



**Committee:** PLANNING REGULATORY COMMITTEE

**Date:** MONDAY, 27 FEBRUARY 2023

**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 30<sup>th</sup> January 2023 (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.

- |   |  |  |                               |                        |
|---|--|--|-------------------------------|------------------------|
| 5 | <b>A5 <a href="#">21/01008/FUL</a></b> | <b>Land North of Quernmore Road Quernmore Road Lancaster Lancashire</b>  | <b>Lower Lune Valley Ward</b> | <b>(Pages 6 - 40)</b>  |
|   |  | Erection of 116 dwellings (C3) with associated access, landscaping, public open space, electricity substation, foul water pumping station, sustainable urban drainage and associated infrastructure.   |                               |                        |
| 6 | <b>A6 <a href="#">22/00879/FUL</a></b> | <b>Mill Hall Moor Lane Lancaster Lancashire</b>  | <b>Bulk Ward</b>              | <b>(Pages 41 - 50)</b> |
|   |  | Change of use of 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall.  |                               |                        |
| 7 | <b>A7 <a href="#">22/00880/LB</a></b>  | <b>Mill Hall Moor Lane Lancaster Lancashire</b>  | <b>Bulk Ward</b>              | <b>(Pages 51 - 56)</b> |
|   |  | Listed building application to facilitate the conversion from 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall. |                               |                        |

8	A8 <a href="#">22/00668/FUL</a>	<b>Land to the South of Middleton Clean Energy Plant Middleton Road Middleton Lancashire</b>	<b>Overton Ward</b>	<b>(Pages 57 - 64)</b>
		Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras.		
9	A9 <a href="#">22/00839/FUL</a>	<b>Land to the South of Middleton Clean Energy Plant Middleton Road Middleton Lancashire</b>	<b>Overton Ward</b>	<b>(Pages 65 - 72)</b>
		Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras.		
10	A10 <a href="#">22/01432/VCN</a>	<b>J Wedlake And Son Wheatfield Street Lancaster Lancashire</b>	<b>Castle Ward</b>	<b>(Pages 73 - 78)</b>
		Change of use and conversion of existing warehouse (B8) to student accommodation (C3) comprising of 16 1-bed studios, erection of 3-storey side extension, installation of dormer extensions, installation of new window and door openings, installation of rooflights and solar panels to the roof and erection of a 3-storey building for student accommodation comprising 8 1-bed studios with associated plant room and bin store and erection of a bin store and installation of drainage infrastructure (pursuant to the variation of condition 2 on planning permission 20/00964/FUL to amend approved plans by moving position of proposed new 3-storey building away from the North boundary by 925mm).		
11	A11 <a href="#">22/01482/FUL</a>	<b>5 Laureston Avenue Heysham Morecambe Lancashire</b>	<b>Heysham South Ward</b>	<b>(Pages 79 - 82)</b>
		Demolition of existing rear extension, erection of a single storey rear extension with raised balcony, erection of a detached garage to the		

rear and construction of a new driveway.

## **12 Delegated List (Pages 83 - 93)**

### **ADMINISTRATIVE ARRANGEMENTS**

#### **(i) Membership**

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

#### **(ii) Substitute Membership**

Councillors Fabiha Askari (Substitute), Mandy Bannon (Substitute), Alan Biddulph (Substitute), Jake Goodwin (Substitute), Tim Hamilton-Cox (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](mailto:emarsden@lancaster.gov.uk).

#### **(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582000, or alternatively email [democracy@lancaster.gov.uk](mailto:democracy@lancaster.gov.uk).

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

Published on 15<sup>th</sup> February 2023.

<b>Agenda Item</b>	A5
<b>Application Number</b>	21/01008/FUL
<b>Proposal</b>	Erection of 116 dwellings (C3) with associated access, landscaping, public open space, electricity substation, foul water pumping station, sustainable urban drainage and associated infrastructure
<b>Application site</b>	Land North of Quernmore Road Quernmore Road Lancaster Lancashire
<b>Applicant</b>	Bellway Homes & William Airey, Pauline Ainley & Nathan Airey
<b>Agent</b>	Mr Matthew Dawber (Barton Willmore)
<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval subject to conditions and a Section 106 legal agreement

(i) **Procedural Matters**

A committee site visit was undertaken on 31 October 2022 to view the application site and its surroundings.

**1.0 Application Site and Setting**

- 1.1 The site comprises 5.54 hectares of land in the east of Lancaster, approximately 2km from the centre, and is currently in agricultural use and does not contain any existing structures. The site includes a number of hedgerows and trees which are mostly confined to the site boundaries and form some internal field boundaries. Access is currently via an agricultural access from Quernmore Road to the south and a private driveway to the east.
- 1.2 The eastern boundary of the Site is formed by the M6 motorway. The southern boundary is formed by Quernmore Road, and there is some linear residential development along the southern side of the highway. The western side bounds a private access to farm buildings. Beyond this lies the former Lancaster Moor Hospital and associated land, which has been recently developed for housing and includes a small food store close to the site. To the north of the site lies open fields which are within the control of the applicant. Wider development to the west consists of broadly suburban residential development, whereas the area to the east of the site, beyond the M6, is rural in nature. To the south, beyond the ribbon residential development along Quernmore Road, the land is rural; however, between Grab Lane and the M6, there is an allocation for housing development in the Local Plan.
- 1.3 The topography of the site is relatively flat but falls to the south and west with the south west corner being the lowest point. There is a gas pipeline running north to south through the eastern section of the site. The site is located in Flood Zone 1. There are no ecological, or heritage designations on, or that cover, the site itself. However, it is allocated as Urban Setting Landscape in the Local Plan,

as part of a wider designation extending to the north and south. It is allocated as In terms of agricultural value, the land is classified as Grade 4 – Poor, based on Natural England’s Agricultural Land Classification Map of the North West Region dated 24 August 2010. The site is not within an area designated for poor air quality, but it is approximately 1.8 kilometres from the Lancaster Air Quality Management Area (AQMA). Approximately 450 metres to the east of the Site, on the opposite side of the M6, lies the boundary of the Forest of Bowland AONB. A small part of the site is identified as a Mineral Safeguarding Area.

1.4 Approximately 150 metres to the northwest is the former Lancaster Moor Hospital, which is Grade II Listed, and now contains residential apartments. To the west of the former hospital lies the Grade II listed Lancaster Cemetery which contains several individually listed structures. This lies around 360 metres from the boundary of the site with extensive development between. Standen Park House is Grade II\* listed and is approximately 280 metres from the site. A Conservation Area has also been relatively recently designated, covering the former hospital building and a wider area, and extends up to part of the western boundary. Ashton Memorial Gardens and Williamson Park comprise a Grade II registered park and garden which lies to the south of the cemetery and approximately 450 metres from the site. It also contains a number of individually listed structures, including the lodge, the gates, gate piers and walls, a bridge, and a tower which are all Grade II listed, in addition to the Grade I listed Ashton Memorial.

**2.0 Proposal**

2.1 The proposed development consists of the erection of 116 dwellings (Use class C3), arranged around internal roads and includes areas of open space. This scheme originally proposed the erection of 151 dwellings, however amended plans were submitted which reduced the number to address a number of issues. The access is proposed in the southwest corner of the site off Quernmore Road close to the junction with Grab Lane. There will be a further emergency access provided off Quernmore Road further to the east of the southern boundary.

2.2 The dwellings proposed are predominantly 2 storeys, however, the scheme also includes some bungalows and some blocks of apartments, up to 3 storey. All dwellings are served by private amenity space and off-street parking. The dwellings were originally proposed to be finished in artificial stone with concrete tile roofs, however the scheme now proposes a mix of natural sandstone, render and buff brick, with slate for all the roof finishes.

2.3 The proposed 116 units comprise of the following mix:

Market		%	Affordable		%	Overall		%
Apartments			Apartments			Apartments		
1 Bed	5		1 Bed	6		1 Bed	11	9
2 Bed	6		2 Bed	6		2 Bed	12	10
						Total	23	20
Houses			Houses			Houses		
1 Bed	0		1 Bed	0		1 Bed	0	0
2 Bed	15		2 Bed	11		2 Bed	26	22
3 Bed	30		3 Bed	7		3 Bed	37	32
4 Bed	19		4 Bed	2		4 Bed	21	18
Bungalows			Bungalows			Bungalows		
2 Bed	6		2 Bed	3		2 Bed	9	8
	81			35			116	100

The 35 affordable units represents 30% by unit as affordable homes.

2.4 In addition to the dwellings, there is 1.34 hectares (excluding elements deemed unsuitable due to gradient) proposed. This enables the site to provide open space, incidental open space, equipped play space and green buffers to the M6 and Quernmore Road.

### 3.0 Site History

3.1 The site has no formal planning history. As part of the assessment of the application, the site was screened against the EIA Regulations 2017 to determine if it was 'EIA development'. The decision of 21/00891/EIR was that the scheme did not constitute EIA development. There have been a number of relatively recent significant developments in the surrounding area, these are set out below:

Application Number	Proposal	Decision
21/00891/EIR	Screening request for erection of 155 homes, including 30% affordable housing with associated access, landscaping, sustainable urban drainage and other relevant infrastructure	Not EIA development
13/00653/REM	Reserved matters application for the first phase of the conversion of the Annexe building to 34 dwellings, including associated landscaping and car parking	Approved
13/00232/REM	Reserved matters application (layout, scale and appearance) of 197 dwellings, associated internal road layout, car parking, boundary treatments and landscaping	Approved
07/00556/OUT	Outline application for residential use (up to 440 dwellings) involving the residential conversion of the Annexe and Campbell House, demolition of existing buildings and associated access, carparking and landscaping	Approved

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>Objection.</b> Original issues raised overcome with amended layout. Location of emergency access is acceptable. Shortfall on parking spaces for 2 bed apartments considered acceptable. Footpaths shown running through the landscaped areas to the East and South of the site would not be considered for adoption and would therefore need to be maintained privately. Transport Assessment and updated Transport assessment both fail to appropriately assess the existing highway network and the impact on this from all modes of transport using the development. Request contribution of <b>£727,704</b> towards highway infrastructure projects based on the Infrastructure Strategy and the gravity model.
National Highways	<b>No objection</b> subject to conditions requiring: details and erection of a fence adjacent to the M6; details and construction of bund; detailed construction plan working method statement in relation to earthworks and drainage adjacent to M6; no development to be carried out on National Highways land; and no drainage from site onto M6.
Lead Local Flood Authority	<b>No objection</b> subject to conditions requiring development carried out in accordance with the principles within site specific flood risk assessment; final surface water sustainable drainage strategy to be submitted; construction surface water management plan; sustainable drainage system operation and maintenance manual; verification report of constructed sustainable drainage system; details of an appropriate emergency access.
Historic England	<b>No comments to make</b>

Conservation Team	<b>Objection</b> – Remain of the view that this scheme would cause less than substantial harm to the setting of Lancaster Moor Hospital (grade II), the Ashton Memorial (grade I) and the conservation areas that form the setting of these two striking city landmarks. The lack of existing tree cover within the site means the harm caused to the open character of the site is difficult to mitigate in the short to medium term. While there has been the introduction of a small area of open space and trees at the heart of the scheme this is not extensive nor sufficient to create a meaningful screen to address the harmful impact on views in the longer term.
Greater Manchester Ecology Unit (GMEU)	<b>Comments.</b> Recommend that: additional hedge planting is provided, which appears feasible from the layout in order to achieve net gain for linear features; recommend a condition requiring a detailed Landscape and Environmental Management plan be provided to ensure the target conditions are attained and maintained for 25 years and; a bird and bat box strategy be provided for the new build/site.
Lancaster Civic Society	<b>Objection</b> Last remaining green spaces to the east of the city; question the suitability of the land given drainage issues; highways and schools at capacity
South Lancaster Flood Action Group	<b>Objection</b> – Increase in discharge to Burrow beck; discharge rates should be reduced to a minimum to prevent flooding downstream; the revised layout provides opportunity for additional attenuation within the public open space; recommend a full investigation of the capacity of the culvert during heavy rainfall events to ascertain what capacity exists; concerns about loss of surface water storage; further understanding of the spring which is located at the top of the bank of the attenuation pond is required; needs a commitment that the drainage system is to be designed and built to adoptable standards and subsequently offered to UU for adoption; would like to see how surface water will be managed during construction at this stage.
HSE	<b>No objection</b>
Planning Policy	<b>Comments</b> This site is allocated as Urban Setting Landscape in the recently adopted Local Plan and as such is not somewhere where the council would support development. The exception to this is where it can be shown that the application would preserve the open nature of the area and the character and appearance of its surroundings and importantly as with all planning applications where the balance of other considerations may lead to its support. The revised housing mix and the housing standards are acceptable.
Public Realm Officer	<b>No objection</b> subject to the following: <ul style="list-style-type: none"> <li>• <b>1869m<sup>2</sup></b> of Amenity Space on site</li> <li>• Provision of play area</li> <li>• <b>£113,341.50</b> of offsite contribution should go towards Far Moor playing pitches</li> <li>• <b>£50,540.00</b> of the offsite contribution should go towards young person's provisions at Scotch Quarry.</li> </ul>
Quernmore Parish Council	<b>Objection</b> The site has not been allocated for housing in the local plan and question the need for further housing; existing drainage issues and development could exacerbate flooding downstream; highway capacity issues; and impact to local services – schools and doctors etc.
United Utilities	<b>No objection.</b> The proposals are acceptable in principle subject to conditions requiring: development in accordance with principles set out in the drainage strategy; sustainable drainage management and maintenance plan
County Archaeology	<b>No objection</b> subject to condition requiring a phased scheme of archaeological works.



Lancashire Education	<b>No objection</b> subject to financial contribution for 10 secondary school places (£230,617.50), however no contribution required for primary school places (based on original scheme).
Environment Agency	<b>No objection in principle. Raise some concerns</b> regarding discharge into Burrow Beck which is culverted at point of connection, due to flooding issues downstream.
Environmental Health	<b>No objection</b> subject to conditions requiring: mitigation measures within Air Quality Assessment (in addition to additional measures); noise mitigation; in accordance with Construction and Environment Management Plan. The Phase 1 and Phase 2 investigations reveal no issues in relation to contamination requiring remediation. Radon protection measures will be required due to site location in a radon affected area
Natural England	<b>No objection</b>
Cadent Gas	<b>No objection</b>
Dynamo Cycle Campaign	<b>Objection</b> Not sustainable development and should look to support routes into central Lancaster
CSTEP/ Economic Development	<b>Comments</b> – Additional information on upskilling the existing workforce has been provided, but should complete the table setting out the level of outputs. To avoid a pre-commencement condition. A more detailed method statement would be required.
Shell	<b>No objection</b>
British Pipeline Agency	<b>No comment</b> the BPA pipeline(s) is not affected by these proposals
Lancashire Constabulary	<b>Comments</b> Concerns around anti-social behaviour around play spaces and benches in public realm for loitering
Lancashire Fire and Rescue	<b>Comments.</b> Advice in relation to compliance with Building Regulations
NHS	<b>No objection</b> subject to a financial contribution of <b>£66,108</b> to create general practice capacity
CLOUD	<b>Object.</b> Raise concerns regarding: downsteam flooding as a result of additional surface water; Increased traffic and impact on surrounding lanes; impact on biodiversity as the land is a wetland that attracts a number of birds and stone walls provide habitat for mammals, frogs and insects; and pressure on medical services and schools.

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

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

- Not within Local Plan allocations
- Loss of greenspace
- Impact to landscape and views
- Underestimation of drainage capacity
- Impact to daylight and sunlight of surrounding dwellings and overlooking
- Concerns around antisocial behaviour around proposed play area
- Impact to heritage impacts
- Impact to AONB
- Undermine the quiet character of the area

- No capacity of highways and local services to cope
- Increase in on street parking around Quernmore Road
- Construction impacts in terms of amenity and traffic
- Owners of adjacent properties bought on the understanding site would not be developed due to Local Plan
- Impact to/increases climate change
- Impact to air quality
- Area is deficient of open space – building on open space
- Loss of habitats for birds and bats with removal of trees

1 comment neither objecting or supporting but making the following comment:

- Impact on AQMA and lack of dispersion modelling in the assessment.

