain the species, number and size of trees as well as hedgerow composition. This could be conditioned in addition to a long term maintenance plan to ensure landscaping is successful.
- 5.8 **Ecological Impacts: NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment), Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity NPPF paragraphs: 174 and 179-182)**
- 5.8.1 The Lune Estuary is located approximately 800m to the south east and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.
- 5.8.2 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. Natural England have confirmed that the suggested mitigation in the form of homeowner packs is acceptable.

- 5.8.3 A bat, barn owl and nesting bird survey has been submitted with the application as the proposal involves the demolition of several buildings. This sets out that there was no past or current evidence of bats roosting found at the site during the survey and that the buildings are unlikely to be used by significant numbers of bats for roosting. As such, it is highly unlikely the buildings are essential for species survival. Precautionary mitigation has been advised. The report also sets out that there is a low potential for use of the site by barn owls. Whilst there are potential nest sites within the buildings, there is no indication of any type of past use. There is the potential for a disturbance to nesting birds during the construction phase, however, it is unlikely that the loss of potential nest sites would have significant long term impacts on local bird populations as the habitat around the site is open and exposed and offers low quality foraging opportunities. A check of the site for active nest sites has been advised prior to work commencing if this is in the period of March to September. On this basis, it is considered that the development will not have a significant impact on protected species, provided that appropriate precautionary mitigation is implemented during construction.
- 5.8.4 In the event of the application being permitted it is considered reasonable to include a condition for the provision of bat and bird boxes within the site in order to achieve a biodiversity net gain in accordance with policy DM44.
- 5.9 **Contaminated land (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 DM32 (Contaminated Land) and DM57 (Health and Well-Being).**
- 5.9.1 The site has been previously used for agricultural activities. As such, there is the potential for contamination which could cause risks to future occupiers of the site. However, the nature and level is unlikely to be so significant to prevent the development being carried out. A preliminary risk assessment has been undertaken, which identifies issues relating to asbestos and polluting materials resulting from previous agricultural use. As such it is the view of the Environmental Health consultee that in the event of the application being permitted, a condition requiring further site investigation, remediation method, final report and completion certificate is required

6.0 Conclusion and Planning Balance

- 6.1 While it is acknowledged that the site previously obtained outline consent for 9 dwellings, this consent has now lapsed, and a new Development Management Development Plan Document was adopted in July 2020. It is considered that the site is of a sufficient size to accommodate nine dwellings without having a significant adverse impact on the character and appearance of the area, residential amenity and ecology.
- 6.2 The site is located within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance. Furthermore, the site is not within a sustainable rural settlement and is not previously developed land as defined by the NPPF. Due to the conflict with flood risk, the overall tilted balance is disengaged. It is considered unlikely that there are no other suitable sites within the District that are in areas that are at a lower risk of flooding. The lack of a five year housing land supply or the benefits of removing the derelict buildings from the site do not obviate the requirement for this development to pass the Sequential Test at this moment in time. The proposal, therefore, represents an unacceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The proposal would result in the provision of residential development within flood zones 2 and 3. In the opinion of the Local Planning Authority, the submission does not satisfy the requirements of the Sequential Test or Exception Test. As such, the proposal represents an unacceptable form of

development, classified as more vulnerable to flood risk within an area defined as having a high probability of flooding. The proposal therefore conflicts with the requirements and policy DM33 of the Review of the Development Management DPD and Section 14 of the National Planning Policy Framework.

2. The site is not within an identified sustainable and fails to demonstrate how the proposal will meet a locally identified housing need. There are considered to be no special circumstances, in this instance, to justify new dwellings in this location. The proposal is therefore contrary to the aims and objectives of the Policy SP2 of the Strategic Policies and Land Allocations DPD and Policies DM4 and DM60 of the Review of the Development Management DPD and the National Planning Policy Framework, in particular section 5.

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	21/01522/FUL
Proposal	Demolition of existing managers house and erection of 2 storey building comprising of 4 1-bed flats (C3) and mixed use community room and office to serve wider sheltered housing scheme
Application site	1A Alder Grove Lancaster Lancashire LA1 5SD
Applicant	Lancaster City Council
Agent	Mason Gillibrand Architects
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This submission is classed as a minor application and would normally be dealt with under the Scheme of Delegation. However, the application site is owned by Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is located within Alder Grove on the Marsh estate in Lancaster. Alder Grove is a cul-de-sac comprising sheltered housing of 53 bungalow units which are a mix of 1 and 2 bedroom properties, for elderly and disabled people. The sheltered housing scheme is owned and operated by Lancaster City Council and is one of the largest housing schemes in the district.
- 1.2 The subject building is a two-storey detached property with a connected garage stepped back from the principal elevation and the road. It was formerly a manager's house associated with the adjacent sheltered housing, but it is no longer used. The existing property is red/brown brick with concrete tiled roof. The single storey garage is flat roofed and there is a small external yard to the western side of the main building. Surrounding properties are of a similar brick construction but properties within the wider estate are generally two-stories with dash rendered elevations.
- 1.3 The site lies within Flood zones 2 and 3 and the site lies within the Morecambe Bay/Duddon SPA Buffer zone for residential development.

2.0 Proposal

- 2.1 The application proposes the demolition of the existing redundant managers house and the construction of new two storey building to create four flats with an adjoining communal day room with managers office above. The building would have a twin mono-pitch roof design and the proposed external finish is render, with grey windows and a standing seam effect single ply membrane roof system.
- 2.2 The four 1-bed flats have been designed to provide accessible living, including fully accessible shower rooms. The first floor units have an oversized access stair to accommodate a stair lift should a resident require one. The proposed first floor office will provide a base for the site manager to visit on a daily basis to visit vulnerable residents and offer the support they need.
- 2.3 The existing communal day room is located 15 metres to the south-east of the application site within no. 11 Alder Grove which was originally built as a dwelling. However, this property is not within the red edge and the change of use of this building would need to be considered under a separate application.

3.0 Site History

- 3.1 There are no previous planning applications relating to this site.

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	No objections –subject to conditions to ensure the development is carried out in accordance with the revised FRA.
County Highways	No objections – raises concerns regarding one of the proposed bin stores, the lack of off -street parking and the provision of a charging point for an electric vehicle.
Housing Strategy Officer	No objections - the proposal will provide a further 5 dwellings taking account of the existing community centre which can be brought back into use and the additional 4 new build properties.
United Utilities	No objections – requests further details of indicative foul and surface water drainage strategy.
Environmental Health	No objections - demolition of buildings on site should be in accordance with a management plan to minimise dust emissions and other disturbances to neighbouring residents.
Fire Safety Officer	Advice

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

- The Ward Councillor Mandy Bannon has offered full support this scheme as it will greatly benefit existing and future residents of Alder Grove.
- The existing house is unusable and structurally unsound and is therefore a liability rather than an asset for the Council.
- The design will provide attractive, affordable, sustainable accommodation, benefiting from solar panels, which will help keep bills low.
- Electric vehicle charging points are provided as part of this scheme.
- The proposal would release another home, which is currently being used as a community room.
- This type of one bedroom adapted housing is in extremely short supply in Lancaster,
- The huge benefits of this application outweigh the flood risk and the community day room specifically for Alder Grove cannot be located anywhere else (in Flood zones 1 or 2).

5.0 Analysis

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

- Principle
- Flood risk
- Design and appearance
- Residential amenity

5.2 **Principle:** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (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), SP6: (The Delivery of New Homes), Development Management (DM) DPD Policies DM1: (New Residential Development and Meeting Housing Needs) and DM3 (Delivery of Affordable Housing).

5.2.1 The site is located within the urban area of Lancaster and lies adjacent to existing residential development. Part of the site is previously developed, containing two dwellings and outbuildings which have been vacant for some time and in disrepair. It is close to existing public transport links and services and is therefore considered to be a sustainable location where residential development is supported in principle, in accordance with the settlement hierarchy and development strategy set out within the Strategic Policies and Land Allocations DPD.

5.2.2 The Housing Strategy Officer has advised that the impact of the Covid 19 pandemic has resulted in a marked decrease in the supply of social and affordable housing in the Lancaster district due to a significant fall in the number of new dwelling completions year on year (with only 17 new affordable dwellings being completed in 2020/21 and of these only 6 were let as rented accommodation).

5.2.3 The submission sets out that the existing communal day room is not fully accessible and the facilities are limited. The room has been formed by opening up a former living room and bedroom, but the room has little or no aspect onto the communal gardens (with high window cills), limited natural daylighting and the principal access door and corridor is too narrow for individuals with mobility impairment or wheelchair users. Those users have to enter through a fire escape door. The toilet provision is largely retained from the former residential unit and has very little provision for accessibility. The submission states that this building would be brought back in to use as a residential unit following the creation of the new communal day room within the proposed development. However, as highlighted within paragraph 2.3 the existing day room does not form part of this application.

5.2.4 Overall, the provision of housing and facilities which meets an identified need is a material consideration in the assessment of the proposal. The provision of four affordable flats is welcomed in principle.

5.3 **Flooding and drainage:** NPPF paragraphs: 159-165, 167 and 169 (Planning and Flood Risk); 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).

5.3.1 The site is located within Flood Zones 2 and 3a and as such is defined as having a high probability of flooding in the National Planning Practice Guidance. Given the location of the proposed residential development, within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations exist which are in areas which are at lower risk from flooding. The need for and importance of the Sequential Test is set out in paragraph 162 of the National Planning Policy Framework (NPPF) which states that 'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding.'

5.3.2 The NPPG in paragraph 23 sets out that avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere,

the sequential test still needs to be satisfied. Reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'. The absence of a 5-year land supply is not a relevant consideration for the sequential test for individual applications.

5.3.3 If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

5.3.4 The applicant has submitted a Flood Risk Assessment which includes a Sequential Test. In order to assess this, the local planning authority needs to consider the scope of the test. Paragraph 27 of the NPPG states that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.' The type of development proposed is residential which, if permitted, would assist in meeting housing needs within the district. The Housing Needs study commissioned in 2017 has provided significant weight to the formulation of the adopted Local Plan, Meeting Housing Need SPD and the Homes Strategy for Lancaster district. The study calculated that over 6000 households have need of affordable housing in Lancaster district when the study was commissioned and identified an annualised affordable housing imbalance of 376 dwellings across the district each year.

5.3.5 The submitted Sequential Test (ST) states in considering other sites, those in remote rural areas were discounted as being inappropriate as the purpose of the proposal is to provide accommodation for residents with restricted mobility who would need good access to support services and medical facilities. The ST considered suitable potential sites using the following criteria:

- Sites with the capacity for more than 2 dwellings excluded as being too large.
- Sites to have potential for 4 flats.
- Sites to be in urban areas with access to support services and medical facilities.
- Sites to be within Flood Zones 1 or 2.

The ST refers to sites allocated for housing in the Local Plan but states that all of the allocated sites are too large for the proposed development. The ST also refers to sites with outstanding planning permissions but discounts sites with a capacity for only one house on the basis that this would not provide sufficient capacity for the proposed development. Sites described as being in the Open Countryside or rural locations were also discounted. This left a residual number of 19 sites having capacity for 2 dwellings considered to be potential alternative sites. Of these, only one site was considered to be potentially suitable but not available as already being developed. The ST also considered site on the open market within 10 miles of Lancaster. This search identifies 10 sites but these were considered inappropriate due to either size or rural location. The ST concludes that the search for alternative sites has been unsuccessful and goes on to argue that the proposed development is intrinsically linked to the surrounding community and as such the facilities it would provide would not be available to that community if it were to be located elsewhere.

5.3.6 The Housing Strategy Officer has highlighted that the council has very limited land, which is available, suitable and deliverable and that any sites in an alternative location will not enhance the council's existing sheltered housing scheme at Alder Grove. The Housing Strategy Officer goes on to emphasise the importance of the local authority being able to take every opportunity to provide affordable housing on its own land to contribute towards this. However, as highlighted in paragraph 5.3.2 land ownership is not a consideration of the Sequential Test.

5.3.7 Given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the all or part of the proposed development. The application highlights the need for the community day room to be within Alder Grove to provide a benefit to the existing residents. If the existing building were to be converted then it would not be necessary for the application to pass the Sequential Test. The submission states that the

adaption/conversion of the existing building was considered during the feasibility stage of the project, but this would have provided a maximum number of 2 flats (one ground floor, one first floor), with no additional space for the day room and office. This approach was deemed financially unviable. It is considered that a possible alternative option would be to convert the existing building to form the day room facilities and associated office and seek an alternative site to build the four flats.

- 5.3.8 Following the submission of a revised Flood Risk Assessment and Flood Mitigation Strategy the Environment Agency (EA) have raised no objection in principle to the proposed development but make it clear that it is for the local planning authority (not the EA) to determine whether or not the proposals satisfy the Sequential Test. They have only considered whether or not the proposals satisfy the requirements of the second part of the Exception Test. The EA have advised that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. However, notwithstanding the EA comments, these matters are considered after the Sequential Test and only relate to one criteria of the Exception Test.
- 5.3.9 Although, the positive intentions of the scheme are acknowledged, it is considered that to provide a “more vulnerable” use of 4 residential units within an area at high probability of flood risk is unacceptable. This would be of particular concerns given the proposed user group would potentially be older and/or less ambulant.
- 5.3.10 The site benefits from an existing drainage arrangements but not withstanding that, precise details would be conditioned if the application were to be approved.
- 5.4 **Residential amenity:** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), Development Management (DM) DPD policies DM2 (Housing Standards), DM29 (Key Design Principles), and DM57 (Health and Well-Being).
- 5.4.1 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.
- 5.4.2 Each of the four flats will provide one bedroom, an open plan kitchen/dining/sitting room, and accessible shower room in addition to storage. All the proposed units will meet NDSS and accessibility standards as well as providing acceptable light and outlook. The first floor units have oversized access stairs to in order to accommodate a stair lift should a resident require one.
- 5.4.3 With regard to neighbouring residential amenity, there is an existing 2 metre high timber fence to the rear gardens of properties along Laburnum Grove to the north. The existing two storey building contains windows within the northern elevation and is located 15 metres away from the rear elevations of 31 and 33 Laburnum Grove. The northern part of the proposed development which contains the office and day room has been designed as single storey and there are no windows within the northern elevation. This will significantly reduce the massing of the proposed building and limit the visual impact on the nearby properties to the north as well as removing overlooking issues. The main part of the two storey element will be in excess of 12 metres without windows.
- 5.4.4 Overall, it is considered that the development would provide an acceptable standard of residential amenity for future occupants and would not impact unduly on the amenity of nearby residential dwellings.
- 5.5 **Design and appearance:** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM30 Sustainable Design
- 5.5.1 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. Policy DM30 acknowledges that sustainable design has an important role to play in improving the overall sustainability performance of new development, offering opportunities to deliver improved efficiency and reduced environmental impacts. The Council is supportive of proposals that deliver high standards of sustainable design and construction.

- 5.5.2 The development will comprise two stories with a single storey pitched roof element to the northern elevation which will comprise the day room at ground floor and the office within the roof space. A key component of the proposals is that the new building be constructed using a super insulated, modular system called “Etopia”. The submission sets out that this panelised system will achieve a high thermal performance for the external fabric of the new building. The development would largely occupy the same footprint as existing and the design will incorporate a combination of pitched and mono-pitched roofs which will include solar photovoltaic panels. This will create a significant offset for the electrical usage of the new flats and ultimately reduce the fuel bills of the residents. This would be a key benefit of the scheme. Although the design will not be wholly reflective of surrounding properties, it is considered that subject to conditions to control precise materials and finishes, the development could sit comfortably in this setting.
- 5.6 **Access and highway impacts:** NPPF sections 9 and 12, Development Management (DM) DPD Policies: DM29: (Key design principles), DM60: (Enhancing Accessibility and Transport Linkages); DM61: (Walking and Cycling); DM62: (Vehicle Parking Provision).
- 5.6.1 From a National Planning Policy perspective, paragraph 110 of the 2021 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.
- 5.6.2 The scheme will result in the loss of one vehicle parking space. Whilst it could be expected that any potential resident may not have access to a car, this expectation cannot necessarily be extended to any managerial function for either the office or the community day room. However, the site is in a sustainable location with good access to public transport and it is considered that there is sufficient on street parking available within Alder Grove. The scheme proposes the installation of a new 7kW Electric Vehicle charging point, which can be used by residents, visitors and Lancaster City Council Vehicles. The precise location of this could be conditioned in the event of an approval.
- 5.6.3 It is noted that bin storage facilities are indicated on the submitted plans. However, these indicate that doors would open on to the pavement which would not be an acceptable arrangement. Notwithstanding this in the event of an approval the precise details and location of bin store could be conditioned.
- 5.7 **Ecology and trees** NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment, Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland)
- 5.7.1 The Lune Estuary is located approximately 1.4 km to the west and is designated as a Site of Special Scientific Interest. It is also covered by the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.
- 5.7.2 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.

- 5.7.3 The application has been accompanied by a Bat Survey which found no evidence of bats roosting within the building, although there is a possibility of opportunistic use by low numbers of bats at some times of the year. The level of use is not considered likely to be significant and with precautionary mitigation, a significant disturbance and/or the loss of roost sites is unlikely to occur. In the event of the application being permitted it is considered reasonable to include a condition for the provision of bat and bird boxes within the site in order to achieve a biodiversity net gain in accordance with policy DM44.
- 5.7.4 An Arboricultural Impact Assessment has been included with the application and this sets out that the proposed development will not impact upon the retention of any significant or notable trees or groups of trees if suitable working methods are used. A small apple tree within the existing rear yard area would be lost to facilitate the development. It is considered that there would be some limited scope to provide landscaping to the site and this could be conditioned.

6.0 Conclusion and Planning Balance

- 6.1 The scheme offers significant benefits through the provision of four accessible 1-bed units in addition to a community day room. It is considered that the site is of a sufficient size to accommodate the proposal without having a significant adverse impact on the character and appearance of the area, highway safety, residential amenity, ecology and trees.
- 6.2 However, the site is located within flood zone 3, which is defined as having a high probability of flooding in the National Planning Practice Guidance. Due to this conflict with flood risk, the overall tilted balance is disengaged. It is considered unlikely that there are no other suitable sites within the District that are in areas that are at a lower risk of flooding. The lack of a five year housing land supply and need for affordable housing do not obviate the requirement for this development to pass the Sequential Test at this moment in time. Regrettably the proposal, therefore, represents an unacceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework.