Following the submission of amendments and re-consultation on 14 April 2022, a further 152 representations have been received opposing the development. A summary of additional comments are as follows:

- Significant increase in traffic, capacity of the highway network, impact on highway safety, particularly due to parking on Quernmore Road that restricts width, and impacts during construction
- Impact on residential amenity from increased traffic
- Site is subject to flooding and potential increase flood risk off site
- Impact on wildlife, potential impact on Natterjack Toads
- Not allocated for housing and is designated as Urban Setting Landscape
- question need given large allocation at Bailrigg and development of brownfield land first
- Harm to Conservation Area and setting of listed buildings
- Proximity to M6 and impact on residents from noise and air pollution
- Loss of and impact on public views, including to Howgill Fells and AONB
- Loss of stone boundary wall
- Increase carbon emissions due to use of mechanical ventilation
- Proximity of playground to main road
- Lack of local cycle routes
- Capacity of schools and GP practices and limited services/ amenities close to the site
- Location of a road leading to an adjacent field
- Impact on air quality
- Few affordable houses
- Create a precedent for similar development in the District
- Loss of green open land
- Impacts from nearby abattoir

6 responses neither objecting or supporting but making the following comments:

- Need for road improvements to Grab Lane
- Concerns about increased traffic during and post construction
- Cycling infrastructure should be reviewed
- Should consider having a local heat network to these homes to reduce the climate impact
- Likely cause traffic problems
- Facilities lacking in area
- Increase flood risk
- Concerns about air pollution
- Will create a poorer view
- Needs to ensure adequate affordable housing provision

1 response in support of the application, setting out the following:

- Will provide affordable housing suitable for families together with a play area that will enhance local amenities and the stock of affordable housing.

## 5.0 Analysis

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

- Principle of residential development;
- Landscape impact, layout and design;
- Impact on Heritage Assets;
- Traffic impacts, access, parking and sustainable travel;
- Flood risk and drainage;
- Biodiversity and Trees;
- Air Quality;
- Open space;
- Residential Amenity;
- Affordable housing, housing standards and mix;
- Education and health; and
- Sustainable design and renewable energy

5.2 **Principle of Residential Development** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); 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), EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM46 (Development and Landscape Impact)

5.2.1 The site is located within the urban boundary of Lancaster, but it is not allocated for housing. It is not designated as open space, countryside or for ecological value and has low agricultural value. However, the site is designated as Urban Setting Landscape in the Local Plan. This designation also extends to the north, up to Junction 34, and to the south, to Blea Tarn Road, and covers the rural land between the M6 and the eastern fringes of the urban development of Lancaster.

5.2.2 Policy EN5 of the Strategic Policies and Land Allocations (SPLA) DPD seeks to conserve these areas and safeguard natural features. It sets out that development proposals will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. Policy DM46 of the Development Management (DM) DPD adds to this approach by outlining that particular regard will be made to the historic townscape and built form of the urban areas. The evidence base outlines the open character as enhancing the setting of heritage assets and that the Urban Setting Landscape provides a distinction between the edge of town and the countryside beyond.

5.2.3 The originally submitted scheme proposed the development of 151 dwellings, which has now been reduced to 116 dwellings. Whilst the decrease in the number of units has increased the open space within the site, the proposed residential development would fail to preserve the open nature of the area as it would result in a significant amount of built development and associated infrastructure on area of land which is currently open fields. The impact of the development on the surrounding area, including the historic landscape and built form is considered within the sections below. However, it is clear that the proposal directly conflicts with policies EN5 and DM46 of the Local Plan.

5.2.4 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.

- 5.2.5 As set out above, the proposal will clearly conflict with the aims and objectives of policies EN5 and DM46 which seek to conserve areas designated as Urban Setting landscape. However, the local planning authority currently has a significant undersupply of deliverable housing sites. In addition, the development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Therefore, the delivery of 116 dwellings in a sustainable urban location is considered to have great weight in the planning balance. However, as this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of the report.
- 5.3 **Landscape Impact, Layout and Design** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 and 176 (AONBs, Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment); EN2 (Areas of Outstanding Natural Beauty) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)
- 5.3.1 The site is located adjacent to the eastern edge of the built-up area of Lancaster. It currently comprises agricultural land and is located between a relatively recent development to the west and the M6 motorway to the east. To the south, on the southern side of Quernmore Road, is a row of mostly two storey semi-detached dwellings which extend along the road up to a point approximately 125 metres from the boundary with the M6. The site is wider at its southern boundary than the north, and the agricultural land beyond this to the north narrows further and is constrained by residential development to the east and the motorway to the west. The land within the site generally rises quite gently to the south east, towards the motorway, from just under 65 metres AOD in the southeastern corner to just below 78 metres AOD towards the southeast corner. Although there are some slightly steeper slopes within the site, particularly towards the southeast corner, including a steep banking up to Quernmore Road as it rises over the M6. In the eastern section, in particular, the land also falls to the north, creating an undulating feature within the landscape. The land continues to rise to the east, beyond the line of the motorway.
- 5.3.2 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.
- 5.3.3 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 rolling landform is evident in the eastern portion of the site continuing to the north beyond the boundary. The landscape immediately to the east of the motorway is identified as Farmed Ridges, in terms of its landscape character type. The Forest of Bowland Area of Outstanding Natural Beauty (AONB) lies approximately 440 metres to the east of the site boundary and is higher than the application site.
- 5.3.4 As discussed in the section above, the site is allocated as Urban Setting Landscape and the proposed residential development of much of the land will conflict with the purpose of the policies EN5 and DM6 to preserve the open to preserve the open nature of the area. As part of the evidence base for the Local Plan, a document entitled 'Urban Setting Landscape Designations' (Glavin Landscape Architecture 2018) was prepared in specific relation to the proposed landscape designation to the north and east of Lancaster. The sets out that the Urban Setting Landscapes are peripheral to the

built form and are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features either within the landscape or surrounding it. The application site is part of a parcel that extends from Quernmore Road to the north, just beyond the prison. The report sets out that, the open character of the fields provides a visual frame for the newly built development and also significantly enhances the setting for the Lancaster Moor building in those areas where it is visible, such as Quernmore Road. It goes on to say that, despite being very narrow in some parts, between the edge of development and the M6 motorway, it is important as it provides the distinction between the edge of the town and the countryside beyond.

- 5.3.5 Notwithstanding the above, the site is relatively low lying, and the proposal will be seen in the context of existing development to the west and immediately to the east. It will obviously extend the built-up area close to the motorway. Open space and landscaping have been proposed, which does retain a degree of separation and openness, although significantly reduced from the current situation. The distance between the eastern site boundary and the road adjacent to the nearest dwellings varies between approximately 40 metres and 70 metres and the dwellings would extend approximately 60 metres further east than the existing dwellings on Quernmore Road to the south. The position of the built development has largely been determined by the location of an existing high pressure gas pipeline towards the east of the site. The undeveloped area is proposed to be used as open space and natural/ semi-natural greenspace and the latter in particular would include a significant amount of landscaping and also a 4 metre high bund to help attenuate noise at the dwellings.
- 5.3.6 As set out above, during the course of the application, the application has been amended which has resulted in the reduction in the number of units on the site from 151 to 116. The main changes that have been made to the scheme consist of the alteration of the road layout to appear more organic and be focussed around an arrival square, and limit the extent of cul-de-sac arrangement. The development has also been set back from Quernmore Road with an area of open space created between the dwellings and the road along their whole frontage. This allows the dwellings to provide more of a frontage to south, albeit onto a new road set back from the existing one. The built development has also moved slightly to the west, and a new road along the eastern edge of the dwellings has also allowed a frontage to be created along this side of the development, which is particularly important in more distant views from the higher land to the east. Landscaping is also proposed throughout the site, including street trees, which officers encouraged in early stages of the scheme.
- 5.3.7 An attenuation basin is proposed to the west of the access into the site, with a substation and pumping station proposed to the east, due to levels and need for easy access. This is not an ideal location for the pumping station and substation as they will be in quite a prominent location at the entrance. However, this appears that it cannot be avoided and so that landscaping scheme has been amended to include hedgerow planting, in addition to further shrubs, around these. The access is well located visually close to the junction with Grab Lane and the relatively recent development to the west. This allows the remainder of the frontage to be open, although the play area is proposed within this. A further access into the site has been proposed approximately 170 metres to the east of the proposed access, solely for use in an emergency if the main access point is subject to flooding. This would be secured, probably with bollards and would remain green through the use of a reinforced mesh to enable grass to grow through, however the precise details of this and how it would appear and be operated would be covered by condition.
- 5.3.8 Levels are required to be altered to accommodate the development but would mostly maintain the general rise in landform from west to east, with the finished floor levels of dwellings, at ground floor, starting at 66.45 metres AOD, towards the southwest corner, rising to 74.62 AOD towards the southeast corner. This is across a distance of approximately 200 metres. Not all the dwellings on the eastern edge would be at this higher level as the floor levels would drop to 71.7 metres AOD before rising again to just over 74 metres AOD. This does mean that the dwellings would respond reasonably well to the existing landform and create more interest in streetscenes with varying roof heights.
- 5.3.9 The level changes have resulted in some quite significant retaining features, although these are mostly between rear gardens so are likely to be more of a potential issue of residential amenity rather than the appearance from public views within and outside the site. There are some adjacent to roads and these would need to be treated sensitively. Unfortunately, the boundary treatment plan that has been provided does not include these retaining features, which are shown on a separate levels plan.

A quite significant retaining feature is proposed at the northwest corner of the site, close to the adjacent agricultural building and field. However, this is shown as using a vegetated wall system which will provide a softer and more sensitive approach. However, it is noted that above this a proposed a 2.4-metre-high close boarded fence. This is not ideal and a softer approach to the adjacent field would be preferable. It has been asked if this can be a hedge instead, however the agent has advised that this is required that a fence is required to protect residential amenity from the agricultural use. This is considered in more detail in the section below.

- 5.3.10 A 4-metre-high bund is proposed close to the eastern boundary to help mitigate noise from motorway. The precise details of this have not yet been agreed, as they would require technical approval from the National Highways, however it is clear that this will result in a quite a large and high feature and have quite significant changes at this end of the site, which is to be left open. However, it will also be landscaped, and therefore softened and is at the eastern edge in the context of the motorway so it is considered that it could be appropriately assimilated into this area. National Highways have requested timber fencing around the bund to help prevent access to the motorway and also to the bund, except for maintenance. It is understood why this is required adjacent to the boundary with the M6, however some clarification has been sought about whether less solid fencing can be provided on the inside of the bund to provide a softer appearance. A detailed landscaping scheme has been provided, and it shows significant landscaping in this location. However, the details for this element of the landscaping scheme would need to be conditioned as it could change as part of the agreement of the final details of the bund and associated fencing.
- 5.3.11 In addition to the changes to the layout, changes to the designs of the dwellings have also been made. In particular, this relates to the introduction on natural stone and a high-quality buff brick, in addition to the use of render, and also the use of a natural slate for the roofs. Whilst the dwellings opposite the site are constructed from a mix of red brick and render, this is quite limited, and the site will form a significant extension of the developed area of Lancaster and will be particularly visible when approaching the settlement from the east. It will also be seen in the context of the Lancaster Moor Hospital, which is Grade II listed and was relatively recently converted to apartments. The impact on nearby heritage assets is considered in more detail in the section below, however the relationship to this building, and how the development will be seen in more distant views that include it, is a key consideration.
- 5.3.12 The stone has been concentrated around the entrance to the site and dwellings facing Quernmore Road. There is some proposed in the centre of the site and along the eastern edge. This had been concentrated on front walls and some side walls where the buildings are located on a corner, with the remainder of the dwellings in render. Stone has also been used as a feature on some dwellings containing gables on the front. Render and buff brick have been mixed throughout the rest of the site. It is considered that the proposed materials provide a good mix which will give interest and respond well to the local distinctiveness of the area, specifically the more historic built form. Their use should also help to soften the development in views from the east, although where render is proposed at the edge it will need to be ensured that the colour does not appear overly stark and prominent within the landscape.
- 5.3.13 A three-storey apartment block is proposed close to the entrance into the site, otherwise the dwellings are mostly two storeys, with some bungalows also proposed and a mix of detached and semi-detached units in addition to some rows of terraced properties. They are generally quite simple in design, with flat roofed porch canopies at the front and some also have gable features on the front. Heads and cills have been shown, although some of these include a red brick detail. These details can be covered by condition. The plans indicate that that black UPVC soffits, bargeboards and fascias would be use. This could be acceptable, subject to the details and provide that they are not overly bulky. Black UPVC rainwater goods and black UPVC windows and doors are also proposed.
- 5.3.14 Whilst the development will result in the loss of open agricultural land, it is considered that it would not be overly prominent within the landscape and would relate well with the existing residential development. The scheme also retains a separation between the motorway and the edge of the built development, and it is considered that the amended layout and design now responds positively to the existing built environment. Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 126 of the NPPF

also emphasises that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Paragraph 130 goes on to say that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place. For the reasons set out above, it is considered that the development complies with these policies in relation to the overall design.

- 5.3.15 As set out above, the site is quite close to the boundary with the Forest of Bowland AONB which is at a higher level than the site. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues, and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The development would be visible and noticeable in views towards the east of Lancaster; however it would be seen in the context of and well related to existing development and the buffer and screening close to the M6 would assist in mitigating the impact on views, in addition to the changes to the layout that have been made. As such, it is considered that the proposal would not have a detrimental impact on the setting of the AONB.
- 5.4 **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)
- 5.4.1 The site is located in the vicinity of a number of designated heritage assets. Approximately 150 metres to the northwest is the former Lancaster Moor Hospital, which is Grade II Listed, and now contains residential apartments. To the west of the former hospital lies the Grade II listed Lancaster Cemetery which contains several individually listed structures. This lies around 360 metres from the boundary of the site with extensive development between. Standen Park House is Grade II\* listed and is approximately 280 metres from the site. A Conservation Area has also been relatively recently designated, covering the former hospital building and a wider area, and extends up to part of the western boundary. Ashton Memorial Gardens and Williamson Park comprise a Grade II registered park and garden which lies to the south of the cemetery and approximately 450 metres from the site. The park also contains a number of individually listed structures, including the lodge, the gates, gate piers and walls, a bridge, and a tower which are all Grade II listed, in addition to the Grade I listed Ashton Memorial.
- 5.4.2 The site makes an important contribution to the significance of the 1882 block of the former Lancaster Moor Hospital. Historically, the site formed part of the wider rural setting of a number of heritage assets on the eastern side of the city, including the nearby Ashton Memorial and Williamson Park. This area is significant as an edge of the city location for a range of 19<sup>th</sup> century municipal developments that included the hospital, a cemetery and public park, which is now covered by the Lancaster Moor Conservation Area. The area is notable for its tree cover and arcadian character. Its character reflects social and recreational trends in Georgian and Victorian times which emphasised providing public facilities with space and clean air away from crowded urban areas. Both the 1882 block of Moor Park Hospital and Ashton Memorial are highly distinctive in their setting and striking visual landmarks that provide a powerful sense of place. Contributing to this wooded environment is the grounds of the former Moor Hospital of Standen Park, which is a classical grade II\* listed building, that preceded the late Victorian block in 1816.
- 5.4.3 While the setting for these heritage assets has been partially eroded and diminished through the development of the M6 motorway and Auction Mart in the 20<sup>th</sup> century and housing development associated with the repair of the former Moor Park Hospital, some care has been taken to ensure that the rural character is retained through landscaping and the siting of this development. This has taken advantage of existing trees and landscape features to ensure development in the immediate setting mitigates the harm to the listed building. However, there remain some prominent visible elements of this more recent development in longer views. As set out above, the site is designated as Urban Setting Landscape and policy DM46 sets out that particular regard should be had to the historic townscape. The site is extremely visible in the context of the nearby heritage assets and its

undeveloped visual character as pasture, with a backdrop of trees, contributes greatly to the assets' significance by way of setting.