Recommendation

That Planning Permission BE REFUSED for the following reason:

1. The proposal would result in the provision of four residential units for vulnerable people within flood zones 2 and 3. In the opinion of the Local Planning Authority, the submission does not satisfy the requirements of the Sequential Test. As such, the proposal represents an unacceptable form of development, classified as more vulnerable to flood risk within an area defined as having a high probability of flooding. The proposal therefore conflicts with the requirements and policy DM33 of the Review of the Development Management DPD and Section 14 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	A11
Application Number	21/01588/LB
Proposal	Listed Building application for internal alterations to provide kitchen and WC including new treatment plant, provision of water supply and ventilation pipes and grills, reset floor levels, works to create ceilings, insulation, new partition doors, architraves, skirting and relocation of wall panel
Application site	Sunderland Point Mission Heritage Centre The Lane Sunderland Point Morecambe Lancashire LA3 3HS
Applicant	Mr Brian Holmes
Agent	Mr Nigel Atkinson
Case Officer	Ms Charlotte Greenhow
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as the full planning application for the installation of a sewage treatment plant (ref: 22/00284/FUL) was called into Committee and these two applications are inextricably linked, this application was brought forward to be determined by the Planning Regulatory Committee. The scheme was presented before Planning Committee on 18 July 2022 and again on 15th August 2022 following a deferral for a committee site visit, however, is being re-presented due to the provision of the water supply being included on the plans.

1.0 Application Site and Setting

1.1 Sunderland Point Mission Heritage Centre is a Grade II Listed former mission church dating back to 1894. The building was designed by Austin and Paley and illustrates the process of spreading the Church of England mission to remote coastal locations during the late 19th century and early 20th century. The building is rectangular in shape and has been constructed from local Claughton red brick with a Westmorland slate roof. Its use as a Church has recently ceased with the building now under the ownership of the Mission Heritage Centre Trust. The building stands as an independent structure on the south side of 'The Lane' and is bounded by open fields. The site forms part of Sunderland Point Conservation Area.

1.2 The official Historic England listing is as follows:

EXTERIOR: a five bay, single-storey building of red brick laid in stretcher bond beneath a pitched roof of Westmorland slate, that sweeps low over the projecting porch and vestry and WC in the form of lean-to roofs. Windows and door openings mostly have brick, camber heads. The west end has a central, projecting timber bell canopy that retains the bell, above an external, stepped brick chimney stack with tumbling-in brickwork. To the left is the main camber-headed entrance, and to the right is a secondary opening of similar style; both with plain boarded doors. The north elevation has projecting end bays, the porch to the right with a plain window beneath a stone lintel, and the vestry with a camber-headed entrance. The blind central bay is demarcated by a pair of slim pilasters, and a flanking bay to either side has a camber-headed window fitted with a six-light fixed timber window. The east end is rendered obscuring the brickwork, but there is a single camber-headed window. The south elevation is similarly detailed to the north elevation but only the westernmost bay is projecting, with a pair of short ventilation slits to its east wall.

INTERIOR: the porch has painted brick walls with three rows of coat hooks, and opens into the main body of the church through double boarded doors. There is a timber baffle screen to the left, and horizontal wainscoting to the lower parts of the walls, which are painted brick above, and there is a boarded floor. The original stove to the west end has been removed but its semi-circular opening remains. At the east end there is a raised dais with an altar and timber rails to the front; the wainscoting raises above the altar table, and above this is a large camber-headed timber panel. The roof structure comprises four triangular tie-beam trusses supported by cast-iron struts. The small vestry niche to the left has wainscotted walls.

2.0 **Proposal**

- 2.1 Listed Building Consent is sought for internal alterations to provide kitchen and wc including new treatment plant, provision of water supply and ventilation pipes and grills, reset floor levels, works to create ceilings, insulation, new partition doors, architraves, skirting and relocation of wall panel.
- 2.2 The application has been amended since submission following concerns raised by the Conservation Officer and Case Officer. The internal layout has been changed and only one WC is now proposed.
- 2.3 It is worthy of note that the LPA have re-advertised the application following the submission of details regarding the water supply and its routing through the building.

3.0 **Site History**

- 3.1 Relevant planning history includes:

Application Number	Proposal	Decision
22/00284/FUL	Installation of sewage treatment plant	Approved July 2022

4.0 **Consultation Responses**

- 4.1 The following responses have been received from statutory and internal consultees. The application has been publicised three times due to the submission of amended plans. The consultation expiry date was 21.10.2022. Any further representations received will be verbally relayed to councillors.

Consultee	Response
Parish Council	Object to the proposal.
Conservation Officer	No objections , conditions for details of panelling, joinery and doors recommended.
Lancaster Civic Society	Supports this application to bring a near-derelict listed building back into community use.

4.2 Public representations – 77 letters of objection and 89 letters of support have been received at the time of compiling this report. These are summarised as follows:

4.3 Letters of support:

- This will be a great asset to Sunderland Point
- This is a positive change to the Mission Centre
- To bring this building up to modern standards will make this a great asset, instead of allowing a listed building to become derelict
- Its lovely to see this church holding is rightful place within the community
- These plans will rejuvenate an historic community asset and ensure it remains available for future generations
- The building would otherwise become overlooked, under used and fall into decay
- The new facilities will help to attract tourists
- The building will provide refuge in case of flooding
- Providing accessible and disabled toilets in the centre ensures all people can be included in this experience
- The additional facilities will be a benefit for all
- All events will be low-key, and footfall will be minimum
- The heritage centre will enable people to gain information and historical facts about the area

4.4 Letters of objection:

- Impact on interior of Grade II listed building
- Interior fittings already removed without consent
- Concerns over parking and highway safety
- No evidence of a bat survey
- No evidence that the application has considered flood risk
- Increase in tourists / would create a tourist attraction
- No economic or social benefits
- Lack of / improper consultation
- Lack of clear and detailed Heritage Assessment
- Concerns that the site is of Special Scientific Interest and is home to a series of endangered birds
- Not clear why toilets and a kitchen are needed
- The views of Historic England have not been sought
- A community facility already exists 225m away in the form of 'The Reading Room'
- The structural report carried out in 2017 has been ignored
- Letters of support have been submitted which do not relate to this listed building consent, but rather relate to the funding and conversion from Mission Church to Heritage Centre
- Questions over ownership certificates and that the correct notices have been served
- Concerns over the size of the disabled WC not meeting standards

4.5 Notwithstanding the above comments, it should be acknowledged that this application simply relates to works to the listed building and not the intended use. The applicant has noted that the use of the building has not changed and that the Heritage Centre will continue to run educational events, exhibitions, celebrations (including religious celebrations) and performances for the benefit of residents, the local community and visiting public. As such, a change of use application has not been applied for. However, should the use of the building change, this would require planning permission and may be investigated by the Enforcement Team for further action.

5.0 Analysis

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

- Impact on Listed Building and Conservation Area
- Impact on bats
- Other matters

5.2 Impact on Listed Building and Conservation Area (Sections 16 and 72 of the Listed Buildings and Conservation Area Act; Policy SP7 of the Strategic Policies and Land Allocations DPD; Policies DM29, DM30, DM37, DM38, DM53 of the Development Management DPD, and Sections 12 and 16

of the NPPF:)

- 5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building and or a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. This is reiterated by the relevant heritage policies in the Development Plan DPD.
- 5.2.2 The revised submitted heritage, design and access statement outlines the aims of the proposed works. It is stated that the proposals have been put forward by the Trustees as the minimum requirement using the available funding and aim to provide facilities not previously provided within the building over the previous century. These developments include the provision of a WC, a small kitchen area, new partition ceilings and walls, new matching framed doors in Oak natural finish, and resetting of the uneven floor.
- 5.2.3 The Councils Conservation Officer has offered detailed advice throughout this application. Following receipt of amended plans, the Conservation Officer has raised no objections to the scheme citing that the alterations are relatively low key and would enable the building to be understood in terms of its historic use. In addition, the proposed improved facilities will allow the building to become a valuable resource for the local community and given the rich local heritage and ecology in the area, and the nature of the former use of the building, the proposals seem entirely appropriate.
- 5.2.4 Details of the water supply have also been submitted. The incoming position of the mains water is to be moved to the front corner of the building within the kitchen area, with the existing unauthorised works to the rear being made good. The 15mm cold water pipework will then be suspended below the timber floor in a duct formed between two floor joists, with return waste running alongside this to the stub stack in the corner of the disabled WC. Foul drainage within the disabled WC will be connected to the new bio disc via 2 new manholes. An external cast iron vent pipe will be inserted along the west side elevation between the lobby and main hall.
- 5.2.5 In terms of the above, whilst these works would result in some 'less than substantial harm' to the historic fabric of the building, this is considered justified given the small-scale nature of the works and aim to install essential services. Furthermore, given that the former church services have recently ceased and that the proposals seek to bring the building back into viable public use, the less than substantial harm caused to the building is considered justified in this instance. The proposed WC and kitchenette are considered to be simple additions to the building which would be both useful and valuable to the local community and visiting public alike.
- 5.2.6 As part of the re-consultation process, the Councils Conservation Officer has presented no objections to the proposed water supply amendments. However, further details of how the panelling would be removed and reinstated is requested via condition given the poor unauthorised works initially carried out in the building. In addition, a condition for large scale details of the panelling and joinery details are also recommended to ensure that all new joinery is sympathetic to the existing.
- 5.2.7 Concerns have been raised within the letters of objection that all of the furniture within the building including the alter, benches and timber railings have been removed/relocated from the site. According to Historic England Advice Note 16 paragraph 27 "Broadly speaking, anything fixed to the building, such as staircases, chimneypieces, wall panelling, fitted cupboards internally, or attached walls and ancillary connected buildings externally, will be covered by listing; free-standing things internally, will not (pictures on hooks, tables and chairs which are not built in, etc). There are, however, grey areas for which legal tests are used to decide whether consent is needed for works to a listed building". Briefly described, these tests are:
- a) the method and degree of annexation (i.e. fixing) and
 - b) the purpose of annexation
- 5.2.8 In this case, the Councils Conservation Officer has reviewed the site and deems the items to be freestanding elements that would not amount to fixtures and fittings. As such, they would not form part of the listed fixtures and fittings of the listed building. The timber handrails are to be retained

within the building and are proposed to be set in from of the existing wall panelling to the rear of the building.