- 5.4.4 Significant changes have been made to the scheme, as discussed above, which reduces the number of units, provides more open space, increased landscaping, a more organic layout and improved design and materials. It is considered that these changes have reduced the level of harm to the significance of the heritage assets, through development within their setting. However, it is still considered that there will be harm in terms of setting of the Lancaster Moor Hospital, and the associated Conservation Area, due to the urbanising impact on views and approaches from the east. The Conservation Officer has advised that the lack of existing tree cover within the site means that the harm caused by the loss of the open character of the site is difficult to mitigate in the short to medium term. The response goes on to say that, while there has been the introduction of a small area of open space and trees at the heart of the scheme this is not extensive nor sufficient to create a meaningful screen to address the harmful impact on views in the longer term. It has been advised that a more substantial belt or avenue of trees should be provided running north-south through the centre of the site to break up the development and reduce its scale in views from the east, in addition to enhanced tree planting on the western boundary of the site.
- 5.4.5 In determining planning applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that local planning authorities must have special regard to the desirability of preserving listed buildings and their setting. This is reiterated in Local Plan policies. Policy DM37 sets out that proposals affecting listed buildings should conserve and, where appropriate, enhance those elements which contribute to its significance. It goes on to say that the significance of a listed building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Policy DM39 relates to the setting of heritage assets, and sets out that the Council recognises the contribution that the setting of a designated heritage assets can make to its significance, and that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.
- 5.4.6 Paragraph 199 of the NPPF sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the development.
- 5.4.7 As discussed above, it is considered that the development would lead to less than substantial harm to the significance of designated heritage assets by development within their setting. This particularly relates to the Grade II listed Lancaster Moor Hospital and the Lancaster Moor Conservation Area. This harm has been mitigated to some degree through the reduction in scale of the scheme and the amendments, in particular to the layout and design, although further amendments have not been made to address to the concerns raised by the Conservation Officer. As set out above, any harm should be weighed against the public benefits. The Council currently has a significant undersupply of deliverable housing sites and Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This site is in a sustainable location on the edge of the built up area of Lancaster. The scheme also proposes 30% of the units as affordable housing which is a significant public benefit.
- 5.4.8 Whilst it would be desirable for the scheme to go further with the mitigation, which would probably require further reduction in the number of units, the scheme put forward must be considered. Taking into account the public benefits of the development of 116 dwellings in this location, including the 35 affordable units, it is considered that this outweighs harm that has been identified to the significance of the heritage assets. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.
- 5.4.9 In addition to the above, the submission also includes a desk based assessment in relation to archaeology. Lancashire County Council Archaeology team have provided a response in relation to this. The submission notes that the proposed development area is crossed by a purported Roman



road (whose line is unconfirmed) and by a section of a 19th century racecourse, traces of which are still visible. It also states that there is low/nil potential for the survival of buried prehistoric remains, but that medieval – post medieval remains of negligible significance do survive. County Archaeology have advised that they agree with the identification of the Roman road but note that the line is unconfirmed and speculative. The racecourse was established by 1818 but was no longer in use in 1893 and one of the 'stones' marking it on the OS mapping of 1848 seems to survive within the site.

5.4.10 The response from County Archaeology goes on to say that a Bronze Age urnfield and a single Roman (or Romano-British) burial have been recorded along the ridge to the west of the site. The settlement sites associated with the prehistoric burials have not been identified, however they have advised that it would be sensible to assume that they lay in the lands immediately around. Any such are potentially of county significance and likely to merit formal excavation and recording if threatened. It could be argued that there is no physical evidence (beyond the burials) to locate any such settlement, such as pottery or flints, but such finds have usually been made in the past as a result of farming activity. Topographically the site may be considered a little high to have been occupied in the middle prehistoric to Romano-British periods, but settlements of these dates on similar or higher ground are known elsewhere in the district. The response from County Archaeology concludes that the existence of buried remains of these periods is currently unknown, but that there is a medium probability of their original existence and a fairly high probability of survival. As sites with such remains have been excavated in the past, rather than preserved in situ at the expense of development, they have advised that a condition would be appropriate in this instance requiring a phased scheme of archaeological works. This is considered to be an acceptable approach in this instance and in accordance with Policy DM42 of the DM DMD.

5.5 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity)); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).

5.5.1 The application proposes a new access to serve the development off Quernmore Road, located towards the south-west corner of the site. An additional access is also proposed further to the east, to be used in an emergency in the event of flooding to the main access road. Quernmore Road is a single carriageway with a 30-mph speed limit along the site's frontage, which changes to the national speed limit adjacent to the motorway bridge, approximately 290 metres from the proposed main access into the site. The internal layout has been amended during the consideration of the application, with the main road leading to an arrival square with roads off this forming loops around the site with limited cul-de-sac arrangements. Most units have their own driveways and parking, however there are also five shared parking areas.

5.5.2 Comments were first received from County Highways, as the Local Highway Authority, in November 2021. They raised a number of concerns regarding the internal layout including: the width of roads and pavement; the level of parking provision including sizes of spaces and garages; long straight sections which would encourage faster traffic speeds; footway links within the site; and requirement for a footway on Quernmore Road to protect sightlines. Amended plans were submitted in April 2021 to address a number of concerns in relation to the proposal, including the highway issues. Following the submission of these plans, County Highways responded in June 2022 and confirmed that the amended proposals addressed most of the issues, although they still had some concerns regarding the level of parking provision.

5.5.3 In particular, the plans were amended to provide widths of 5.5 metres with pavements of 2 metres wide on the first section off the access into the site, up to the arrival square. Other roads have been shown with a minimum width of 5.2 metres and pavement of 1.8 metres and County Highways have confirmed that this is acceptable. It has also been demonstrated that there is acceptable visibility within the site and turning for refuse vehicles. A footway has been provided at either side of the entrance off Quernmore Road into the site. Whilst this is not along the whole frontage, it will link to existing footway provision to the northwest and link back into the site, to the open space, to the southeast after approximately 40 metres and will provide sufficient protection to visibility splays. County Highways have advised that the footpaths shown running through the landscaped areas to

the east and south of the site would not be considered for adoption and would need to be maintained privately. They have also confirmed that the proposed location of the emergency access is acceptable. The requirement for this is discussed in the section below in relation to flood risk and drainage.

- 5.5.4 In terms of the parking provision, County Highways advised that the integral garages for the Forrester and Farrier house types are below the acceptable level of 3 metres by 6 metres to be considered as a parking space, therefore an additional parking space would need to be provided. The plans were subsequently amended to provide a widened drive for these units. County Highways also advised that there is a shortfall on parking spaces for the two bedroom apartments which only provide one space. In response to this, the agent set out that, that whilst the parking standards state that 2 / 3 bed houses should have 2 parking spaces, flats are stated to be assessed on a case by case basis and given that the flats comprise a double and twin room they are not the same as a 2 or 3 bed house in terms of usage. They also stated that that, the site is located close to a frequent bus service and uptake of sustainable modes is being encouraged and purchasers would be aware of only having one car parking space. Whilst more spaces would be preferable, this position was accepted by County Highways in a further response in June 2022, and it is not considered that it would lead to a detrimental impact on highway safety.
- 5.5.5 The southeast boundary of the site adjoins the M6 motorway. The original proposal for 151 dwellings included the open space and play area in the land adjacent to the motorway, with the nearest dwellings located approximately 100 metres from the boundary. A number of concerns were initially raised by National Highways in particular relation to: the presence of the children's play area 25 metres from the motorway; the position of the public open space along the motorway boundary; the details of the proposed acoustic fence; measures to prevent unauthorised pedestrian intrusion onto the motorway; details of the density and width of the proposed planted buffer zone; details of proposed earthworks along the motorway boundary; and potential requirement for additional (and potentially upgraded) motorway safety barrier along the northbound verge of the motorway.
- 5.5.6 Following the submission of amended plans, National Highways advised that the revised landscaping strategy, that would move the children's play area away from the motorway boundary, was acceptable. The amended scheme also increases the landscaping and introduces a 4 metre high bund. However, they do still have concerns regarding security and have advised that there needs to be a closed boarded fence, or similar, at least 2 metres in height parallel to the motorway around the bund to prevent access to this and the motorway, with access to the bund for maintenance. The precise details of this could be covered by condition. The landscaping to the bund has also been increased following these comments.
- 5.5.7 In terms of the bund, National Highways have advised that it is a mandatory requirement within the Design Manual for Roads and Bridges (Standard CD622) that earthworks alongside the strategic road network must have technical approval from National Highways before they are constructed. National Highways has confirmed that they agree to this being dealt with by condition but have advised that the applicant must accept the risk that the development may not be able to proceed should technical approval for the bund not be agreed with National Highways. They have set out that the key considerations are that:
- The bund would be stable and would have no impact (such as slope failure) on the motorway both during construction and after completion;
  - Surface water runoff from the slope is managed properly so that there is no runoff onto the motorway / motorway verge and that there would be no adverse impact on the stability of the motorway slope as a result;
  - The motorway verge boundary is protected effectively during construction works / earthworks operations;
  - The associated bund landscaping / boundary landscaping is designed with future maintenance in mind, with an appropriate maintenance regime in place and which will not impact upon the motorway.
- 5.5.8 From the perspective of the safety of users of the motorway, National Highways have confirmed that the current highway design standards do not necessitate any upgrade to or increase in provision of the motorway verge vehicle restrains system safety barrier. They had advised that the applicant carried out their own risk assessment to establish the need for any additional protection measures using the formally recognised risk assessment process. This has been completed and concludes that

no further measures are necessary. National Highways have advised that it is not for them to formally approve the conclusions of the risk assessment but acknowledge the applicant's conclusions and remind them that they are responsible for any consequences of not seeking any mitigations to protect their development and those users of it.

- 5.5.9 In terms of sustainable travel, the site is located on the edge of the built-up area of Lancaster, approximately 1.2 miles from the city centre. There are some limited services close to the site, including the adjacent food store and there are footpaths leading to the city centre. However, the distance means that there could be some reliance on private vehicles to reach places of employment and other services and facilities and therefore it is important that sustainable modes of transport are encouraged and supported. The site is served by just one bus service (service 18) and County Highways have advised that this service is not yet commercially viable to ensure continuing public transport provision to serve this development. It is understood that previous contributions have been secured from nearby developments including the Lancaster Moor Hospital site. A contribution towards maintaining the 7 day a week service provision has been requested of £50,000 per annum for a 5 year period. The agent has confirmed that, subject to the figure being reflective of the revised unit numbers they accept the principle of this contribution.
- 5.5.10 A Framework Travel Plan has been submitted with the application. County Highways have set out that this is mostly acceptable. This includes providing residents with information about public transport, safe walking routes to the nearest key facilities, safe cycling routes and encouraging walking cycling, carsharing and car clubs. It also includes surveys to determine existing travel patterns followed by targets and monitoring. The action plan indicates that initial travel surveys will be undertaken within 6 months or 75% occupation of the residential units. However, County Highways have advised that, for a development of this size, the surveys should be undertaken at 50% occupation and a Full Travel Plan then produced within 3 months of the survey. They have also set out that they would normally request a section 106 contribution of £6000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.
- 5.5.11 In relation to the impact on the wider highway network, a Transport Assessment was submitted at the time of the original submission which considered the impact from the 151 dwellings originally proposed on the highway network. In October 2021 National Highways raised a holding objection and requested further information to be able to fully assess the impacts on the proposal on their infrastructure (M6 motorway). In particular relation to the Transport Assessment, they advised that this was not compliant with the requirements of Paragraph 22 of the Department for Transport Policy Circular 02/2013 *'The Strategic Road Network and the Delivery of Sustainable Development'*. They requested a worked analysis of the level of trips the proposals would be expected to generate on the strategic road network.
- 5.5.12 In response to the comments from National Highways, a Technical Note was produced by the applicant's consultant (dated 15 December 2021) which considers impacts at Junctions 34 and 33 of the M6. In their consultation response in December 2021, National Highways set out that they disagree that the trips generated by this development would be roughly even between Junctions 33 and 34, and that they consider that the majority of the traffic routing to and from the site would do so using Junction 34 due to its proximity. However, their response goes on to say that having considered the Technical Note and the possibility of more trips via Junction 34, they consider that the additional traffic at peak times would not result in a severe impact on the strategic highway network. They have advised they have concerns regarding the potential cumulative impacts of traffic from piecemeal, speculative development where there is a recently adopted Local Plan in place. However, they removed their holding objection to the application following the resolution of the other issues raised when the plans were amended in April 2022.
- 5.5.13 In terms of the impact on the local highway network, the comments from County Highways in November 2021 set out that there had been one slight incident within the vicinity of the development within the last 5 years and that this does not indicate a fundamental road safety issue at this location. The comments go on to advise that all development will have an influence on highway infrastructure across the district and will therefore be required to contribute to the combination of measures in Lancaster, following an equitable approach that considers all development in the district. The key measures being developed include:

- M6 Junction 33 reconfiguration with link road (Central 1 option being assessed further);
- Infrastructure in and around the Bailrigg Garden Village area and connecting corridors supporting access both north and south;
- Lancaster wide sustainable transport improvements, including;
  - Cycle superhighway
  - High quality public transport route
  - Park and Ride
- Lancaster City Centre Movement and Public Realm Strategy;
- Traffic management measures to the north and south of the Lune; and
- Changes to other key corridors in the district.

5.5.14 The response set out that the development of these measures, to support the local plan, was ongoing and that it would be some months before the assessment was completed and the necessary detail understood including full costings. It was advised that the funding for the Junction 33 link road scheme had been identified, however, the remaining elements of the infrastructure required would need to be delivered through contributions secured from development. In the consultee response to the amended plans in June 2022, County Highways set out that discussions were still ongoing regarding the required contributions for the wider highway strategy and, until the level of contribution has been agreed, the Highway Authority is non-supportive of this application.

5.5.15 A further consultation response was received in October 2022. This sets out that the additional vehicles generated by the development would result in higher flows on the existing network and, due to the site's location, the increase in vehicle numbers would have a detrimental direct impact on Lancaster including the City Centre Gyratory, M6/A683 Intersection, Pointer roundabout, Hala Road signalised junction, A6 corridor Galgate, and M6 Junction 33 and A6 intersection, and elsewhere to a lesser extent. It goes on to say that all these experience congestion, delays, and network reliability issues, influencing highway safety. The comments raise a number of concerns regarding the submitted Transport Assessment. These had not been raised in either of the previous consultee responses. In particular that:

- The Transport Assessment was produced during the Covid-19 pandemic and traffic surveys at that time are not considered representative of a typical day;
- The likely impacts of the proposal have not been possible to establish from the Transport Assessment submitted; and
- It was not able to have regard to the Lancashire County Council Highway Infrastructure Strategy

5.5.16 The original Transport Assessment (TA) was based on a previous 2006 application (07/00556/OUT) for the nearby Lancaster Moor site. County Highways have advised that, in the time since 2006 there have been significant changes to the network around Lancaster and Morecambe and this base data is significantly out of date. In addition, they have advised that the TA has used trip rates that are not those typically used by other development proposals in Lancaster and typical trip rates are slightly higher. The consequence of using lower trip rates is that the impact of the development will be slightly understated locally and further afield. In terms of distribution, County Highways have advised that this is in line with the 2006 application which assigned approximately 30% away from Lancaster towards the M6/A683 and into rural Lancaster and beyond. The response goes on to say that this needs to be in line with that which would be likely to occur, having regard to the location of the built environment and direct desire lines. Due to the location of the 2006 application, they have advised that it is plausible that the majority of the stated 30% would likely turn south onto Grab Lane before reaching this application site and therefore have an impact on the heavily congested Lancaster network on and around the A6 south of the city. Based upon a simple recent AM peak survey at an existing cul-de-sac nearby by the County Council, the proportion of traffic travelling in an eastbound direction was approximately 10% and not 30% as used.

5.5.17 In terms of committed development, County Highways have advised that there is a significant amount of development committed and anticipated to come forward in the Local Plan period, influencing the operation of the local and wider network. They have advised that the County Council's approach to development has this in regard as well as all background conditions local to the site and to Lancaster and that a solution is to update the TA with regard for the County Council's analysis and mitigation strategy. The response goes on to set out that, in order to accommodate development in the district,

widespread changes to the highway network are necessary to cost effectively mitigate against impacts. As the TA is historic in nature, it has no regard to Lancaster's issues beyond the site and in essence is piecemeal and they have recommended that the Transport Assessment is robust and has regard for all planned and development led changes.

- 5.5.18 County Highways have also raised concerns that no analysis has been provided of other necessary junctions, other than the access, that are likely to be impacted on by the development and the junction modelling undertaken in the TA is not acceptable. They have also advised that the accident analysis included within the TA is extremely limited and needs to include a wider network that extends to the major intersections where traffic will be diverted. The response from October 2022 also considers sustainable travel, although this was considered in the previous comments from November 2021, as set out above. It sets out that the TA does not adequately consider access for all modes/users and there are three junctions on the route from the development to the Lancaster Gyratory where serious collisions have taken place, including with children and/or cyclists. Although the comments do set out that there are not safety concerns in the immediate vicinity of the site.
- 5.5.19 In terms of public transport, the response sets out that the existing provision is deficient as it is not commercially viable, and service frequency and the future servicing (due to lack of funding) of the site by public transport is uncertain. This was set out in previous comments and is discussed above. This response sets out that public transport costs were recently revised by LCC's Public Transport Team as a consequence of wider changes and public transport bus provision has increased to £140,000 (per bus) per annum. They have advised that Better Buses are proposed within the Highway Infrastructure Strategy and therefore support of the strategy would mitigate the impact.
- 5.5.20 The initial comments from County Highways highlighted a need for a contribution towards the wider highway network. A figure has been set out in the response in October 2022, although it also raised a number of concerns about the TA, as discussed above that were required to be addressed. The response sets out that, the development of the Highway Infrastructure Strategy has also included the development of a mechanism to ensure an equitable distribution of S106 contributions to fund its required infrastructure. A gravity approach has been developed that determines the degree of the development's influence and impact on areas of concern (locations of initiative) and also has regard to other sources of funding available/secured. A request for a contribution of **£727,704** has been made which would be used to fund the following initiatives:
1. M6 J33
  2. A6 Preston Lancaster Road
  3. Bailrigg Garden Village
  4. A588 Corridor (South)
  5. A588 Ashton Road (North)
  6. A6 Scoforth Road (and Other Parallel Routes Such as Bowerham Road)
  7. Pointer Roundabout
  8. City Centre Gyratory
  9. A683 Caton Road
  10. A6 Slyne Road (and Other Feeder Roads)
  11. Local Highway Network Around M6 Junction 34
  12. Lancaster Area Wide Local Road/Management Changes
  13. Morecambe Area Wide Local Road/Management Changes
- 5.5.21 Following the response in October 2022, an updated Transport Assessment has been submitted to support the application. Further comments were sought from County Highways and were received in January 2023. In summary, this response sets out that the updated TA still falls significantly short in terms of meaningful analysis required to enable the Local Highway Authority to support the application. Without the information that has been requested, the application fails to:
- adequately reflect the existing (current) situation;
  - have regard to all modes throughout the day;
  - have an adequate scope of network analysed;
  - adequately consider safety;
  - adequately consider the displacement of traffic and undermining of the highway hierarchy;
  - ensure that there is suitable sustainable provision for all users of all abilities.

- 5.5.22 County Highways have advised that the TA does not adequately reflect the operation of the highway network upon which the proposed development will rely, and their understanding of the network differs significantly. The response goes on to say that the issues are not insurmountable with the appropriate level of analysis and the site can be made sustainable with the appropriate mitigation. The analysis required from the applicant is likely to be resource-intensive and the mitigation required substantial. County Highways have advised that the Infrastructure Strategy and gravity model approach are intended to overcome these issues that are difficult for developments in isolation to overcome and the applicant should consider whether to support the strategy rather than assess and subsequently mitigate impact in isolation.
- 5.5.23 The applicant's transport consultant has provided a rebuttal to the latest response from County Highways. In summary, they consider that the Highway Authority has refused to consider the transport implications associated with the proposed development but have instead focused on their strategic aspirations within and around Lancaster. Given this impasse, Lancaster City Council, need to make a planning judgment on the information provided and the impact on the highway network, including whether the information that is being requested is reasonable and is proportionate to the scale of the development. It is disappointing that the concerns regarding the Transport Assessment were not raised originally, with the only matter waiting to be clarified being the level of contribution requested to mitigate the impacts on the wider highway network, and the relevant evidence for this. As set out above, it appears that the Highway Authority would not require further detailed assessment of the impact on the road network if the contribution requested was required in full. Lancaster City Council, as the Local Planning Authority need to ensure that any request complies with the tests in the CIL Regulations (2010), which are reiterated at paragraph 57 of the NPPF.
- 5.5.24 In terms of the updated Transport Assessment, traffic surveys were carried out on Tuesday 8 November 2022 during the morning peak period from 7am to 10am and the evening peak period from 4pm to 7pm. These were undertaken at the following locations:
- Moor Lane/Quernmore Road/East Road/Wyresdale Road crossroad junction;
  - Dalton Street/Thurnham Street/Brock Street signalised junction; and
  - A6 Great John Street/Moor Lane priority junction.
- An Automatic Traffic Count survey was also undertaken on Quernmore Road in the vicinity of the proposed access, 24 hours a day for 7 days commencing on Tuesday 8th November 2022.
- 5.5.25 In response to this, County Highways have advised that all development in Lancaster has an impact to a greater or lesser extent across key locations in the District and Transport Assessments are expected to consider accessibility by all modes and across the entirety of the day, not just peak commuter periods. They have set out that assessments should consider the following as a minimum:
- Local corridor impacts;
  - Lancaster City Centre Gyrotory;
  - M6/A683 Intersection;
  - Pointer roundabout;
  - Hala Road signalised junction;
  - Galgate signalised junction, and
  - Other pinch points/corridors on the network influenced by or as a consequence of the development proposal (together with that committed and expected).
- 5.5.26 The applicant's consultant has set out that they have assessed a study area which most Local Highway Authorities would consider reasonable for the scale of development proposed. The study area requested extends over 6 km south of the site and over 3km south of Lancaster. They have set out that traffic impact associated with the proposed development will have a negligible traffic impact on the existing highway network in Galgate. The submitted Transport Assessment sets out that they have limited the study area to all junctions where 30 two-way development trips will be added to any approach arm and goes on to say that this is an accepted industry standard methodology for defining a study area for a traffic assessment. County Highways have advised that this is an arbitrary figure, which has a different level of impact on different levels of congestion. At locations where the validated network modelled is operating above theoretical capacities (or through observation), that have advised that one extra vehicle may result in severe adverse impacts if the base case is severe.

- 5.5.27 County Highways have also requested an assessment of a junction on the M6, however, as discussed above National Highways have raised no objections regarding the impact on the Strategic Highway Network and the number of units has reduced since these comments were made. In terms of the traffic counts, it is considered that what has been undertaken is reasonable to be able to make an assessment of the impact of the proposals and is more in line with what would usually be expected. Although it is acknowledged that there may be some knock on effect at the Pointer roundabout, Hala Road junction and at Galgate.
- 5.5.28 The applicant’s consultant has also set out that they have never been asked by a Local Highway Authority to assess the traffic impact of a proposed development over a full day, and are not aware of any policy/legislation that requires this. They have gone on to say that it is evident that a residential development generates the highest number of trips during a weekday morning and evening peak hour, which coincides with the highway network peak hours. They have advised that they could forecast the trip generation during the day, but in normal transport and highway terms, it is a pointless exercise as the number of trips will be fewer during this period as typically will the highway network. It is therefore considered that information on traffic flow throughout the day is not necessary to make an assessment of the impacts and does not appear to reflect what would usually be expected.
- 5.5.29 County Highways have also set out that the road network in the surrounding area has varying levels of inadequate junction and link capacity which presents a challenge in terms of facilitating further development. Work that they have undertaken shows that the higher levels of congestion are adversely affecting the count data in that the data is reflecting the traffic that gets through a junction, as opposed to the demand for a junction, with fewer vehicles getting through at higher levels of congestion. They have advised that the outcome of using these counts without queue data in assessments misrepresents the level of congestion on the network. They have gone on to say that the need for queuing surveys is necessary to enable an understanding of demand that is currently not being met, in order to properly replicate queuing and include latent demand. Junctions are treated as an isolated feature with no backup of traffic from or linked interaction with the next junction that inhibits the exit lanes from the junction being assessed. County Highways have set out that when queuing occurs, or there is disruption, such as a bus stopping, or a parked vehicle, the operation of a junction quickly deteriorates.
- 5.5.30 Concerns were also raised that the assessment has not adequately considered the attractiveness of routes that are not in line with the highway hierarchy, the safety issues present for all users with this occurring, or how discouraging these movements could be achieved. County Highways have advised that one of the significant adverse effects of the congestion in Lancaster and the lack of capacity is the appeal of alternative routes, which are not in line with design standards, and not intended for use associated with those movements that are not local. The table below is taken from the County Highway’s comments in January 2023.

Direction of travel AM Peak	Original TA	Updated TA	LCC survey*
West	70%	77%	46%
East	30%	4%	11%
Grab Lane	Not considered	19%	43%

*\*LCC survey is observed and would not be supported for further development because it undermines the highway hierarchy and exacerbates issues as highlighted above (due to the existing network not satisfying their needs)*

- 5.5.31 It goes on to say that if there are levels of traffic expected to utilise inappropriate routes, this indicates that interventions are required to support the highway hierarchy and the TA should explore how the expected routes of travel can be influenced by developer delivered interventions in line with the County Council’s strategy.
- 5.5.32 County Highways have advised that the assessment should include regard for how reliable the network is at different times of day as a congested network is unreliable. Concerns have also been raised about traffic growth and County Highways have advised that it is not straightforward on this network and that no guidance has been sought from them on this issue following the previous comments. The response goes on to say that, on a constrained network, experiencing peak period spreading, traffic growth can be impacted. The outputs from the assessment make assumptions and will underestimate growth on certain corridors, particularly when regard is had for the changes

proposed by Lancashire County Council and traffic growth is also directly linked to the strategy and sustainable travel uptake/modal shift.

- 5.5.33 The collision analysis has been updated to reflect the previous comments provided. However, the most recent consultation response sets out that the TA fails to adequately assess where conflict between users is likely to arise, or be exacerbated, as a consequence of the proposed development. The response sets out that they have observed issues such as dangerous driver behaviour, dangerous pedestrian behaviour, vehicles in live junctions blocking other traffic, and vehicles on pedestrian crossings in central Lancaster and these issues can disproportionately affect those with disabilities, visible or hidden. In response, the applicant's consultant has set out that Lancaster is a city with a higher population and with higher movements in comparison with towns and villages. Over a 5 year period, it is not uncommon for personal injury collisions to occur in cities. They have set out that they have reviewed the personal injury collisions within a reasonable study area for the proposed development and although unfortunately, a number of collisions have occurred, have concluded that there is no inherent road safety issue associated with the road layout in the vicinity of the site.
- 5.5.34 The consultee response also sets out that the Transport Assessment should include adequate analysis of the surrounding network to strengthen the use of the highway hierarchy for all modes. Matters where inadequate reference has been made, that would ordinarily be highlighted include:
- Absence of infrastructure provision for users (such as lack of footway on routes)
  - Adherence/lack of adherence of infrastructure with design standards and justification as there is no reference to the quality of provision in the assessment in regard to standards
  - Education, employment, health, leisure and other amenities, distance to and route safety analysis, with adequate audit trail.
- 5.5.35 The TA states that towards the city centre there are footways and street lighting provided along both sides of Quernmore. However, County Highways have advised that the existing footway provision lacks appropriate drop crossings at a number of locations, such as Grab Lane, Parkgate Drive, Melrose Street, Glebe Court, Bulk Street and Robert Street. They have also advised that the width of the footways on Quernmore Road towards the city centre also falls below the recommended widths at a number of locations to support all footway users. They have requested further work in relation to this. However, it would appear that they understand where there are issues and what improvements could be made within the Highway. This could be secured by a condition requiring off-site highway works to help facilitate pedestrian movements between the site and the City Centre.
- 5.5.36 County Highways have also highlighted that the survey on Quernmore Road indicates that around 90% of the traffic is speeding, with the maximum speed at 75.6 mph and the 85<sup>th</sup> percentile around 43 mph and have raised concerns regarding this. They have requested that visibility splays are updated to reflect this. It is likely that greater visibility can be achieved to the southeast to ensure that vehicles are visible when approaching down the hill from the motorway bridge. The agent has been asked to update the drawing to reflect this. Whilst the response does not set this out, there may also be measures that could be put in place on the highway to influence vehicle speeds, which could be covered by a condition and carried out as part of a Section 278 Agreement with County Highways. As the Highway Authority are still objecting to the proposal, they have not set out any conditions or requirements for off-site highway works in the vicinity of the site. It may also be appropriate to review street lighting to ensure that it is appropriate in relation to the development's access and links to existing pavements. There is one streetlight that on the frontage of the site and this will probably require relocation as part of the scheme.
- 5.5.37 In terms of the proposed trip generation, the submission sets out that this was calculated using the industry standard Trip Rate Information Computer System (TRICS) and was set out in the originally submitted Transport Assessment. When the plans were amended in April 2022, a Technical Note was provided to reflect the changes to the scheme. The tables below show the trip generation for weekdays at peak hours for the original scheme and the amended scheme as set out in that update.



Table 1: TA Proposed Residential Vehicle Trip Generation (151 Dwellings)

Time Period	Trips		
	Arrivals	Departures	Total
8.00am – 9.00am	26	64	90
5.00pm – 6.00pm	62	40	102

Note: Extracted from Table 6.3 of TA

Table 2: Updated Proposed Residential Vehicle Trip Generation (116 Dwellings)

Time Period	Trips		
	Arrivals	Departures	Total
8.00am – 9.00am	19	48	67
5.00pm – 6.00pm	46	30	76

5.5.38 Following the concerns raised by County Highways in October 2022 regarding the trip rates, these were amended by the applicant's consultant. The report sets out that these are based on an approved site adjacent to Bartle Lane, approximately 5.5 km to the northwest of Preston City Centre (planning ref: 06/2020/1344) which is likely to generate higher trip rates as it is further from a city centre than this application site and further from a bus stop. The revised trip rates are set out below:

Table 6.7: Revised Residential Vehicle Trip Generation – 116 units

Time Period	Trip Rate		
	Arrivals	Departures	Total
0800 – 0900	16	52	68
1700 - 1800	51	27	78

The report sets out that, whilst the trip rates have increased slightly, they are still less than the originally submitted scheme that comprised 155 dwellings. The response in January 2023 from County Highways confirms agreement to the trip rates however they have set out that an analysis which considers all modes would better facilitate an understanding of total movements.

5.5.39 The updated Transport Assessment sets out that the trip generation associated with 440 residential units to be accommodated on the former Lancaster Moor Hospital site had originally been included as committed development as the traffic assessment in the originally submitted TA was based on historic 2006 traffic flows. This development is no longer included as committed development as the updated assessment has been based on 2022 traffic surveys. The table below provides a summary of the committed development that has been considered.

Table 6.2: Summary of Committed Developments

Policy Reference	Site Location	Dwelling Numbers	Planning Status
21/00566/FUL	Land east of Grab Lane	167	Application withdrawn
H5	Land at Leisure Park	242	Allocation
H3.1 and H3.2	Former Ridge Lea Hospital	75	Allocation
H3.2	Land at Stone Row Head	10	Allocation

5.5.40 County Highways have advised that, when considering the network, regard should be had for all permitted development, those being progressed, and those which are expected. They have also set out that they remain of the same view that development coming forward in isolation can be considered piecemeal and is not in line with the County Council's approach linking to the mitigation strategy and would result in an unacceptable impact on the highway network beyond the proposed access that would require management and delivery of necessary mitigation. However, it is considered that what is considered in the response is reasonable in terms of how it relates to the development proposed.