5.2.9 Further concerns relating to impact of the proposals on the fabric and visual amenity of the building have also been noted. However, for the reasons noted above, the proposed internal works are considered acceptable in this instance.

5.2.10 Consequently, the proposed internal works are considered to comply with Policies DM37 and DM38 of the Development Management DPD, Sections 16 and 72 of the Listed Buildings and Conservation Area Act, and Sections 12 and 16 of the NPPF.

5.3 **Impact on bats (Policy DM29 of the Development Management DPD, Section 15 of the NPPF, and Conservation of Habitats and Species Regulations 2017)**

5.3.1 Regulation 9 of 'The Conservation of Habitats and Species Regulations 2017' states that the "competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the [Habitats] Directives". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.

5.3.2 Several letters of objection raise concerns that the application has not been accompanied by a bat survey. Whilst this would usually be required for a building of this age, it is noted that the building benefits from visible high vaulted ceiling inside and thus bats are unlikely to nest here. Furthermore, other than the creation of new ceilings above the proposed WC, no works are proposed to the existing roof. A distance of approximately 0.75m would remain between the proposed WC ceiling and existing roof eaves. It is therefore not considered that the proposals would affect the use of a potential roost site.

5.4 **Other Matters**

5.4.1 A number of comments have been received by the LPA relating to the impact of the works on the listed building and impact on roosting bats, and these have been considered in the paragraphs above.

5.4.2 In relation to the other comments, it should be noted that this application simply seeks listed building consent for the works proposed and not any perceived future use. As such, comments relating to parking, highway safety, impacts on residents, flood risk, use of the building, influx of visitors, existing community facilities, lack of Environmental Assessment, ownership and wider site designations are not material considerations in the determination of this application.

5.4.3 In terms of the lack of Environmental Impact Assessment, it should be noted that the application is not of a threshold that would require an Environment Impact Assessment as defined in the EIA regulations 2017. However, these were assessed within the recently approved application for the sewerage treatment plant.

5.4.4 Questions were also raised in regard to the submitted ownership certificate and whether the correct notices have been served. This is ultimately down to the applicant, not the local planning authority to ensure that they have served the relevant notices upon anyone with an interest in the land. In any case, it was noted that when the LB application was first received, certificate B had been signed, rather than certificate A. This was queried with the agent and has since been rectified.

5.4.5 In addition, and as previously mentioned within this report, there is no formal proposal to change the use of the building. The intention to run educational events, exhibitions, celebrations (including religious celebrations) and performances are seen to be ancillary uses to the original church services and fall under Use Classes F1 (Learning and non-residential institutions):

Use Class F1:

- F1(a) – Provision of education
- F1(b) – Display of works or art (otherwise than for sale or hire)
- F1(c) – Museums
- F1(d) – Public libraries or public meeting rooms

- F1(e) – Public halls or exhibition halls
- F1(f) – Public worship or religious instruction (or in connection with such use)
- F1(g) – Law courts

5.4.6 In terms of this, the LPA consider to the existing church use and proposed heritage centre use to fall under Class F1 (Learning and non-residential institutions). Changes of use within Class F1 do not require planning permission. However, should the use of building deviate from use Class F1, this will require a change of use application to be submitted. Failure to submit such an application could result in enforcement investigation and action.

6.0 Conclusion and Planning Balance

6.1 In conclusion, the proposed works are considered to result in some less than substantial harm to the character, appearance, and fabric of the Grade II listed building. However, this harm is considered to be outweighed by the overall public benefits of bringing the building back into long-term viable use for the local community and visiting public. Consequently, subject to the recommended pre-commencement conditions, the proposed works are considered acceptable and comply with Policies DM37 and DM38 of the Development Management DPD, Sections 16 and 72 of the Listed Buildings and Conservation Area Act, and Sections 12 and 16 of the NPPF.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard LB timescale	Control
2	In accordance with amended plans	Control
3	<p>Notwithstanding the details indicated on the approved plans and supporting documents, details of how the wall panelling would be removed and then reinstated following installation of the water supply shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The works shall then be constructed in accordance with the approved details, and retained as such at all times thereafter.</p> <p>Reason: In the interest of the appearance and character of the listed building</p>	Pre-commencement
4	<p>Notwithstanding the details indicated on the approved plans and supporting documents, prior to their installation details and samples of the following materials shall be submitted to, and approved in writing by, the Local Planning Authority:</p> <ul style="list-style-type: none"> - Large scale details of new panelling and other joinery at a scale of 1:20 (for elevations) and 1:2 (cross sections) -Details of oak doors <p>The works shall then be constructed in accordance with the approved details, and retained as such at all times thereafter.</p> <p>Reason: In the interest of the appearance and character of the listed building</p>	Pre-commencement

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.

Agenda Item	A12
Application Number	22/00998/FUL
Proposal	Erection of two dugouts/outbuildings
Application site	Westgate Wanderers Football Club Maple Avenue Heysham Lancashire
Applicant	Westgate Wanderers Football Club
Agent	Mr Miles Manley
Case Officer	Ms Charlotte Greenhow
Departure	No
Summary of Recommendation	Refusal

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as Lancaster City Council own the land and lease it to Westgate Wanderers Football Club, the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The application site relates to Westgate Wanderers Football Club, a local football club located on the south side of Maple Avenue, Morecambe. The club comprises of several non-enclosed football pitches, a changing room block, and large car park adjacent to the road. It is sandwiched between King Georges Field to the west and the Bay Leadership Academy to the east. It is designated as 'Open Space, Recreation and Leisure' within the Councils Local Plan and is located within Flood Zone 2.

2.0 Proposal

2.1 Planning permission is sought for the erection of two dugouts/outbuildings. The proposed dugouts will be sited along the western boundary of the site at the side-line of an existing football pitch. They will measure approximately 4.9m in width, 1.75m in depth and 1.75m in height. They will be constructed from concrete blocks and will feature roller shutters to prevent damage.

3.0 Site History

3.1 The following planning applications for the site have been received by the Local Planning Authority:

Application Number	Proposal	Decision
08/00329/FUL	Provision of Sports Changing facilities with Storage facilities and associated Car Parking Spaces	Permitted May 2008
07/01800/FUL	Erection of single storey changing facilities with CCTV security, siting of 2 no storage containers and car parking with perimeter fencing and playing field drainage	Withdrawn March 2008

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response
Public Realm	No response
Property Services	No response
Sport England	No objection , satisfied that the proposed development meets exception 2 of our playing fields policy.

4.2 Public representations – Six letters of objection have been received. These are summarised as follows:

- The current building does not meet the needs of the football club
- The site is unsightly and not in keeping with the natural surroundings
- The site attracts anti-social behaviour
- The dyke is home to protected newts and should not be disturbed
- The land is poorly maintained
- Temporary containers have become permanent on the site

5.0 Analysis

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

- Principle of development
- Impact on amenity
- Design
- Flood risk
- Ecology

5.2 **Principle of development** (NPPF Section 2 (Achieving sustainable development); Policy DM27 (Open space, sports and recreational facilities) of the Development Management DPD, Policy SC3 (Open space, recreation and leisure) of the Strategic Policies and Land Allocations DPD)

5.2.1 The application site is allocated as 'open space, recreation and leisure' within the Lancaster Adopted Policies Map 2020. Policy DM27 states "*proposals that seek to protect and enhance existing designated open spaces, sports and recreational facilities shall be supported by the Council*".

5.2.2 The proposed dugouts/outbuildings will be located along the western boundary of the site at the side-line of an existing football pitch. The aim is to improve facilities and amenities at the club by providing dug out areas for home and away sides. In terms of this, given that the proposed dug outs will benefit the ongoing football activities and would have no impact on the playing fields or result in the loss of a playing pitch area, the principle of the development can be supported. This is also echoed by Sport England who raise no objections, citing that the development meets exception 2 of their playing fields policy:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

- 5.3 **Impact on amenity** (NPPF Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving well-designed places), Policy DM29 (Key design principles) of the Development Management DPD).
- 5.3.1 The proposed dug outs will support the existing football club activities on the site and will be used during match days to house home and away team players during games. While comments on anti-social behaviour have been noted, the proposed roller shutters are considered to prevent people from loitering around away from match days. Consequently, given the nature of the buildings, existing use of the site, and use of security measures, the proposed developments are not considered to result in any further adverse impacts on residential amenity.
- 5.4 **Design** (NPPF Section 12 (Achieving well-designed places); Policy DM29 (Key design principles) of the Development Management DPD)
- 5.4.1 The proposed dug outs are of a simple construction and will cover a relatively small ground area along the western boundary of the site. Given the size, scale, and low-key nature of the proposed developments, the proposed dug outs are not considered to appear out of place or result in any significant harm to the character of the area. However, it is noted that the design of the buildings could be improved to further enhance the appearance of the site (e.g., use of render, timber cladding, type of shutters etc). This was relayed to the agent but no amended plans were forthcoming. In any case, it is considered that external materials could be conditioned should planning permission be granted. Also whilst the LPA would not usually advocate roller shutters within the district, some form of security is considered necessary to prevent damage and anti-social behaviour.
- 5.5 **Flood Risk** (NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change), Policy DM33 (Development affecting flood risk) of the Development Management DPD)
- 5.5.1 The application site is located within Flood Zone 2 which is considered to have a medium probability of flooding. National Guidance states that all new development should be steered to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should be applied to compare other reasonably available sites.
- 5.5.2 In terms of the above, it was not considered reasonable to request a sequential test given that the proposed two dug outs are central to the on-going football club activities on site and therefore cannot be re-sited. Instead, the application has been accompanied by a flood risk assessment stating the developments will purely consist of concrete bases with block walls and will not include any electrics. The soakaway that currently drains the field will not be affected.
- 5.5.3 In addition to this, the development is considered to fall under the 'Water-compatible development' category within the Flood Risk Vulnerability Classification, which states that development for outdoor sports and recreation and essential facilities such as changing rooms would be acceptable. This is where temporary disruption is considered acceptable, and the development remains safe.
- 5.6 **Ecology** (NPPF Section 15 (Conserving and enhancing the natural environment), Policy DM44 (The protection and enhancement of biodiversity)).
- 5.6.1 Policy DM44 states that the development proposals should protect and enhance biodiversity and/or geodiversity, to minimise both direct and indirect impacts. There should, as a principle, be a net gain of biodiversity assets wherever possible. Where harm from development cannot be avoided, a developer must clearly demonstrate that the negatives effects of a proposal can be mitigated, or as a last resort, compensated for. Where a proposal leads to significant harm planning permission should be refused.
- 5.6.2 The proposed two dug outs will be sited along the western boundary of the site and directly adjacent to a dyke which lies approximately 0.8m away. Several comments have been received in regard to