5.5.41 The above comment leads on to the consideration of the request for a contribution towards a number of projects throughout the District. As set out above, the Local Planning Authority must ensure that any request for a financial contribution that it makes, and subsequently secures through a legal agreement, complies with the tests set out in the CIL Regulations, which are reiterated in paragraph

57 of the NPPF. In particular, a planning obligation must only be sought where it meets all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.5.42 The applicant has provided legal Counsel opinion in relation to the request for the contribution which has been detailed above in the report. This has been considered and has also resulted in a number of questions being asked of the Local Highway Authority. In terms of the first test, one of the considerations is the policy position. There are several policies in the Local Plan which relate to the delivery of infrastructure to support development. The third initiative outlined by the Highway Authority relates specifically to Bailrigg Garden Village. Policy SG1 of the Strategic Policies and Land Allocations DPD sets out a range of principles which will be at the core of planning and development in South Lancaster and for the Garden Village. These principles include: seeking a model shift in local transport movements between South Lancaster, the Garden Village, Lancaster University Campus and Lancaster City Centre and beyond into the employment areas of Morecambe and Heysham through the delivery of a Bus Rapid Transport System and Cycling and Walking Superhighway network; and addressing longstanding constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. The policy goes on to say that development within the broad location for growth, in advance of the Lancaster South Area Action Plan (AAP) will be permitted provided that it would not prejudice the delivery of the wider Garden Village, would conform with and further the Key Growth Principles and that opportunities for sustainable transport modes have been fully considered and the residual impacts on the transport network are not severe. However, as this site is not within the Broad Location for Growth, it cannot be given weight in the determination of this application.

5.5.43 Policy SG3 sets out a policy mechanism for the delivery of growth in south Lancaster. It sets out that all development contained within the designation of the Broad Location for Growth, including Bailrigg Garden Village, should contribute to infrastructure requirements in a fair and equal manner and the council will not permit piecemeal development in this area which does not seek to address matters of strategic infrastructure. Neither policy sets out that development outside the area would be expected to contribute to infrastructure requirements in that area or those as a result of the large scale development proposed in South Lancaster. Therefore, it is considered that there is no policy basis for requests in this area of the District in particular.

5.5.44 Policy SP10 relates to improving transport connectivity and refers to the Highways and Transport Masterplan for the District. This sets out that new development will be expected to be sited in sustainable locations that ensure a range of transport options and seek to reduce the need to travel. Where it is appropriate and necessary to do so, development proposals will be expected to contribute to the delivery of important transport infrastructure. Where strategic developments are likely to result in traffic impacts that will require mitigation in the form of projects identified in the Highways and Transport Masterplan then funding will be sought via developer contributions. It goes on to say that the principles and requirements within Policy DM64 of the Development management DPD will apply.

5.5.45 Policy DM64 sets out that the key issues addressed in the Masterplan include:

- Improvement to highway capacity on the A6 Corridor between Lancaster City Centre and Galgate.
- Improvements to traffic management in Lancaster City Centre to provide greater priority to public transport, pedestrian and cycling movements.
- Improvements to connectivity around Morecambe Bay improving rail services and improving cycling and walking linkages.
- Establishing a new Rapid Transit System between South Lancaster – Lancaster City Centre – Junction 34 Park and Ride – Morecambe – Heysham.

It goes on to say that, where appropriate, the Council may seek contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy.

- 5.5.46 Policy DM63 also sets out that the Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Development proposals should make appropriate contributions) to improve the transport network and transport infrastructure, particularly to facilitate walking, cycling and public transport (bus and rail) to encourage the use of alternative forms of transport from the private car. Policy DM46 is clear that any contribution should directly relate to the development proposed. As highlighted above, it is clear that it was not the intention of the Local Plan to secure funding for infrastructure within the Broad Location for Growth from development outside the area. There are also other initiatives that are a significant distance from the site, such as in Morecambe, where it would be difficult to reach a view that the contribution for these works was necessary to make the development acceptable in planning terms. Unfortunately, this does then call into the question the whole approach and how this could be considered to comply with the CIL tests. The Local Planning Authority must ensure that any request it makes and secures is lawful.
- 5.5.47 In terms of the impact of the development on the highway network, the updated Transport Assessment sets out that the highest two-way trip generation at the existing Dalton Street/Thurnham Street/Brock Street signalised junction during the weekday morning peak hour would be 24 trips on the Nelson Street arm. During the weekday evening peak hour there would be 29 two-way development trips on the Nelson Street arm. The highest two-way trip generation at the existing A6 Great John St/Moor Lane priority junction during the morning peak hour would be two trips on the Moor Lane arm. During the weekday evening peak hour there would be 1 development trip on the Moor Lane arm. The Transport Assessment sets out that no further assessment has been carried out of these junctions as the trip generation is less than 30 two-way trips.
- 5.5.48 An operational assessment has been carried out at the proposed site access priority junction and the existing Quernmore Road/ Wyresdale Road/ East Road/Moor Gate crossroad junction. The assessment sets out that the proposed junction will operate with significant reserve capacity during the weekday morning and evening highway network peak hours for the 2027 Assessment Traffic Flow scenarios and demonstrates that there is no need to provide a ghost island right turn facility on Quernmore Road. In terms of the existing crossroad junction, the assessment sets out that the existing junction operates within capacity at present and will operate within capacity with the addition of development traffic in the future 2027 Assessment year during the weekday morning and evening peak hours. It concludes that the development will therefore have no material traffic impact on the operation of the existing Quernmore Road/Wyresdale Road/East Road/Moor Gate crossroad junction.
- 5.5.49 The Highway Authority clearly dispute much of the assessment, mostly relating to its scope and the level of analysis, including in relation to movements other than by car. Much of the concern seems to relate to how the existing system operates. They have advised that the detail that is being requested is required to overcome the limitations that a traditional approach to Transport Assessment cannot, so the impact of the development can be properly assessed and this is directly related to the severity of the issues in Lancaster. Their response goes on to say that further development requires a step change in the travel and transportation systems it utilises to be safely accommodated on the highway network. A modal shift is necessary and critical, and in its absence without significant change (as set out in the Infrastructure Strategy) with the delivery of that planned in the Local Plan, the network is likely to move one step beyond severe. The Local Plan does seek a modal shift, however only in relation to development in South Lancaster and there is no requirement in Policy for all development to seek to contribute to such a shift across the District.
- 5.5.50 It should be noted that the Lancaster Travel and Transport Infrastructure Strategy, which was provided alongside the comments in October 2022, is dated October 2022 and marked as a 'draft'. The County Council have been queried about its status, as this was raised in the applicant's Counsel advice. They have advised that this is required to support the proposals for growth in the Local Plan and all elements of the strategy will follow the appropriate approval process including Cabinet Decision making. They have set out that the initiatives will also be open to public consultation at the appropriate stages of each respective scheme development process. It therefore appears that the Strategy itself has not had any formal approval or adoption and it does not appear that it is intended to.
- 5.5.51 Moving on to the second test and whether the contribution request directly relates to the development proposed. As set out above, there are some concerns that some of the infrastructure initiatives relate

to this development. The consideration of this test requires a planning judgement to be made, however this must be based on transparent evidence. In this regard, the Highway Authority have provided the Infrastructure Strategy, its appendices and a spreadsheet which shows the level of contribution that has been apportioned to each project. In reaching the level of contribution required from the development, a sum has been calculated per dwelling for each of the initiatives. A number of queries were raised in the Counsel advice and so these have been asked of the highway Authority. These relate principally to the methodology for the gravity model, including how it considers trip generation and traffic distribution.

- 5.5.52 The Highway Authority have advised that the point of the gravity model is that it calculates impact as part of the full Local Plan (apportionment), rather than as an individual development. This overcomes issues regarding development unknowns, developments being delivered in the early stages of the Local Plan having an unreasonable burden, and development later in the Local Plan piggy-backing off the earlier development's interventions. They have also set out that it is their opinion that the operation of the network is of sufficient severity that a single additional vehicle may have a severe impact, by adding to an already broken network. In their consultation response in January 2023 they have set out that the applicant should consider whether to support the Infrastructure Model and Gravity Model Approach rather than assess and subsequently mitigate impact in isolation. However, this is what the CIL tests require that any contribution is necessary to make the development acceptable in planning terms and directly relates to the impact of that development.
- 5.5.53 The breakdown of the request from the Highway Authority requests £20,120.36 towards 'Bailrigg Garden Village'. It is difficult to see how the development has a direct impact on the garden village or would be unacceptable if this contribution was not made, in addition to the concerns above about the policy basis for this. In addition, around £12,000 has been requested towards local road changes in Morecambe which is around 5 miles from the site. It is also difficult to reach a planning view that the development should be refused if this was not provided. There are also a number of other concerns about when some of these schemes may come forward as some of the initiatives include options. As the approach intends to include contributions from all developments across the plan period, it may be that some of the initiatives could not be delivered for many years beyond the completion of the development. This raises the question of how they relate to the development proposed but also the implications if unspent money is required to be paid back. The Highway Authority would still be in a position that they could not secure the money, if not spent within an appropriate timeframe, and the development may have been diminished as a result, such as a decrease in affordable housing to allow all the contribution to be made.
- 5.5.54 Finally, any request must fairly and reasonably relate in scale and kind to the development. This test is met where there is a real connection with the development and there is a proportionate relationship between the development and the contribution sought. There is necessarily an overlap between the second and third tests. Given the queries about the transparency of the Gravity Model and the apportionment of the contributions, in addition to concerns about the delivery of some of the initiatives and their location and link to the to the development, it is currently considered that the third test cannot be made.
- 5.5.55 As set out above, the Local Planning Authority can only secure financial contributions where they meet the CIL tests. Whilst discussion have been ongoing with the Local Highway Authority for some time, unfortunately the approach put forward fails to comply with the tests for the above reasons. It is appreciated that a lot of work has been put into the development of the model and the collating the information in relation to the proposed projects, but unfortunately there is no strong policy position to support this as a District wide approach. It is considered that there is justification for a contribution towards the bus service, as detailed above. There is a risk that if this is not secured then this bus service could be lost as it would not appear to be covered by other projects listed. It also potentially allows for funding relatively quickly rather than waiting for a project to come forward. There may also be justification for some of the other projects, such as the works required in the City Centre, however this has currently not been adequately evidenced by the Highway Authority. There is an opportunity to secure contributions that link to movements by different modes from the development site. However, it has been repeatedly requested that it is evidenced that any contribution directly relates to the development proposed and this has not been provided.
- 5.5.56 The Local Planning Authority is currently in a position where it is being pushed to determine the application, following significant delays in relation to the request for infrastructure contributions and

the late concerns regarding the Transport Assessment. It appears that what is being requested from the Local Highway Authority in terms of assessment is overly onerous. They have advised that the issues can be overcome by supporting the Infrastructure Strategy and the Gravity Model approach, however this fails to comply with the CIL tests, as discussed above. The Highway Authority have advised that they do not consider that submission enables a proper understanding of the network, and therefore the likely impacts of the proposal are not properly assessed and they currently recommend refusal.

5.5.57 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.5.58 The Highway Authority have raised a number of concerns regarding the Transport Assessment including concerns about the operation of the existing highway network. It is acknowledged that there are issues with areas of the highway network, although the exact extent of this in terms of severity is not clear. The development would result in additional vehicle movements on the network in areas that do experience congestion. Mitigation can be sought where there are impacts, including residual cumulative impacts. However the approach currently put forward is a District wide one that fails to comply with CIL tests and therefore cannot be supported by the Local Planning Authority. Whilst the development would have some impact on the highway network, from the information provided, it is not clear that this would be a severe impact that would justify the refusal of the application. The highway impacts need to be considered in the planning balance when determining the planning application.

5.6 **Flood Risk and Drainage** NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)

5.6.1 The site is located within flood zone 1, however there is a large area at high risk of surface water flooding within the south west corner of the site. The site is also identified as an area which is susceptible to ground water flooding (50-75%). A flood risk assessment and Drainage Strategy was provided with the original submission. The Lead Local Flood Authority (LLFA) were consulted and initially raised an objection. In particular, 12 dwellings were shown within or bordering an area at risk of surface water flooding on land below 66.25 AoD. It had not been demonstrated that the most vulnerable development was located in the areas of lowest flood risk, that it would be appropriately flood resistant and resilient, how residual risk would be managed or that there would be a safe escape route in the event of a flood.

5.6.2 Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.6.3 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;

- have maintenance arrangements in place to ensure an acceptable standard of
- operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

- 5.6.4 Following the initial comments from the LLFA, an amended Flood Risk and Drainage Strategy was submitted in January 2022. This provides provision for an emergency access point on Quernmore Road and commits to setting finished floor levels at 66.4 m AoD, 700 mm above the estimated 1 in 100-year flood level and 150 mm above the 1 in 1000-year flood level. It also slopes levels away from buildings at risk of flooding to manage residual risks. As a result, the LLFA removed their objection. Their response sets out that the SuDS system will offer further mitigation to accommodate surface water on the site, up to the 1 in 100 year + 40% climate change rainfall event, with a 10% allowance for urban creep. It is, therefore, likely that the area of surface water flood risk in the south-west corner of the site will be reduced post-development, as rainfall falling on the site will be accommodated formally within the drainage system up to the design event. There are still residential units shown within the areas at risk of surface water flooding and, whilst building outside these areas is preferable, the LLFA have advised that the measures proposed satisfy the requirements of the PPG and NPPF with regards to managing these risks for the lifetime of the development.
- 5.6.5 When the application was amended in April 2023, and the number of units on the site reduced, a further Flood Risk Assessment and Drainage Strategy was submitted. In response to this, the LLFA have raised no objection. They have requested a number of conditions and set out a series of expectations of what should be submitted to satisfy the conditions, similar to the previous response. This relates to discharge rates, storage volumes, urban creep, storage capacity of the attenuation pond and flood risk off site. In relation to this last point, the LLFA have advised that the development will discharge to Burrow Beck which is the source of high flood risk to downstream communities. Paragraph 161 of the NPPF and Policy DM33 of Development Management DPD Plan urges new developments to improve the causes and impacts of flooding, making use of natural flood management techniques as part of an integrated approach to flood risk management. The LLFA have advised that the developer should seek opportunities to reduce downstream flood risk and the response goes on to say that the applicant has met this expectation by restricting discharge rates from the site to the greenfield equivalent to the 100% (1 in 1-year) annual exceedance probability event (41.1 l/s) beyond the requirements of Local and National policy and standards. The Environment Agency have not provide comments in relation to the amended scheme, however they originally raised no objections but encouraged flood risk betterment along Burrow Beck.
- 5.6.6 It is acknowledged that concerns have been raised by the South Lancaster Flood Action Group, in particular relation to the potential for increased flood risk downstream. However, as set out above, it is considered that the approach taken in the submission is acceptable in terms of managing flood risk and adequately dealing with surface water runoff as a result of the development. The detailed design of the drainage scheme can be adequately covered by condition, in addition to measures to manage surface water during construction. It is therefore considered that the application complies with Local Plan policies in relation to flood risk and drainage, in particular DM33 and DM34, in addition to national policy set out in section 14 of the NPPF and discussed above.
- 5.7 **Biodiversity and Trees** (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 DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.7.1 The site is located approximately 4.3 km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Lune Estuary SSSI. Given the distance from the designated sites, it is considered that the proposal would not have a likely significant effect on the interest features for which they have been designated. Natural England have confirmed this and have raised no objections and have not requested any conditions.
- 5.7.2 Greater Manchester Ecology Unit (GMEU) have provided advice in relation to the ecological impacts of the proposal. The comments were made following the amended plans in April 2023. A ecological report was submitted with the planning application and has assessed the site for all likely protected species. Apart from bats, which may forage along hedgerows and roost in four trees, which have

been assessed as low risk, all other species were reasonable discounted. GMEU have advised that they have no reason to doubt the findings of the report, and the site and nearby land are unlikely to provide suitable habitats for any such species. All four trees appear to be retained in the proposed layout, although the report sets out that T3 is to be removed, although this report was prepared prior to the amendments to the layout. Therefore, GMEU have advised that a condition can be included to ensure that further information is provided and agreed prior to the removal of any of these trees.

- 5.7.3 There is however a report from one of the objectors of natterjack toad. GMEU have advised that this appears very unlikely given the habitats present and lack of breeding ponds and it may be that the comment was meant for a different application. However, clarification has been sought regarding this. The applicant's ecologist has set out that the site comprises heavily grazed field pasture, and as natterjack toads are almost exclusively confined to coastal sand dune systems, it is considered highly unlikely that this species would be present at the site, as there are no suitable habitats for this species. They have also advised that there are populations along the Morecambe coastline, however the nearest population is located approximately 5.5km from the site, with the large conurbation of Lancaster and its associated infrastructure forming a significant barrier for the dispersal of this species from its coastal habitat to the site. It is therefore considered very unlikely that they would be present on this site and no mitigation in relation to this species is therefore required.
- 5.7.4 Some trees and hedge will be lost which provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU have recommended a condition requiring no works to trees or shrubs to be undertaken between the 1st March and 31st August unless a detailed bird nest survey has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.
- 5.7.5 Paragraph 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in a significant loss of low ecological value grassland and some hedgerows along with associated bird nesting habitat. Relatively generous landscaping has been proposed around the site. A net gain assessment has been provided that has calculated a small gain in area based habitats and a low loss of linear habitats. Whilst the excel spreadsheet was not provided, GMEU advised that the summary provides adequate information on which to interpret the findings. They have set out that the proposed conditions of the proposed habitats are not unrealistic but are also set at levels where failure would mean the difference between net gain and net loss. If the scrub is set to achieve moderate condition gaining 2 Units but if only poor condition was achieved the loss of approximately 1 unit would be enough to tip the net gain to net loss as the current gain is only just over 0.5 BU. It should also be noted that a 4% net gain will not be adequate once net gain becomes mandatory and there is an overall loss of hedge units. They have also advised that 4% net gain will not be adequate once net gain becomes mandatory and there is an overall loss of hedge units.
- 5.7.6 In their comments, GMEU advised that additional hedge planting is provided, which appears feasible from the layout, in order to achieve net gain for linear features. Following these comments, the applicant's consultant advised that the northern site boundary, which supports a poor condition hedgerow, shall be 'planted-up' and enhanced to a 'moderate condition' native species-rich hedgerow. Details of how the hedgerows on site can be enhanced and maintained to a 'moderate condition' could be provided through the production of a Landscape and Ecological Management Plan. GMEU have requested such a management plan to ensure the target conditions are attained and maintained for 25 years and a bird and bat box strategy be provided for the new build/site. These can be covered by a condition.
- 5.7.7 In particular relation to the trees, the submitted Arbicultural Implications Assessment (AIA) identifies 11 individual trees, 10 groups (of which five are identified as remnant hedgerow) and one hedgerow located both within and bordering the site. The trees and hedgerows which are mature to early mature, are clearly visible to the public accessing the local area and contribute to the setting of the former Moor Hospital site and soften the High Wood development. The site is separated from the Lancaster Moor conservation area and the Lancaster Moor Hospital Tree Preservation Order (TPO) No. 381 (2006) by the access track which runs parallel to the western boundary.
- 5.7.8 To construct the development, the AIA states that two remnant hedgerows (G3 & G4) which divide the site will have to be partially removed (approximately 30 hawthorns). A conflict between the

proposed boundary fencing and the root protection area (RPA) of three trees (T2, T6, T11), two groups (G2, G10) and the hedgerow (H1) is also noted. Further conflict is identified within the RPA of one group (G2) and one tree (T6) to construct an area of car parking. The AIA includes mitigation measures within an Arboricultural Method Statement (AMS) which will limit the disturbance of the rooting environment.

- 5.7.9 The proposed landscaping plan indicates that the east of the site will remain open, with existing vegetation retained and native scrub and individual trees planted to form a strong wooded boundary to the motorway. A native hedgerow and an avenue of street trees will separate the open area from the built development. The southern boundary, which revolves around a play area is to be planted with individual trees, with trees planted along the boundary with Quernmore Road and a native hedgerow bordering the internal road network. The internal road will be planted with street trees positioned within the roadside verge (not gardens) although this does diminish further into the site, although some additional tree planting has now been proposed. Some additional street trees have been shown to the south of the site between the play area and the access road. Some supplementary planting has been shown to the northern boundary, to enhance the existing hedgerow, although the boundary to the rear of gardens is still proposed as a solid timber fence. The street tree mix has been also been diversified, although the arboricultural officer has advised that it would be preferable to have an alternative to cherry, due to its invasive roots and limited life span
- 5.7.10 The revised landscaping scheme also includes the enhancement of the western boundary, with native planting to create a more robust hedgerow, which is positive to see. It would have been preferable if the development had been set back from the boundary to allow for additional planting given that the western boundary will deteriorate over time, taking into account the current condition of the trees (including ash dieback) and pressure from the development once occupied. This does tie into concerns that were raised from the Conservation Officer in relation to the impact on the setting of heritage assets.
- 5.7.11 Although there may have been some further opportunities to enhance the landscaping and wildlife mitigation throughout the site. It is considered that the development will provide a well landscaped scheme, with green areas throughout the site, in additional to the large open areas to the west and south. It is considered that there would not be a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD. The submission does include a detailed landscaping scheme, which can be conditioned, although it is acknowledged that this may need to change slightly where it relates to the bund close to the motorway, as the final design needs to landscaping scheme has been provided, this may need to change slightly depending on the final design of the bund close to the motorway.
- 5.8 **Air Quality NPPF paragraphs 186 (Ground Conditions and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policies: EN9 (Air Quality Management Areas); Development Management (DM) DPD policies: DM31 (Air quality management and Pollution) and DM57 (Health and Wellbeing)**
- 5.8.1 The site is not located within an area designated for poor air quality, however it is located approximately 1.8 km from the Lancaster Air Quality Management Area. An Air Quality Assessment was submitted as part of the application. This considers the impact from the original development, and the number of units has reduced from 151 to 116. It includes the consideration of potential dust emissions during construction and highlights suitable mitigation. This could be included within a construction management plan. The proposals include one electric vehicle (EV) charging point for each house with private drive or garage. Additionally, the report sets out that 10% of the parking for flats will have EV charging, with the ability to retrofit the other spaces through the inclusion of suitable cabling ducts and infrastructure. The Building Regulations now require electric vehicle charging points for all new dwellings, although it is slightly different for properties with shared parking. Some clarification has been sought as to whether a condition is required in relation to the charging points for the shared parking, or whether it would be delivered through the Building Regulations, although it may be necessary to ensure that infrastructure for future charging points is provided. The report also includes other measures including cycle parking throughout the development, measures that have already been outlined in relation to the travel plan, in addition to the footpaths throughout the site and on the frontage, to the west, which are covered by the layout.



- 5.8.2 The Air Quality Officer has advised that, providing that the air quality measures are met in full as set out in the submitted report, then would consider these broadly acceptable to mitigate the impact. However, it has also been advised that more tangible measures are put in place to better persuade the use of modes other than the private car, for example, by providing bus passes for residents, provision of a bicycle per dwelling. The applicant has confirmed agreement to accommodate bus passes and cycle vouchers as part of a Travel Plan, which would be considered. It is therefore considered that the measures proposed are acceptable to mitigate the impacts on air quality from the development, in accordance with Local and National Planning Policy.
- 5.9 **Open Space** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM57 (Health and Well-Being)
- 5.9.1 Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. As discussed above, open space is proposed to the east and south of the site.
- 5.9.2 The Planning Advisory Note requires the provision of 1869 m<sup>2</sup> of amenity space on site. This should be a mown informal space where young children could have a kick about. The Public Realm Officer advised that the open space on the plan appeared to be too fragmented to allow this and advised that a larger central open space is required. Following the comments, a plan has been provided which distinguishes within the type of open space provided within the site which are as follows:
- public open space to the east and south of the site – 8400 m<sup>2</sup>
  - amenity space in the centre of the site in three parcels – 1100 m<sup>2</sup>
  - play space at the south of the site – 700 m<sup>2</sup>
  - natural/ semi natural greenspace to the east of the site, which includes the bund – 10,800 m<sup>2</sup>
- 5.9.3 As previously discussed, the location of the dwellings has been heavily led by the presence of the high pressure gas pipeline, in addition to the motorway adjacent to the eastern boundary. This had resulted in the majority of the open space to the east, in addition to the south following the amendments. Whilst the provision may not fully comply with the requirements in relation to the amenity space, it is considered that a significant amount of open space of different typologies has been provided within the site and this is considered to be sufficient to serve the development and laid out in a way that will be usable and safe. Details of the play equipment has been provided and this is considered to be acceptable.
- 5.9.4 In addition to the on-site provision, it is considered that there is a requirement for a contribution towards off-site provision as deficiencies have been identified in this area in relation to outdoor sports and young persons provision. In relation to outdoor sports, a contribution of £113,341.50 has been calculated and the Public Realm Officer has recommended that this goes towards ancillary facilities at Far Moor, which is close to the development. The Playing Pitch Strategy states that this site has no ancillary facilities and that changing facilities are a key issue at here, requiring modernisation. However, since the strategy, the changing rooms have now been demolished. Far Moor predominantly accommodates younger junior age groups and would hugely benefit from good quality toilets and social/storage spaces, rather than changing facilities. The fields also accommodate a cricket square which needs improvement.
- 5.9.5 A contribution of £50,540.00 has been calculated for Young Person Provisions. It has been recommended that this goes towards an innovative feature at Scotch Quarry. It has an active Friends group and Escape to Make (E2M), a charity that aims to help 11-18 year olds in the district escape from boredom, social media, loneliness and pressure, hold workshops here and a festival this year to showcase their work, making this an ideal place to provide young person provisions. The applicant has agreed to these contributions which total £163,881.50 and this can be secured by a S106 legal agreement. It is therefore considered that the proposal provides an acceptable level of open space

within the site in addition to an appropriate contribution towards existing facilities off-site, in line with national and local planning policy.

5.10 **Residential Amenity** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.10.1 The site is located to the east and north of existing residential properties. There are some dwellings and flats located close to the western boundary,, separated by a track which runs along the boundary outside the site. The closest dwelling is approximately 18 metres from the site boundary. This would be close to the attenuation basin and others would be close to parking and the sides of dwellings. The dwellings to the south would be approximately 50 metres from the proposed units, at their closest. Given the proposed layout and separation distance from the neighbouring properties, it is considered that there will not be a detrimental impact on their residential amenity.

5.10.2 In terms of the amenity of the proposed dwellings, the layout achieves an appropriate separation between facing windows and also main windows to walls to ensure an appropriate level of outlook and privacy to future occupants. The supporting text to Policy DM29 sets out that new houses should achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, and should have a minimum of 50 square metres for a two bedroom house. Most of the gardens are at least 10 metres in length, although some are shorter. This does result in some of the dwellings quite close to rear gardens of adjacent properties, and a greater separation would allow for greater privacy of gardens. However, it is considered that this would not result in unacceptable living conditions for occupants. The addendum to the design and access statement, following the amendments, sets out all the garden sizes for each plot. These are shown to have an area of at least 50 square metres for the 2 bedroom dwellings, at least 60 square metres for the 3 bedroom dwellings and at least 80 square metres for the 4 bedroom dwellings. The 3 storey block of apartments (plots 1-11) have no private amenity space and the walk up apartments (plots 92-95 and 109-116), which are a mix of 1 and 2 bedroom units, have a minimum private amenity space of 20 m2 per unit.

5.10.3 As discussed in the design section above, there are some instances where high retaining walls are proposed, with the addition of 1.8 metre high fences above. This does raise concerns about amenity to rear gardens as these could feel quite enclosed, with boundary treatments overbearing, particularly in areas where gardens are smaller. It may be that a slightly different design solution is needed in these locations to balance privacy with overbearing boundaries. Whilst it is not ideal, it is acknowledged that there are changes in levels across the site and the siting of the dwellings responds to this. It is considered that this could be adequately covered by a condition.

5.10.4 The site is in close proximity to the M6 motorway which has implications in relation to noise to the proposed residential properties. The nearest dwelling is located approximately 60 metres from the motorway. The original noise assessment recommended that a 4 metre high barrier be erected along the eastern boundary of the site, comprising close boarded timber fencing or solid masonry construction, in addition to mitigation in the form of glazing and ventilation. The Environmental Health Officer confirmed that this approach was acceptable. The amended scheme has now proposed a 4 metre high bund, in addition to glazing and ventilation measures. It is clear from the diagrams provided in the report that those windows that face the M6 are mostly affected, and the amended layout does appear to have reduced the number of properties that are most affected. The report sets out that, by implementing the recommended facade mitigation strategy, the internal noise levels will achieve the target criteria recommended. However, it does recommend that once contractor glazing and ventilation proposals are available, the noise break-in calculations are re-checked. The report sets out that, with the proposed garden boundary treatment heights, garden noise levels are predicted to be between 50dBA and 55dBA or below for the majority of plots, with 25 predicted to have levels 55-58dBA.

5.10.5 Given the proximity to the M6, it is acknowledged that any development in this location will be subject to levels of noise. However, based on the information provided, it is considered that the strategy with the bund, the boundary treatments, windows and ventilation would adequately mitigate noise levels and provide appropriate living conditions for occupants. In addition, there is an agricultural building located close to the northwest corner of the site. Whilst this relationship is not ideal, as there is no control over how the building is used, the levels plan shows a significant retaining structure along some of this boundary, and a 2.4 metre high fence has also been proposed as part of the noise

mitigation. As such, it is considered that there would not be a significant adverse impact on the amenity of future occupants.

- 5.10.6 It is considered that the proposal will not have a detrimental impact on the amenity of neighbouring properties and will also provide an acceptable level of amenity for the proposed dwellings. There will be a level of noise and disturbance from the nearby motorway, however it is considered that this would be adequately mitigated by the proposed mitigation.
- 5.11 **Affordable housing, housing standards and mix** NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), and DM6 (Housing Provision in the Forest of Bowland AONB)
- 5.11.1 Policy DM3 sets out the requirements for affordable housing and that 30% affordable housing will be required on site on greenfield sites, for 15 units and over. The application proposes 35 affordable units which is the equivalent of 30% on site. Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The mix of proposed open market and affordable house types and tenure mix have been amended to accord with the need identified in the SHMA and the indicative mix set out in the DM DPD. Policy DM3 also requires that affordable housing is integrated in the design of development and it is considered that this is achieved within the layout, with units distributed across the site.
- 5.11.2 Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2) in relation to accessible and adaptable Dwellings. The proposed units comply with these standards and the submission also sets out that 34% will meet the M4(2).
- 5.11.3 It is therefore considered that the proposal provides an appropriate level of affordable housing and a good mix of size and type of units across the site, to an appropriate standard. This is therefore a significant benefit of the scheme and complies with local and national planning policy.
- 5.12 **Education and Health** NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)
- 5.12.1 Lancashire County Council Schools Planning Team have requested financial contributions for 8 secondary school places which has been calculated at £198,024. They have advised that they reserve the right to reassess the education requirements taking into account the latest information available. The contribution would be used to provide additional secondary places at Central Lancaster High School and/or the proposed new secondary school at Bailrigg/South Lancaster. In relation to the latter, the School's Planning Team have requested an uplift in the contribution to £206,752 if used towards a new school. In updated comments in September 2022, they also requested a contribution towards land for the new school.
- 5.12.2 Some queries have been raised with the County council regarding the request, in particular relation to the new school. As discussed above, any contribution must comply with the CIL tests. In particular, it must relate to the development proposed. There is currently no mechanism in place for to calculate a land contribution for a new school. The Area Action Plan for South Lancaster is currently being prepared but is not significantly advanced. In addition, the site of the new school is not known and there is no permission for such a development. As such, it is likely that it would be many years before it is developed and more before it can be used. As such, it is not considered that, for this current scheme, it can be considered to relate to the impacts from the development proposed. The site is not within the land covered by the Area Action Plan and it is therefore considered that it would not undermine its delivery. It is therefore considered that the financial contribution of £198,024 is reasonable and relates to the development proposed. It is acknowledged that updated comments are required to represent the current situation, in terms of the level of contribution. The contribution would be secured by a Section 106 Agreement.
- 5.12.3 The response from the NHS sets out that the proposal will generate approximately 287 new patient registrations based on the housing mix in the application. The site falls within the catchment area of

Lancaster Medical Practice and they have advised that this need, along with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. The response sets out that the physical constraints of the existing sites mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. However, the response goes on to say that the growth generated from this 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. Therefore, it is not clear how the contribution would be used and, as this time, there is not sufficient evidence to support this request.