this dyke and the presence of protected newts. Further information was therefore requested by the case officer to determine whether protected species are present (e.g. an ecology report or habitat suitability assessment), but no such information has been received. As such, it is not possible to effectively assess the implications of the two dug-out buildings, both during construction and operational phases, in relation to any potential protected species within the adjacent dyke. For this reason, the LPA is unable to ascertain whether protected species are present on site, or whether mitigation measures will be necessary. The application is therefore recommended for refusal based on insufficient information as it is impossible to say with certainty that the scheme will not be detrimental to the ecological value of the area.

6.0 Conclusion and Planning Balance

- 6.1 In conclusion, whilst the principle of the development is considered acceptable, the application has failed to demonstrate the ecological value of the area namely with regards to protected species adjacent to the beck and/or whether the development would result in any direct or indirect harm to habitats and species. The application is therefore contrary to Section 15 of the National Planning Policy Framework, Policy DM44 of the Development Management DPD, the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981.

Recommendation

That Planning Permission be REFUSED for the following reason:

1. Insufficient information has been provided to determine the impact of the development upon any potential protected species within the adjacent dyke. As a consequence, it is not possible to conclude that the development proposed will not result in harm to protected species. The development is therefore contrary to Section 15 of the National Planning Policy Framework, Policy DM44 of the Development Management DPD, the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981.

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

In accordance with the above legislation, 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. Regrettably the applicant has failed to take advantage of this service and 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	A13
Application Number	22/00909/FUL
Proposal	Erection of single storey rear extension
Application site	Turning Point Theatre Arts, Lancaster Leisure Park, Wyresdale Road Lancaster
Applicant	Mr Allan Blackburn
Agent	Mr Anthony Gilmour
Case Officer	Mrs Kim Ireland
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, Lancaster City Council have the freehold to Lancaster Leisure Park, and as such the application must be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 The site that is the subject of this application relates to the building that is utilised by Turning Point Theatre Arts, located to the west of the Antiques Centre on the Lancaster Leisure Park complex. The site comprises of a single storey brick built building with a flat roof that operates as a dance and theatre arts school. The east of the building is slightly higher than the west of the building as the land rises from east to west. To the rear of the building is a flat concrete area that occupies half of the width of the building. The building is accessed via steps to the east elevation of the building and has a roller shutter to the south elevation of the building that is of ground floor level. A limited car parking area lies to the north. The leisure park itself is on the eastern edge of Lancaster, accessed off Wyresdale Road, approximately 350 metres south of the junction with Coulston Road within the Bowerham area of Lancaster. To the north of the Leisure Park is the cattle market and abattoir. Burrow Beck runs along the eastern boundary of Lancaster Leisure Park with the residential area of Pottery Gardens and fields separating the site from the motorway. To the south of Lancaster leisure Park the site is separated from the residential area of Bowerham by allotments and to the west lies open wooded parkland rising steeply to Coulston Road.

1.2 The west of the site, the land is allocated as open space, recreation and leisure that gently slopes from the east to the west and have numerous trees located within the area. The nearest houses are approximately 140 metres west of the proposed development, along Coulston Road.

1.3 The majority of the Leisure Park is unallocated in the Lancaster District Local Plan, to the west of the site the land is allocated as Open Space, Recreation and Leisure, however the proposal will not encroach into the allocated land.

2.0 Proposal

2.1 The application seeks planning permission to erect a single storey extension to the rear (west) facing elevation of the existing building. The proposed extension measures a maximum of 3.96m in height, projecting 5.8 metres to the rear elevation and 16.2 metres in width. The development is proposed to be finished in brick walls, white upvc windows and doors to match the existing building. The extended internal area is to be predominantly used as an additional studio and a store room with an external access.

3.0 Site History

3.1 Lancaster Leisure Park has an extensive planning history. The table below contains the most relevant application.

Application Number	Proposal	Decision
09/00313/CU	Change of use of club house from warehouse storage to dance and theatre arts studio	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No Objection , will have a negligible impact on highway safety and highway capacity.
Arboricultural Officer	No Objection , suggested that a further three trees are removed as they will conflict with the proposed extension in the long term. A proposed landscaping plan is required to show compensatory replanting for the trees that are to be removed.
Public Realm Officer	No Objection , does not affect the land classed as public open space.
Electricity North West Limited	Apparatus within the vicinity, consultation response to be attached to a positive decision.
Cadent Gas	No Objection , consultation response to be attached to a positive decision.

4.2 No comments 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 the Development
- Design, Scale and Landscape Impact upon the Urban Greenspace
- Highways and Parking
- Residential Amenity
- Trees

5.2 Principle of Development (NPPF Section 8, policies DM15: Small Business Generation, DM24: The Creation and Protection of Cultural Asset, DM56: Protection of Local Services and Community Facilities)

5.2.1 The Council will seek the protection of existing cultural assets in the district that are considered to be of value to the local and/or wider community, as well as ensuring the building can maximise its role in serving the local community and securing its long term future as set out within Policies DM24 and DM56 of the DPD. Furthermore, development proposals that seek to support the creation or expansion of small businesses within the district are also supported in accordance with Policy DM15.

5.2.2 The existing dance and theatre arts school has successfully run the business in this location for the last 13 years. To allow the business to continue and remain in this location, the proposed extension is required allow the business to expand by providing an additional studio and storage for the existing students and future students to utilise. Thereby protecting the existing cultural asset and

allowing the building to be extended, securing the long term use of the building and of the existing business. As a result, it is considered that the proposed extension to the existing building will allow an existing cultural asset to be protected in so far as being able to expand and continue with the existing business in granting planning permission.

5.3 Design, Scale and Landscape Impact upon the Urban Greenspace (NPPF Section 12 and Section 15, policies DM27: Open Space, Sports and Recreational Facilities, DM29: Key Design Principles)

5.3.1 Policy DM29 of the DPD requires a good standard of design, requires proposals to demonstrate an understanding of the wider context so that they make a positive contribution to the local area. The proposed extension is of a scale and design that is in keeping with the existing building. Lancaster Leisure Park buildings are a mixture of different scale and materials and therefore the proposed extension is thought to demonstrate an understanding of the wider context.

5.3.2 The land to the west of the site is allocated as an Open Space, Recreational and Leisure, however the proposal does not encroach into this allocated land and therefore no concerns are raised and this conclusion is shared by the Public Realm Officer.

5.4 Highways and Parking (NPPF Section 12, policies DM62: Vehicle Parking Provision)

5.4.1 All of the business located within Lancaster Leisure Park share a car park to the north east of the buildings, for customers and staff to utilise. In accordance with Appendix E of the DPD, the proposed extension floor area, together with the existing floor area of the dance and theatre arts studio, should provide an additional four car parking spaces. Given the minimal amount of additional car parking spaces required for the proposed development and since the Council declared a Climate Emergency in 2019, there is a desire to move away from the use of private motor vehicles in favour of sustainable transport options. The site is within easy reach of bus and cycle routes and therefore on this occasion the additional car parking spaces are not required.

5.4.2 The Highway Development Control Section of Lancashire County Council has raised no objections to the planning application and is of the opinion that the proposed development should have a negligible impact on highway safety and high capacity within the immediate vicinity of the site.

5.4.3 A previous planning application 19/00804/FUL was refused for the erection of a single storey extension to the front of Lancaster Brewery that is situated to the south of Lancaster Leisure Park. The proposed extension was doubling the footprint of the Brewery and together with the existing footprint, would allow large scale events and functions to regularly take place at the site that had the potential to accommodate 200 people at one time. The Highway Development Control Section of Lancashire County Council stated within their response that although the submission had stated that the use of the building was a drinking establishment, they queried if the development would be classified as a function room and therefore would require a higher parking provision requirement to accommodate the anticipated large number of people that would attend the large-scale events and functions.

5.4.4 There are significant differences between the proposed extension for the dance and theatre arts school and the refused application for the extension to the Lancaster Brewery. Namely the small-scale number of people that will attend the dance and theatre arts school, compared to the large number of people that were anticipated to attend the events and functions to be held at Lancaster Brewery. As well as the Highway Development Control Section of Lancashire County Council raising no objections to the proposal and have not requested any additional information in the form of a travel plan, as requested for planning application 19/00804/FUL.

5.5 Residential Amenity (NPPF Section 12, policies DM29: Key Design Principles)

5.5.1 The proposed extension sought is to allow the dance and theatre arts school to expand in its current location. The extension is well within the parameters of Lancaster Leisure Park and will be separated by the land that is allocated as Open Space, Recreation and Leisure and therefore the proposed works will have a negligible impact upon the amenity of the nearest properties located along Coulston Road.

5.6 Trees (NPPF Section 12, policies DM45: Protection of Trees, Hedgerows and Woodland)

- 5.6.1 To the west of the property there is an area of hardstanding that covers half of the width of the property, with trees and bushes located within the remainder of the land and more trees to the north west. The species of trees within this area of land are Oak and Ash. Unfortunately the existing ash trees show evidence of Ash die back and the submitted Arboricultural Impact Assessment has recommended that these trees are to be removed to prevent spread to other ash trees within the vicinity. The oak trees have been identified as of reasonable quality and the report concludes that the ash saplings can be transplanted.
- 5.6.2 The Arboricultural Officer has raised no objections to the planning application and agrees that the ash trees should be removed due to being diseased and the oak saplings can be translocated. It has been suggested that a further three trees are to be removed as they will conflict with the proposed extension in the long term. A condition has been suggested to be attached to a positive decision that a proposed landscaping plan shall be submitted to show the replanting of trees required to compensate for the trees that are to be removed as set out within Policy DM45 of the DPD.

6.0 Conclusion and Planning Balance

- 6.1 The proposed development is sought to expand an existing cultural asset, that will secure the long term future of the Dance and Theatre Arts school. The proposed extension is of a scale and design that is in keeping with the existing building and is thought to demonstrate an understanding of the wider setting of Lancaster Leisure Park that will have a negligible impact upon the amenity of the nearest properties. An additional four car parking spaces would ordinarily be required to comply with Appendix E of the DPD, however given the minimal amount of additional car parking required and the Council's position of a Climate Emergency, there are sustainable transport options that are within easy reach of the site and therefore on this occasion the car additional car parking spaces have not been requested. There are a number of trees that are and have been requested to be removed to accommodate the proposed extension, however due to the quality of the trees that are to be removed, it is acceptable, providing replanting of trees in a 3:1 ratio is provided.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with approved plans	Control
3	Submission of proposed landscaping plan	Pre-commencement
4	Development in accordance with submitted Arboricultural Impact Assessment	Control

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

Lancaster City Council has made the decision 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 decision 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

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
21/00098/FUL	Westbourne House, Westbourne Road, Lancaster Retrospective application for the change of use of outbuilding to a residential annexe in association with Westbourne House, construction of a dormer extension to the front elevation incorporating balcony, installation of rooflights to the front and rear elevations, construction of a covered swimming pool, erection of two detached outbuildings and erection of a fence to the front boundary for Mr. K. Jayousi (Marsh Ward 2015 Ward)	Application Refused
21/00228/FUL	52 King Street, Lancaster, Lancashire Provision of visitor accommodation (sui generis) to first, second and attic floor levels, installation of rooflights, excavation of land and erection of a retaining wall, erection of a detached visitor apartment (sui generis) and formation of steps and garden walls for Mr Tom Charrier (Castle Ward 2015 Ward)	Application Permitted
21/00229/LB	52 King Street, Lancaster, Lancashire Listed building application for the removal of staircase and installation of new staircase, removal of existing bar and installation of a new bar, removal of partition walls and installation of new partition walls, installation of glazed screen, new internal doors, replacement windows, new window and door openings, rooflights, vents, installation of en-suite services, installation of insulation, demolition of rear outbuildings and formation of terrace, installation of steel structural beams, repairs to and strengthening of floor joists including installation of new floor joists, strengthening of roof trusses and purlins with steel supports, replacement cellar drop doors, repairs and replacement of rainwater goods, repairs and restoration of stonework for Mr Tom Charrier (Castle Ward 2015 Ward)	Application Permitted
21/00395/FUL	Higher Barn, Aughton Road, Aughton 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)	Application Permitted
22/00050/DIS	11A Dalton Square, Lancaster, Lancashire Discharge of condition 3 on approved application 21/00931/LB for Mr Tom Charrier (Castle Ward 2015 Ward)	Application Permitted
22/00051/DIS	11A Dalton Square, Lancaster, Lancashire Discharge of condition 3, 4 and 6 on approved application 21/00930/FUL for Mr Tom Charrier (Castle Ward 2015 Ward)	Application Permitted
22/00091/DIS	Banton Farmhouse, Chipping Lane, Dolphinholme Part discharge of condition 3 on approved application 22/00495/VCN for The Duchy of Lancaster (Ellel Ward 2015 Ward)	Split Decision