5.13 **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), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.13.1 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.

5.13.2 Information regarding how the application will address energy and sustainability matters has been provided in support of the application within an Energy Statement. Local Plan policy does not set a standard for reduction merely that opportunities are seized. To reduce energy demand on site from the dwellings a number of strategies are proposed. This mostly relates to the building fabric, including glazing and lighting in addition to measures to reduce water demand. The report sets out that the proposed enhanced fabric specification reduces average fabric Energy demand on the site by 13.17% and that thermal elements will be significantly improved beyond than the requirements of Building Regulations. It is therefore considered that the proposal complies with Policy DM30 and DM29 in relation to sustainable design.

**6.0 Conclusion and Planning Balance**

6.1 The site is located on the eastern edge of Lancaster and is therefore close to a number of services, facilities and workplaces and is therefore a sustainable location for new residential development. It also complies with the development strategy set out in the local plan which supports an urban concentration for development. However, the site designated in the Local Plan as Urban Setting Landscape, along with land to the north and south. The development of this site for 116 dwelling would therefore conflict with the purpose of the designation, as it would impact on its open character and the proposal, if granted, would represent a departure from the Local Plan. However, the land is relatively low lying, so the development would be unlikely to appear overly prominent, and a landscaped buffer is proposed to be retained between the dwellings and the motorway.

6.2 The scheme would provide 116 new dwellings, with 35 of these as affordable units. The development provides an appropriate mix of size and type of housing, including adaptable and accessible dwellings above that required of Building Regulation. It is also considered that the proposal achieves an appropriate layout and design that responds well to its surroundings. It is considered that the development will cause harm to the significance of heritage assets, through development within their setting, however it is considered that this harm is outweighed by the public benefits of the scheme and has been mitigated, to some degree, by the amendments that have been made since the original submission. The proposal is also considered to be acceptable in terms of residential amenity, flood risk and air quality and will provide a biodiversity net gain.

6.3 The Local Highway Authority have raised an objection to the application and have advised that the impact on the highway network has not been adequately assessed. It is understood that there are issues with the existing highway network, and that this development would result in traffic movements into some of those areas where issues occur. However, regrettably, the Local Planning Authority is unable to support the approach put forward from the Highway Authority with regards to mitigating

impacts on the highway network as it would not be in compliance with the tests set out in the Community Infrastructure Levy (CIL) Regulations as discussed above. In particular, the approach relates to a number of projects that are quite distant from the site and, taking a planning judgement, it is considered all these areas are not sufficiently related to the impacts of the development proposed or would all be required to make the development acceptable. The sum of money requested is also very large and appears to be disproportionate to the scale and impacts of the scheme and would impact on the viability of the scheme. The applicant has agreed to a contribution towards the bus service which would help to encourage the use of sustainable transport and reduce reliance on private cars.

- 6.4 It is unfortunate that an appropriate way forward has not been agreed with the Highway Authority, despite continued discussions. However, as the impact on the wider highway network cannot be agreed between them and the applicant's consultant, and that the application has been in the system a long time, a decision needs to be made on this in its current form. The applicant has submitted two Transport Assessments, in addition to one update in between to address comments from National Highways, with the concerns about the initial Transport Assessment being raised almost a year after the initial consultee response. It is acknowledged that National Highways have not objected to the application, in terms of the impact on the Strategic Highway Network and have accepted the applicant's assessment, albeit advising that more vehicles would likely travel to junction 34 than junction 33 to the south. From the information provided, it is not considered that the proposal would have such a severe impact on the highway network, in isolation or cumulatively, to justify the refusal of the application on highway grounds. However, these impacts, that may not be fully mitigated by the contribution to the bus service, need to be considered in the planning balance.
- 6.5 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5 year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 6.6 In terms of the balance to take in determining the planning application, whilst the development is considered to cause less than substantial harm to the setting of designated heritage assets, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits. The delivery of housing, and policy compliant affordable housing provision, weighs strongly in favour of the proposal. The proposal will provide a well-designed scheme in a sustainable location and, given the significant undersupply of housing within the District - in particular, the need to boost supply - it is considered that the benefits of the proposal do outweigh the harm caused through the loss of the development of this part of the area designated as urban setting landscape, the impacts on the setting of the heritage assets and the potential impacts on the highway network. The applicant has agreed to a shorter timescale to implement the permission of two years which will help ensure that it comes forward quickly to provide the benefits towards housing supply which are a significant consideration in the determination of the application.

### Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement to secure:

- Provision of 30% affordable housing as detailed in the submission;
- Financial contribution towards the provision of secondary school places;
- Financial contribution to support the bus service;
- Provision of open space;
- Travel Plan contribution;

- Setting up of a management company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure and on-site open space

and the following conditions:

Condition no.	Description	Type (indicative)
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with Approved Plans	Standard
3	Details of and erection of fence along boundary with M6	Pre Commencement
4	Detailed construction plan working method statement relating to site development earthworks and drainage alongside the M6	Pre Commencement
5	Final surface water sustainable drainage strategy to be submitted	Pre Commencement
6	Submission of construction surface water management plan	Pre Commencement
7	Details of an appropriate emergency access in relation to flood risk	Pre Commencement
8	Submission of construction management plan	Pre Commencement
9	Phased scheme of archaeological work	Pre Commencement
10	Details of finished floor and site levels (including gardens and open space)	Pre Commencement
11	Submission of an Employment and Skills Plan	Pre Commencement
12	Ecology mitigation – including bird nesting season, information in relation to bats of T1-T4 proposed to be removed and details of bird nesting and bat roosting opportunities	Pre Commencement
13	Contamination – following recommendations of the report	Pre Commencement
14	Full details of site access, including footway along frontage	Pre Commencement
15	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
16	Requirements of M4(2) accessibility and adaptability	Above Ground
17	Full details of noise mitigation measures	Above Ground
18	Details of vehicle charging points for properties with shared parking including infrastructure for future charging points and cycle storage provision	Above Ground
19	Details of materials including: sample panel of stone; render; brick; heads and cills; details of porches/ canopies; eaves, verge and ridge details; rainwater goods; windows and doors; external surfacing materials; boundary treatments (including retaining structures)	Above Ground
20	Scheme for street lighting and any lighting in the areas of open space	Prior to the installation of any external lighting
21	Scheme for off-site highway works – possible measures to influence speeds on Quernmore Road, drop crossings to footways, review of streetlighting, review of footway widths to west of site.	Pre-Occupation
22	Sustainable drainage system operation and maintenance manual.	Pre Occupation
23	Verification report of constructed sustainable drainage system.	Pre Occupation
24	Travel plan	Pre Occupation
25	Landscape and Ecological Management Plan	Pre-Occupation
26	Landscaping scheme – details of area to the bund required as could change	Pre-Occupation
27	Implementation of Arboricultural Implications Assessment	
28	Roads to be provided to base course before first occupation and completed in full before completion of the development,	Control

	unless alternative phased timetable is first agreed in writing with the LPA.	
29	Development carried out in accordance with the principles within site specific flood risk assessment	Control
30	No works to take place on land within the ownership of National Highways	Control
31	No drainage from the development shall be connected to the drainage system of the M6	Control
32	Turning and parking to be provided in full before first occupation, unless an alternative timetable for implementation is agreed.	Control
33	Removal of permitted development	Control

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

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

**Background Papers**

None

<b>Agenda Item</b>	A6
<b>Application Number</b>	22/00879/FUL
<b>Proposal</b>	Change of use of 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall
<b>Application site</b>	Mill Hall Moor Lane Lancaster Lancashire
<b>Applicant</b>	Afar Properties Limited
<b>Agent</b>	Mr Thomas Zub
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is Mill Hall, a Grade II Listed Building located within the Lancaster Conservation Area, part of the Canal Corridor North Character Area. Mill Hall was built as a steam-powered worsted mill in 1819 by Thomas Higgin & Co. Thomas, subsequently operated by Greys of Styal and then Storey Brothers. The building was converted into a cotton spinning factory by 1828, and to student accommodation in 1988-89. This multistorey property has a dominating presence in the townscape, as one of several impressive mills in the area. The frontages of the older mills and factories generally have a uniformly consistent pattern, which emphasises their massing. Industrial buildings such as the application site are particularly important to the character of this area of the Lancaster Conservation Area, and contribute positively to the designated national heritage asset area. The Mill walls are finished in battered squared coursed sandstone under a slate roof, with a rectangular plan along the canal with coped gables, the cap of a ventilation shaft at the southern apex, and with a truncated chimney stack against the north gable. The existing front Doric porch is understood to be a subsequent addition added by Charles B Pearson Son & Partners (Architects), with the roof slope containing 20th century rooflights. The stone wall on the approach to the canal bridge on the north side of Moor Lane adds historic interest to this frontage, with its distinctive coping and response to the change in level.
- 1.2 The smaller Block 2 part of this proposal is also a Grade II Listed Building, which was part of the cotton mill built for Storey Brothers circa 1880, and converted to student accommodation caretakers block in 1988. This 3-storey building is finished in squared coursed sandstone under a slate roof, with a central wagon entrance at ground floor level providing access to a rear courtyard area. The rear wall has a central 1st-floor bay of timber and glass with an iron crane. These Grade II Listed Buildings make a positive contribution to the setting of further Grade II Listed Mill buildings to the south side of Moor Lane, and non-designated heritage asset buildings in the surrounding area. The site is within a parking permit area, adjacent to the Lancaster Canal designated open space, green



space, cycle network and biological heritage site. The site is near a smoke control area and the outer zone 2 for air quality management, and forms part of a regeneration priority area for the broader Canal Quarter area.

## 2.0 Proposal

2.1 This application seeks planning permission for the erection of a four-storey front link extension and to reorganise the existing internal arrangements for student accommodation bedrooms to student studio flats. The proposal would reduce the number of student accommodation bedrooms from 96 predominantly 10sq.m bedrooms, to just 62 en-suite student studio apartments measuring between 19sq.m and circa 28sq.m floorspace. The proposal seeks to remove 15 existing communal WCs, 18 communal bathrooms, and 11 communal kitchen/living space, replacing these with en-suite facilities, a two communal living areas, a communal gym, meeting space, with communal WC by the entrance and within the gym the proposed front extension. The proposed four-storey front link extension with additional roof terrace is to be finished in glazing and corten steel, measuring circa 13 metres above external ground level to the top of the corten parapet, with a further approximately 1 metre tall glazing balustrade to the roof top terrace. The flat roof development measure 10.4 metres long along the frontage, projecting a maximum of 10.1 metres from the front elevation of the 5-storey Mill building. Laundry and bike store to be provided within the existing smaller Mill, with fenced bin-store area in the existing carpark.

## 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
22/00880/LB	Listed building application to facilitate the conversion from 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall	<b>Concurrent</b>
21/00489/FUL	Erection of a two storey front extension linking Mill and annexe, reconfiguration layout from 96-bed into 62-bed ensuite student accommodation with associated facilities, and demolition of an enclosure wall	Refused
21/00490/LB	Listed building application for erection of a two storey front extension linking the Mill and annexe and reconfiguration of internal layout from 96-bed into 62-bed ensuite student accommodation, and demolition of an enclosure wall	Refused
07/00668/LB	Listed Building application for alterations and reinstatement of curtilage wall (following demolition of adjacent buildings)	Refused
07/00665/LB	Listed Building Application for alterations and reinstatement of northern elevation (following demolition of part of the adjacent Heron Chemical Works)	Refused
05/01340/FUL	Installation of laser data communication equipment on gable end at high level	Approved
05/01375/LB	Listed Building Application for installation of laser data communication equipment on gable end at high level	Approved
89/3017/LB	Formation of dormer roof to accommodate internal goods lift and ground floor windows and doors	Approved
87/01084/HST	Convert Mill To Student Accommodation	Approved
87/01085/HST002	Convert Mill To Student Accommodation	Approved
87/00896/HST	Demolition Of Old Mill Buildings	Approved

## 4.0 Consultation Responses

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

Consultee	Response
<b>Conservation Section</b>	<b>No objection</b> , loss of portico entrance raises no concern, sought amendments to provide deeper recesses of glazing, lower corten height with capping to this, and improve visualisation, subsequently addressed through amended plans, concluding neutral impacts to heritage assets of Listed Buildings and the Conservation Area.
<b>Lancashire Archaeology</b>	<b>No objection</b> , no formal archaeological investigation or recording required
<b>Historic England</b>	No advice offered, suggest seeking local specialist conservation and archaeological advisers.
<b>County Highways</b>	<b>No objection</b> , no contributions sought towards infrastructure strategy, subject to Construction Management Plan planning condition
<b>Environmental Health</b>	No observation received
<b>Engineering Team</b>	No observation received
<b>Lead Local Flood Authority</b>	No objection, subject to a final surface water sustainable drainage strategy controlled through pre-commencement planning condition.
<b>Lancaster Canal Trust</b>	No substantive comment
<b>Canal And River Trust</b>	General advice, extension would have no direct impact on structural integrity of the canal, and no negative impact on the significant of the canal.
<b>Natural England</b>	No observation received
<b>Fire Safety</b>	<b>No objection</b> , subject to informatives regarding fire safety vehicle and water access
<b>Lancashire Constabulary</b>	No observation received
<b>University Of Cumbria Accommodation</b>	No observation received
<b>LUSU Housing</b>	No observation received
<b>Lancaster University</b>	<b>Concerns</b> regarding privacy of studios with windows to east elevation toward the canal and insufficient cycle storage. Observation that they would like to see evidence of demand for studios, recommend LU homes remit for quality checks through accreditation scheme, fire safety standards, sound insulation, air quality mitigation. Note that studios are aimed at higher end of student housing market.
<b>Lancaster Civic Society</b>	<b>Objection</b> , serious reservations regarding proposed design, materials and height, which would appear overwhelming, harsh and obtrusive, detracting from very handsome mill buildings. Suggest reducing height and more neutral cladding. Support reducing number of student units and elements within the listed buildings themselves. Amendments have resulted in modest improvements aesthetically, but not addressed the fundamental concerns within the objection.
<b>Planning Policy Team</b>	No observation received
<b>Waste And Recycling</b>	Collection vehicles would struggle to access carpark. Communal waste containers should be provided for 7 x 1280 Euro bins for General Refuse and 20 x 360L wheelie bins for recycling (10 x Glass, tins, plastics, 10 x Paper/Cardboard)

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

- **Three objections**, raising concerns with harm to heritage assets, longevity of student accommodation use, inappropriate materials and design to setting of stone Mills and Moor Lane.

## 5.0 Analysis

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

- Principle of development
- Design, scale and streetscene impact upon heritage assets
- Residential amenity and security
- Energy efficiency, employment and skills
- Transport, parking, waste and air quality
- Ecology, contamination and drainage

5.2 **Principle of development (Development Management DPD DM7: Purpose Built Accommodation for Students, Strategic Policies and Land Allocations DPD SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SG4: Lancaster City Centre, SG5: Canal Quarter, Central Lancaster, EC5: Regeneration Priority Areas, Canal Quarter SPD, National Planning Policy Framework Section 2. Achieving sustainable development, Section 4. Decision-making, Section 5. Delivering a sufficient supply of homes, Section 6. Building a strong, competitive economy, Section 7. Ensuring the vitality of town centres**

5.2.1 The student accommodation use of the site has been long established, and whilst the demand for the accommodation type of cluster flats previously provided appears to have reduced over time, the principle of continuing the use of the site as student accommodation is considered acceptable. The proposal would result in the reduction in the number of bedrooms provided to meet the demand for larger en-suite studio apartments. Whilst the site would accommodate fewer students through the proposal, given the difficulty achieving high occupancy levels under the previous arrangement and sought continued use of the site for student accommodation, the principle of the proposal is considered to be acceptable. The use of the site for student residential accommodation following several years unoccupied and closed will assist with the provision of housing within the district, for which there is an acute need and enable the site to be utilised and support local economic growth.