LIST OF DELEGATED PLANNING DECISIONS

22/00092/DIS	Banton Farmhouse, Chipping Lane, Dolphinhholme Part discharge of condition 4 on approved application 21/00136/LB for The Duchy of Lancaster (Ellel Ward 2015 Ward)	Split Decision
22/00092/FUL	29A Stanhope Avenue, Morecambe, Lancashire Demolition of existing bungalow and garage, erection of four dwellings (C3) and alterations to existing access for Mr Peter Ball (Torrisholme Ward 2015 Ward)	Application Refused
22/00094/DIS	Bay Horse Hotel, Kirkby Lonsdale Road, Arkholme Discharge of conditions 3, 4 and 5 on approved application 21/00912/FUL for Mr P Benson (Kellet Ward 2015 Ward)	Application Permitted
22/00098/DIS	Bay Horse Hotel, Kirkby Lonsdale Road, Arkholme Discharge of condition 3 on approved application 21/00913/LB for Mr P Benson (Kellet Ward 2015 Ward)	Application Permitted
22/00109/DIS	Garage, The Greaves, Greaves Road Discharge of condition 5, 6 and 8 on approved application 20/01402/FUL for Lancaster City Council (Scotforth West Ward 2015 Ward)	Application Permitted
22/00110/DIS	St Peters Church Hall, Main Street, Heysham Discharge of condition 3 on approved application 22/00480/LB for Diocese of Blackburn (Heysham Central Ward 2015 Ward)	Application Permitted
22/00113/DIS	Scar Close, Crag Road, Warton Discharge of conditions 3,4,5,6 and 7 on approved application 21/01320/FUL for Anne Carroll (Warton Ward 2015 Ward)	Application Permitted
22/00115/DIS	2 Brookside Drive, Dolphinhholme, Lancaster Discharge of conditions 6 and 7 on approved application 22/00490/FUL for Mr Kevin Bray (Ellel Ward 2015 Ward)	Application Permitted
22/00121/DIS	KFC, 110 Penny Street, Lancaster Discharge of condition 3 on approved application 22/00814/FUL for Kishan Patel (Castle Ward 2015 Ward)	Application Permitted
22/00269/FUL	Croftlands, Cantsfield Road, Cantsfield Demolition of existing dwelling, change of use of agricultural land to domestic garden and erection of a replacement 2 storey dwelling with alterations to land levels and installation of a package treatment plant for Mr and Mrs Gary Atkinson (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/00439/FUL	Land To The East Of, Heysham Mossgate Community And Sports Centre, Townson Way Erection of 9 dwellings (C3) with associated access, erection of 8 metre high ball catch netting, 3 metre high acoustic fencing and landscaping and provision of open space, pedestrian footpaths, benches, canopy and construction of overflow car park for use by Heysham Mossgate Sports and Community Centre for Mr Lee Ogley (Heysham South Ward 2015 Ward)	Application Refused
22/00453/FUL	29 Queen Street, Lancaster, Lancashire Change of use from dwellinghouse (C3) to local community use (F2(b)), installation of glazed roof over yard to the rear elevation, increase the height of boundary wall, and removal of one window to the rear to create a door. for Global Link (Lancaster) John Braithwaite (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/00454/LB	29 Queen Street, Lancaster, Lancashire Listed building application for installation of glazed roof over yard to the rear elevation, increase the height of boundary wall, removal of one window to the rear to create door and internal alterations to create disabled toilet for Global Link (Lancaster) John Braithwaite (Castle Ward 2015 Ward)	Application Permitted
22/00575/FUL	Building To The Rear Of 7 Poulton Road, Morecambe, Lancashire Change of use of store building associated with former commercial use (Class E) for use as a separate storage building (class B8) with installation of new flat roof, infilling of windows on south-western elevation, and re-rendering of external walls for John Scaife (Poulton Ward 2015 Ward)	Application Permitted
22/00622/VCN	Land To The Rear Of The Nib, 9 West View, Mill Lane Erection of a pair of semi-detached dwellings (pursuant to the variation of condition 2 on planning permission 20/00503/FUL to alter the driveway layout) for Mr White (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/00628/FUL	26 Main Road, Galgate, Lancaster Erection of a two-storey rear extension, including the alteration of the roof to the existing rear extension, and the installation of windows, solar panels, and a rooflight for Mr C Guest (Ellel Ward 2015 Ward)	Application Refused
22/00665/FUL	21A Hest Bank Lane, Hest Bank, Lancaster Erection of single storey side extension, conversion of garage and alterations to existing hardstanding to the front elevation for Mr And Mrs Barbary (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00669/FUL	Telephone House, Fenton Street, Lancaster Installation of 6 replacement antenna with tripod frame, internal works to the existing cabinets and associated ancillary development for Cornerstone (Castle Ward 2015 Ward)	Application Permitted
22/00687/FUL	Land And Buildings Southwest Of Westmoor Farm, 7 Carr Lane, Middleton Demolition of storage buildings and erection of 2-storey dwelling (C3) with detached double garage, associated package treatment plant, landscaping and access for Mr & Mrs Redpath (Overton Ward 2015 Ward)	Application Refused
22/00697/PIP	Land North Of Bailrigg Lane, Bailrigg Lane, Lancaster Permission in principle application for the erection of up to 5 dwellings for Aldcliffe Hall Estates (University And Scotforth Rural Ward)	Application Refused
22/00704/FUL	2 Ardengate, Lancaster, Lancashire Construction of roof extension to create first floor accommodation comprising of increased ridge height, lowering of eaves height to the front and rear to create canopy, hip to gable extension to both sides, construction of dormer and two rooflight windows to front elevation and construction of two dormers and one rooflight window to the rear for Mr & Mrs Duckett (Scotforth West Ward 2015 Ward)	Application Permitted
22/00722/FUL	20 High Court, Morecambe, Lancashire Erection of a two storey side extension for Robert Williamson (Torrisholme Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/00744/FUL	29 Longfield Drive, Carnforth, Lancashire Erection of a single storey side and rear extension for Mr Peter Allen (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/00750/FUL	Fanny House Farm, Oxcliffe Road, Heaton With Oxcliffe Alterations to vehicular access for Mr W Mason (Heysham South Ward 2015 Ward)	Application Permitted
22/00760/PAC	Cragg Hall Farm, Main Road, Galgate Prior approval application for the change of use of two agricultural buildings to flexible use for Storage and Distribution (B8) for Mr J A Sayer (Ellel Ward 2015 Ward)	Prior Approval Granted
22/00762/FUL	Cellnet At Catshaw Hall Farm, Scorton Marshaw Road, Over Wyresdale Removal of the existing 20m mast and erection of a 27.5m mast with associated antennae (cumulative height of 29.85m) and dishes, ground level cabinets, cabins, dish and generator and improvements to access track surface for Airwave Solutions Ltd (Ellel Ward 2015 Ward)	Application Withdrawn
22/00833/FUL	Ward Field Farm, Main Road, Galgate Erection of substation for Hollins Homes (Ellel Ward 2015 Ward)	Application Permitted
22/00838/PLDC	4 Lindow Square, Lancaster, Lancashire Proposed lawful development certificate for the installation of replacement windows for Mrs Joanne Sumner (Castle Ward 2015 Ward)	Application Withdrawn
22/00846/FUL	Bee Farm Barn, Chapel Lane, Overton Conversion of attached rear garage to ancillary living accommodation in association with Bee Farm Barn for Mr Martin Fletcher (Overton Ward 2015 Ward)	Application Permitted
22/00865/LB	4 Hill Side, Lancaster, Lancashire Listed building application for the installation of an EV charging point to the front elevation for Mr Tom Samson (Castle Ward 2015 Ward)	Application Permitted
22/00888/FUL	Carnforth Community Swimming Pool , Kellet Road, Carnforth Erection of a two storey front extension and installation of solar panels on the south facing roof for Mr J. Blowes (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/00889/VCN	Land North Of Stonesby House, Stanmore Drive, Lancaster Erection of a pair of semi-detached dwellings with associated access (pursuant to the variation of condition 2 on planning permission 20/01009/FUL to increase the length of the retaining wall to allow the gardens to be made level and change the material of the walls and roof of the approved plans) for Mr Munshi (Scotforth West Ward 2015 Ward)	Application Permitted
22/00943/FUL	Croziars Croft, Moss Lane, Silverdale Retrospective application for the creation of a vehicular driveway and erection of associated fencing for Mr Kenneth Gregory (Silverdale Ward 2015 Ward)	Application Permitted
22/00944/ADV	Next, 5 Rendsburg Way, St Nicholas Arcade Advertisement application for the display of one externally illuminated fascia sign for Next Retail Ltd (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/00952/PAA	Thwaite Gate Farm, Lancaster Road, Carnforth Prior approval for the change of use of agricultural buildings to 5 dwellings (C3) for Mr K Whittingham (Carnforth And Millhead Ward 2015 Ward)	Application Withdrawn
22/00953/FUL	Hawthorn Cottage, Back Lane, Wrayton Erection of a single storey side extension and two storey side and rear extension for Mrs Natalie Taylor (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/00962/FUL	1 The Headlands, Heysham, Morecambe Part retrospective application for the erection of an outbuilding and a raised boundary wall for Mr Bob Howard (Heysham South Ward 2015 Ward)	Application Refused
22/00970/FUL	Scar Close, Crag Road, Warton Demolition of existing single storey rear extension and existing lobby and porch to the front elevation, erection of a two-storey rear extension, construction of raised patio, wall and steps to the rear and a raised patio and steps to the front elevation, installation of replacement render to all elevations and the installation of new windows and doors for Mrs A Carroll (Warton Ward 2015 Ward)	Application Permitted
22/00979/FUL	Lyngarth, Lancaster Road, Slyne Erection of a single storey rear extension and construction of a raised terrace and steps for Mr Dan Johnson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00980/FUL	Cote Farm, Strellas Lane, Slyne Construction of 2 roofs over 2 existing yards for Mr Phillip Casson (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/00985/FUL	22 Alston Drive, Morecambe, Lancashire Erection of a single storey side extension, single storey rear extension, construction of a dormer extension to the rear elevation, construction of hip to gable extensions, installation of raised roof and installation of external steps to the rear for Mr & Mrs D&A Bell (Torrisholme Ward 2015 Ward)	Application Permitted
22/00987/FUL	2A Yealand Drive, Lancaster, Lancashire Demolition of existing first floor conservatory and erection of a part single storey, part two storey extension and installation of external cladding to all elevations for Mr Jack Baldwin (Scotforth East Ward 2015 Ward)	Application Permitted
22/00991/FUL	27 St Johns Avenue, Silverdale, Carnforth Demolition of existing conservatory, erection of a two storey rear extension and installation of windows at first floor level for Ms Suzanne Murray (Silverdale Ward 2015 Ward)	Application Permitted
22/01004/ADV	7 Cheapside, Lancaster, Lancashire Advertisement application for the display of an externally illuminated fascia sign and externally illuminated projecting sign for Mr Rob Thompson (Castle Ward 2015 Ward)	Application Permitted
22/01017/FUL	143 West End Road, Morecambe, Lancashire Erection of a first floor extension, conversion of garage and installation of window to the front elevation for Mr Chris Henedy (Harbour Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01021/FUL	30 Barton Road, Lancaster, Lancashire Erection of a first floor extension to the rear elevation for Mrs Rebecca Blackstone (Scotforth East Ward 2015 Ward)	Application Permitted
22/01025/FUL	Land West Of, Hadrian Road, Morecambe Change of use of paddock for the siting of 25 static caravans for holiday accommodation with associated parking and creation of an associated internal road for Mr T Hill (Torrisholme Ward 2015 Ward)	Application Withdrawn
22/01032/FUL	7 Becksde Mews, Borwick, Carnforth Demolition of existing conservatory, erection of a single storey rear extension, erection of a front porch, installation of enlarged window and Juliet balcony to the south elevation, and the installation of rooflights to the east and west elevations for Tracy Taylor _ Vaughan Knight (Kellet Ward 2015 Ward)	Application Permitted
22/01034/PRE3	228 - 233 Marine Road Central, Morecambe, Lancashire Demolition of existing buildings and construction of a Class C1 hotel for The Averill Group Ltd (Poulton Ward 2015 Ward)	Closed
22/01037/FUL	Raw Ridding Farm, Monks Gate, Tatham Erection of an agricultural building to create covered midden for Mr Anthony Beckerton (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/01042/FUL	2 Sandside Cottages, Sandside, Cockerham Erection of a single storey rear extension for Mr Dave Evans (Ellel Ward 2015 Ward)	Application Permitted
22/01049/VCN	96 St Leonards Gate, Lancaster, Lancashire Change of use from bed and breakfast (C1) to student accommodation comprising one 7-bed student cluster flat (C4) (pursuant to the variation of condition 5 on approved application 17/00532/CU to remove the requirement for the for the property to be occupied by students at Lancaster University and University of Cumbria only) for Mr Ian Colley (Bulk Ward 2015 Ward)	Application Permitted
22/01052/VCN	Quayside Coffee Lounge, Tithebarn Hill, Glasson Dock Erection of single storey front extension to include the installation of two bi-fold doors and construction of a flat roof (pursuant to the variation of conditions 2,3 and 6 on planning permission 16/00063/FUL to amend plans to remove one previously approved bi-fold door and to amend external finish from render to cedar cladding) for Mr Michael Price (Ellel Ward 2015 Ward)	Application Permitted
22/01056/ELDC	5 Rose Grove, Galgate, Lancaster Existing lawful development certificate for the existing and continued use of the former garage as ancillary living accommodation for Mr Steve Fisher (Ellel Ward 2015 Ward)	Application Withdrawn
22/01058/VCN	Spinney Barn, Burrow Road, Burrow Erection of a garage (pursuant to the variation of condition 2 on planning permission 87/1106 to enable conversion of garage into ancillary living accommodation) for Mr Paul Barlow (Upper Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01061/FUL	22 Clarence Street, Morecambe, Lancashire Change of use of storage building to dwelling (C3) and retrospective application for the installation of replacement windows, a new doorway to the side and a replacement doors to the rear for 1864 Properties (Poulton Ward 2015 Ward)	Application Withdrawn
22/01063/FUL	45 Windermere Road, Lancaster, Lancashire Conversion of one dwelling (C3) into two separate dwellings (C3) for Mr Stuart Morgan (Bulk Ward 2015 Ward)	Application Permitted
22/01065/FUL	Corfe Farm, Sand Lane, Warton Demolition of side extension, erection of two storey side extension, construction of canopy to side and front elevation, removal of front bay windows and installation of patio doors and erection of detached double garage for Mr Robin Loxam (Warton Ward 2015 Ward)	Application Permitted
22/01069/FUL	Waterslack Cottage, Waterslack Road, Silverdale Erection of a single storey side and rear extension for Mr Robert Bolton (Silverdale Ward 2015 Ward)	Application Permitted
22/01072/FUL	Flats 3-6 And 12, 14 And 15, Grebe Wharf, Lancaster Installation of replacement balconies for Vivien Denby (Bulk Ward 2015 Ward)	Application Permitted
22/01076/VCN	178 Lancaster Road, Carnforth, Lancashire Erection of a two storey side extension, erection of single storey front and rear extensions and erection of new boundary wall and gates (pursuant to the variation of condition 2 on planning application 21/01538/FUL to amend plans to include two windows to the garage and to amend the boundary wall height and materials) for Mr & Mrs Astin (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/01078/ELDC	16 Harrowdale Park, Halton, Lancaster Existing lawful development certificate for use of outbuilding as ancillary accommodation in association with 16 Harrowdale Park for Mrs Denise Parker-McCarroll (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted
22/01079/ADV	20 Royalty Mall, Arndale Centre, Morecambe Advertisement application for the display of an externally illuminated fascia sign for Mr Bryan Walsh (Poulton Ward 2015 Ward)	Application Permitted
22/01081/FUL	7 Ancliffe Lane, Bolton Le Sands, Carnforth Demolition of existing conservatory and erection of a single storey rear extension and construction of a raised terrace with steps for Mr & Mrs Andrew & Natalie Lockley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/01083/PLDC	41 Colwyn Avenue, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr And Mrs J And J Airey (Bare Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

22/01084/VCN	96 St Leonards Gate, Lancaster, Lancashire Change of use of part of lower ground floor to form self contained studio apartment for student accommodation (pursuant to the variation of condition 5 on approved application 18/00526/FUL to remove the requirement for the for the property to be occupied by students at Lancaster University and University of Cumbria only) for Mr Ian Colley (Bulk Ward 2015 Ward)	Application Permitted
22/01091/PAM	Land At, Ashford Road, Lancaster Prior approval for the installation of 16m Alpha 7-18 telegraph pole with one antenna, two 0.3m dishes, three ground-based equipment cabinets and associated ancillary development for Mr Niall Kelleher (Scotforth West Ward 2015 Ward)	Prior Approval Refused
22/01093/FUL	16 Dutton Drive, Lancaster, Lancashire Installation of 14 solar panels on the west (rear) facing roof slope for Mr Jonathan Hudson (Bulk Ward 2015 Ward)	Application Permitted
22/01096/PLDC	53 Torrisholme Road, Lancaster, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr. & Mrs D. Barclay (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
22/01097/FUL	24 Ruskin Grove, Bolton Le Sands, Carnforth Demolition of conservatory and erection of single storey rear extension for Mr. & Mrs J. Bradley (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/01101/FUL	18 Coleman Drive, Lancaster, Lancashire Installation of 16 solar panels on the south (rear) facing roof slope for Mr Andrew Cartledge (Bulk Ward 2015 Ward)	Application Permitted
22/01110/FUL	Titterington Cottage, Bay Horse Road, Quernmore Retrospective application for the erection of a replacement agricultural storage building for Mr Mark Townley (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/01111/FUL	1 Douglas Avenue, Heysham, Morecambe Demolition of existing garage, erection of a single storey side and rear extension for Mr and Mrs Jarvis (Heysham South Ward 2015 Ward)	Application Permitted
22/01118/PAC	Hawthorne House, Bye-pass Road, Bolton Le Sands Prior approval for the change of use of ground floor restaurant (Class E) to dwelling (Class C3) for Mr & Mrs C & B Waddington (Bolton And Slyne Ward 2015 Ward)	Prior Approval Granted
22/01125/EIR	Titterington Cottage, Bay Horse Road, Quernmore Screening request for the erection of replacement agricultural storage building (retrospective) for Mr Mark Townley (Lower Lune Valley Ward 2015 Ward)	ES Not Required
22/01130/FUL	24 St Albans Road, Morecambe, Lancashire Erection of single storey front and rear extensions, two storey side extension and construction of a balcony to the side elevation for Mr & Ms D Collins (Torrisholme Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01139/FUL	29 Bare Avenue, Morecambe, Lancashire Insertion of a new ground floor window to the side for Mr M. Fletcher (Bare Ward 2015 Ward)	Application Permitted
22/01145/PREONE	Dragons Head Hotel, Main Street, Whittington Pre application advice relating to existing consents for Mr Simon Nutter (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
22/01146/FUL	39 Coulston Road, Lancaster, Lancashire Demolition of attached garage and erection of single storey rear extension for Mr C. Pickthall (John O'Gaunt Ward 2015 Ward)	Application Permitted
22/01148/FUL	Pastordale Farm, Kellet Lane, Over Kellet Demolition of single storey dwelling and erection of two storey dwelling (C3) for Mr and Miss Bellomy (Kellet Ward 2015 Ward)	Application Withdrawn
22/01152/EIR	Middleton Clean Energy Plant, Middleton Road, Middleton Screening opinion for the erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing and 4 column mounted CCTV cameras for Ms Donna Cooper (Overton Ward 2015 Ward)	ES Not Required
22/01153/EIR	Middleton Clean Energy Plant, Middleton Road, Middleton Screening opinion for the construction of 100 MWh energy storage facility with associated internal access road, boundary fencing and gate and 3 CCTV columns for Donna Cooper (Overton Ward 2015 Ward)	ES Not Required
22/01154/FUL	4 Hill Side, Lancaster, Lancashire Retrospective application for the installation of an EV charging point to the front elevation for Mr Tom Samson (Castle Ward 2015 Ward)	Application Permitted
22/01165/AD	Kellet Bridge Farm, Kellet Lane, Over Kellet Agricultural determination for the erection of a storage building for Mr David Koller (Kellet Ward 2015 Ward)	Prior Approval Refused
22/01167/EE	St Peters Roman Catholic Cathedral, St Peters Road, Lancaster Ecclesiastical exemption for nave internal redecoration works for Parish Of St Peters Cathedral And St Thomas More (John O'Gaunt Ward 2015 Ward)	No Objections
22/01173/PLDC	11 Lister Grove, Heysham, Morecambe Proposed lawful development certificate for the erection of a single storey rear extension and installation of a window and door to the ground floor side elevation for Mr & Mrs P Sibilla (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
22/01174/AD	Lower Emmetts, Flintron Brow, Over Wyresdale Agricultural Determination for creation of new track for Mr Declan Hoare (Ellel Ward 2015 Ward)	Prior Approval Granted
22/01175/AD	Camm House, Doeholme Rake, Over Wyresdale Agricultural Determination for extension to existing track and area of hardstanding for Mr Declan Hoare (Ellel Ward 2015 Ward)	Prior Approval Not Required
22/01176/AD	Tower Lodge, Marshaw Wyre, Abbeystead Agricultural determination for area of hardstanding for Mr Declan Hoare (Ellel Ward 2015 Ward)	Prior Approval Granted

LIST OF DELEGATED PLANNING DECISIONS

22/01177/PAH	16 Hest Bank Road, Morecambe, Lancashire Erection of a 6.03 metre deep, single storey rear extension with a maximum roof height of 4.00 metres and a maximum eaves heights of 2.36 metres for Mr Ian Catlow (Bare Ward 2015 Ward)	Prior Approval Not Required
22/01187/PLDC	9 The Rise, Bolton Le Sands, Carnforth Proposed Lawful Development Certificate for the construction of a hip to gable extension and construction of a dormer extension to the rear elevation for Mrs. S. Jameson (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
22/01188/PLDC	29 Kingfisher Drive, Heysham, Morecambe Proposed lawful development certificate for the erection of a single storey rear extension for Mr.&Mrs M. Shaw (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
22/01196/PLDC	417 Lancaster Road, Morecambe, Lancashire Proposed lawful development certificate for the conversion of garage to create ancillary living accommodation in association with 417 Lancaster Road for Mr Darwen (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
22/01206/PLDC	108 Aldcliffe Road, Lancaster, Lancashire Proposed lawful development certificate for the demolition of the greenhouse, reconfiguration of the internal layout and installation of a new door to the rear and rooflights and roof lantern to the existing rear outrigger for Mr and Mrs Thoms (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
22/01230/PLDC	12 Willow Grove, Morecambe, Lancashire Erection of a single storey side extension for C. Hicks (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
22/01233/EIR	1 Higher Stockbridge Barn, High Road, Tatham Screening opinion for the erection of a 1kw wind turbine (8.9m high from ground to blade tip) for Richard Wilson (Lower Lune Valley Ward 2015 Ward)	ES Not Required
22/01234/AD	Kellet Bridge Farm, Kellet Lane, Over Kellet Agricultural Determination for erection of storage building for Mr David Koller (Kellet Ward 2015 Ward)	Prior Approval Not Required
22/01235/EIR	13 Main Street, Warton, Carnforth Screening opinion for the erection of a detached dwelling (C3) and creation of a new vehicular access (pursuant to the variation of condition 2 on approved application 20/01349/FUL to add solar panels and an air source heat pump and conditions 3,4,5,9 and 11 to provide details relating to materials, vehicular and pedestrian access, homeowner packs and surface water drainage) for Mr And Mrs P Goldsworthy (Warton Ward 2015 Ward)	ES Not Required
22/01261/PLDC	315 Lancaster Road, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr. & Mrs. Barr (Westgate Ward 2015 Ward)	Lawful Development Certificate Granted
22/01294/NMA	14 Damside Street, Lancaster, Lancashire Non material amendment to planning permission 17/01563/FUL to alter the shop front for Mr Adrian Burt (Bulk Ward 2015 Ward)	Application Permitted