5.2.2 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 2.1 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 (including heritage impacts) provides a clear reason 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.

5.2.3 The site is within a regeneration priority area for Canal Quarter, which will be critical to enhancing Lancaster City Centre's role and function as a sub-regional centre to boost retail, cultural and leisure offers for residents and visitors. The mix of town centre uses in this area will include a range of retail, cultural, leisure, education, residential and employment uses. Proposals within this area should seek to complement and support the role and function of the existing uses within the city centre. Within this area, new buildings should integrate with old, seeking to repair and incorporate the existing fabric and retain buildings and features that are of historic importance, with development proposal of a high standards of design, effectively using the frontage to Lancaster Canal. Sufficient and appropriate provision should be made for vehicle parking, with connectivity to the wider city centre, promoting the role of cycling and walking in accessing the Canal Quarter, with drainage strategies managing to reduce runoff and flood risk whilst protecting biodiversity. These matters will be discussed in the following sections of this report, however the principle of the continued use as student accommodation would be consistent with the mixed town centre uses encouraged within Canal Quarter, as student accommodation is directed towards the city centre through DM DPD Policy DM7.

5.2.4 Given the proposal relates to the conversion and extension of a national heritage asset within a regeneration priority area, provision of higher standard of building and lower density student accommodation is considered to be appropriate at the site, if this is delivered to an appropriate high standard of finish at this prominent and sensitive heritage site. Such matters will be assessed in the

following section of this report, however the principle of the proposal is considered to be acceptable and policy compliant, with provision of student studio residential accommodation, and associated social and economic benefits of this, weighing in favour of the proposal.

5.3 **Design, scale and streetscene impact upon heritage assets** (Development Management DPD DM29: Key Design Principles, DM37: Development affecting Listed Buildings, DM38: Development affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets, DM41: Development Affecting Non-Heritage Assets or their settings, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, SP7: Maintaining Lancaster District's Unique Heritage, Canal Quarter SPD, National Planning Policy Framework Section 12. Achieving well-designed places, Section 16. Conserving and enhancing the historic environment, Listed Building and Conservation Areas Act 1990 Section 7, 17 Paragraph 72, 73)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, 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. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The application site contains two national heritage asset Grade II Listed Buildings, making a strong positive contribution to the city scape and Conservation Area, particularly when viewed in the context of adjacent Grade II Listed Moor Lane Mill buildings and non-designated heritage assets. The frontage to the 5-storey Mill building already contains a modest Doric porch, which is sought to be replaced by a 4-storey flat roof extension to the front, linking to the adjacent 3-storey mill building, also a Grade II Listed Building. The proposal seeks internal alterations to facilitate a reorganisation of existing student cluster flats to student studio flats within the existing Listed Buildings. However, given the previous original conversion to student accommodation, the interior works primarily affect modern alterations, with no undue harm to the interiors of these Listed Buildings through the proposal. The interior is less sensitive to change than the exteriors of these heritage assets given previous works undertaken at the site.

5.3.3 The area sought for development likely contained built form in this location, as shown on historic OS maps, and a 3-storey building was present immediately south of the frontage of the 5-storey building up until the conversion to student accommodation in the late 1980's. From 1948 aerial photography, it is understood that this building previously linked the two remaining Mill buildings, within the location of the proposed development. Whilst this building (Mill 3) was demolished, part of this building had formed part of the original student conversion, with a link roof canopy between the three Mill buildings. However, this was demolished prior to conversion and the link canopy was not implemented. Given the previous built form in this location and proximity of opposite historic mill buildings to Moor Lane, the siting of a link extension in this location may be suitable, subject to a high-quality design and sympathetic proportions in this prominent location. High quality design is vital for new developments in the historic environment, as the vibrancy and richness of the heritage assets strongly contribute to the cultural values of the district, the quality of which could be eroded through inappropriate or low-quality proposals. In certain circumstances, and with an understanding of the significance of heritage assets and their setting, high-quality contemporary and innovative design may be acceptable within the historic environment.

5.3.4 A linking extension to the building has previously been proposed at the site, and was refused due to the design, massing and materials resulting in harm to national heritage assets. The proposed development under this current application is substantially different, addressing the horizontal emphasis through reduced footprint and increased height, bridging the height to 4-storeys tall, providing a vertical link between the 5-storey Mill Hall and 3-storey smaller mill as this steps up Moor Lane eastwards. The location of development would not restrict views of Lancaster Castle from Moor

Lane, and whilst the topography of Moor Lane rises eastwards, the rooftop of the development would be circa 6 to 7 metres above street level, providing a degree of visual containment of any rooftop furniture despite the glazed balustrade to this.

5.3.5 Furthermore, whilst the Canal Quarter regeneration is considered to be at an early stage, with a masterplan unveiled in October 2022 and the council seeking a first phase delivery partner, the Canal Quarter SPD details potential for 4 storey tall development east of Bulk Street as part of phase four. The Canal Quarter SPD also includes a precedent image within the design and materiality section of Caixa Forum in Madrid, which has a large corten vertical extension above a traditional brick heritage building adjacent to a green wall. Whilst surrounding development within this phase of the Canal Quarter would likely be in the medium- to long-term, it is considered that the proposed development is in accordance with the design ethos of this area of the Canal Quarter, and future development aspirations for the wider area to the west nearer Bulk Street could progress in a similar ilk to that proposed. The existing traditional buff and elements of pink/red Cumbrian sandstone walls, vegetation adjacent to the canal and introducing a corten extension to this would achieve a similar appearance to precedent images within the Canal Quarter SPD, and whilst the predominant materials in the immediate vicinity are sandstone under grey slate, the tall red brick tower projecting above the Mills to the south and wider use of render provides some variety, ensuring that the development of contrasting industrial appearance achieves a degree of congruency.

5.3.6 The external materials proposed now include corten steel, considered to be a high-quality material when combined with glazing as proposed, tying into the Mills with an industrial appearance finish and a perforated design inspired by mill punch cards for programmed patterns, albeit this design inspiration may not be immediately obvious. Further minor amendments received following submission have modestly reduced the height of the corten elements, with a glass balustrade atop, providing greater depth/separation of glazed links joining the listed buildings, with some minor design alterations including a parapet top to the corten elements. Such changes are considered to have resulted in a development harmoniously scaled to the adjoining and immediately surrounding Mill buildings, in a clearly contemporary design and appropriate high-quality industrial material, with variation provided by glazing and perforated design.

5.3.7 Whilst full details and samples would be required to ensure the development is suitable in terms of high-quality design, subject to planning conditions controlling such matters, the scale is considered to be proportionate to the vertical emphasis of attached and surrounding built form, in a well-considered design and architecture, finished in high-quality materials and sympathetic to the area and heritage significance. As such, and as concluded by the Principal Conservation Officer in their consultation response, subject to final details and samples agreed through planning condition, it is considered that the development would have a neutral impact upon the Listed Buildings, the setting of the detached Listed Buildings and the Lancaster Conservation Area as a whole. The site is clearly sensitive from a heritage and streetscene prominence perspective, and whilst the development would undoubtable affect the character and appearance, it is considered that this would not be in a harmful way for the aforementioned reasons. Overall, the proposed development would certainly be striking, but due to the contemporary design of extension with positive links and inspiration from the original use of the Mill buildings using high quality design and materials, the proposal would not cause significant harm to heritage asset or the wider streetscene. Whilst concerns and objections have been raised by Lancaster Civic Society and three members of the public, the proposal is considered to be high quality contemporary and innovative design, in appropriate materials, resulting in a neutral impact upon heritage assets.

5.3.8 There are some public and heritage benefits to the proposal to balance against the neutral impacts of the development upon the Listed Buildings and Conservation Area. Whilst the proposal is a reconfiguration of existing student housing provision, this will make modest contribution to meeting the districts housing needs. Furthermore, the refurbishment of the building will encourage long-term maintenance of the heritage assets, through what is now considered to be the optimum viable use of the heritage assets. As such, the heritage impacts are considered to offer modest benefits from the re-use of the building for alternative student accommodation, consistent with the assets' conservation.

5.4 **Residential amenity and security** (Development Management DPD DM29: Key Design Principles, Appendix G: Purpose Built Student Accommodation, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, National Planning Policy Framework Section 8. Promoting

healthy and safe communities

- 5.4.1 Each proposed studio within the proposal exceeds 19sq.m, and whilst none of these studios meet nationally described space standards, the studio apartments are policy compliant with DM DPD Policy DM7 and Appendix G, subject to planning condition to ensure full-time student occupation only. All rooms benefit from windows with suitable natural light and outlook, with en-suite bathrooms directed centrally to maximise use of existing openings, resulting in most studios benefitting from having multiple windows. Fewer rooms are provided within the roof form fifth floor, ensuring suitable floorspace accounting for lower ceiling heights and outlook from relatively low rooflights (glazed circa 1.6 metres above finished floor level). Furthermore, the most recent student occupation of the site was as part of cluster flats, where students predominantly occupied 10sq.m bedroom, almost half the size of those proposed, with separate communal bathrooms and two shared living/kitchen areas shared with 15 other occupants per floor. The proposed studio apartments, with ensuite bathrooms, private sleeping and living space, in addition to multiple communal areas within the proposed extension, would exceed the previous standards of residential amenity for future occupants. The proposal is acceptable in terms of residential amenity to future occupants.
- 5.4.2 The proposed use is for a less intensive student accommodation use than the most recent use of the site, given that this would provide 62 units of accommodation in comparison to 96 bedrooms previously. The extension would potentially introduce noise during construction, however given the location adjacent to a busy road on the edge of the city centre, combined with the nearest existing dwellinghouse being separated by over 40 metres from the extension, it is considered that the limited duration construction activity would cause no undue harm to neighbouring residential amenity, subject to a construction management plan. Once operative, the communal areas within and atop of the proposed extension could potentially generate noise, at a time when sensitive receptors would be introduced within the development itself, in addition to existing neighbours circa 40 metres from the development. However, given the existing background noise within the locality combined with a planning condition to restrict external amplified noise levels and suitable noise management measure, the proposal is considered to be acceptable in residential amenity terms, resulting in no undue harm.
- 5.4.3 Lancashire Constabulary consultation response to the previous application recommended bollards, which have been incorporated into the proposed site plan, details of which could be controlled through planning condition. The open space to the east of the Mill and west of the Canal is to remain secured by fencing and gate access, again details of which can be controlled through planning condition. Similarly, security details of surveillance, landscaping, lighting, window opening restrictions and other security measures could be adequately controlled through planning condition to ensure suitable security for the proposed development and use.
- 5.5 **Energy efficiency, employment and skills (Development Management DPD DM28: Employment and Skills Plans, DM30: Sustainable Design, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, PAN09: Energy Efficiency in New Development.**
- 5.5.1 In 2020, Lancaster City Council entered into a Climate Emergency focused review of the adopted Local Plan, thus highlighting the importance that the climate emergency has in decision making in the District. 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. The Climate Emergency Local Plan Review (CELPR) was submitted to the Government for independent examination in March 2022 and the Hearing sessions of the Examination in Public took place in early October 2022. The Council are now working on a series of proposed modifications discussed during the Hearing sessions and will undertake consultation on these in due course. Should the appointed Inspector be minded to find the CELPR Sound, it is anticipated that the Council could be in receipt of the Inspectors report by Spring 2023, at which time the level of weight that can be attributed to the CELPR policies will be significant. Reference made to CELPR policies in the following report should therefore be considered in this context.
- 5.5.2 The original energy efficiency statement included relatively modest interventions of draft sealing and renovating existing windows within Mill Hall, plasterboard lining between rooms and studios, with LED lighting and appliance/fittings to reduce water and energy consumption. Given the heritage constraints of providing energy efficiency within the existing Mill built form, these are appropriate improvements to the Mill itself. However, the original submission omitted energy efficiency measures

from the proposed extension, which as a new build is less constrained and provides greater opportunity to deliver high standards of sustainable design. Whilst precise details are unavailable at this stage, subsequent information received regarding energy efficiency includes a commitment to exceeding the minimum requirements of building control by at least 5%, with a number of suggested methods to achieving this. Such a commitment is considered to be policy compliant to the current planning policy position, subject to final detail of how this will be achieved being controlled through a pre-commencement planning condition.

5.5.3 Whilst the proposal is a major development, the sought extension measures circa 300sq.m in terms of additional internal floorspace over four floors, whilst reducing the number of bedrooms within the student accommodation. Given that the majority of works are internal to the listed building, in this instance it is considered that an Employment and Skills Plan is not required.

5.6 **Transport, parking, waste and air quality** (Development Management DPD DM29: Key Design Principles, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, Appendix E: Car Parking Standards, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, T2: Cycling and Walking Network, EN9: Air Quality Management Areas, PAN01: Waste Storage and Collection Guidance for Domestic and Commercial Developments, PAN08: Cycling and Walking, National Planning Policy Framework Section 9. Promoting sustainable transport

5.6.1 The site benefits from an unmarked cobbled parking area within an existing walled courtyard, providing off-street parking as existing. The proposal seeks a fenced bin store within this courtyard, within a space that would struggle to accommodate more than one additional car, with the remaining area providing usable and accessible parking space for approximately 7 vehicles. Given the student accommodation use sought, sustainable city centre location, and principally that the site most recently accommodated more student bedrooms than proposed through this application, reduce parking demand at the site, this is considered to be sufficient car parking provision for the proposal.

5.6.2 Suitable mitigation is available through the bike storage provision of over 22sq.m, and final details of how sufficient parking provision would be provided within this secure internal space can be controlled through planning condition, particularly as promoting the role of cycling and walking is one of the requirements for development within the Canal Quarter area. A planning condition would be required for a construction management plan to ensure this phase of development does not detrimentally harm the highway network in this city centre location. However, subject to such planning conditions, it is considered that the proposal would cause no undue harm to the public highway.

5.6.3 The proposed site plan details a secure refuse storage of 12.85sq.m external floorspace contained by fencing, located in an accessible area for residents and circa 12.5 metres from the public highway for collection, largely visually contained from public perspective due to the location within the courtyard. Subject to details of scale, materials and security of the enclosure, it is considered that the proposal can deliver suitable waste and recycling arrangements through visually contained refuse stores on-site.

5.6.4 The site provides residential accommodation within the outer zone 2 beyond the Lancaster gyratory Air Quality Management Area, however given that the proposed residential use is less intensive than the existing arrangement, the proposal would result in no undue harm with regards to air quality. A modest but suitable scale laundry is proposed within the smaller existing Mill building, and subject to further details of these facilities and extraction equipment, this is considered to be acceptable.

5.7 **Ecology, drainage and contamination** (Development Management DPD DM34: Surface Water Runoff and Sustainable Drainage, DM29: Key Design Principles, DM32: Contaminated Land, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, EN7: Environmentally Important Areas, National Planning Policy Framework Section 14. Meeting the challenge of climate change, flooding and coastal change, Section 15. Conserving and enhancing the natural environment

5.7.1 The application site is within the impact risk buffer zone of the Morecambe Bay and its environmental designations, and immediately adjacent to the Lancaster Canal Biological Heritage site. As the proposal would result in a less intensive residential use of the site compared to the existing arrangement, there would be no additional recreational pressure on Morecambe Bay, and no undue

impact upon the environmental designations of the Bay.

- 5.7.2 Despite the proximity to Lancaster Canal, the external development does not include works to the roofs of the existing Mill buildings. The existing development area is currently flagstone with a small roadside bush, considered to be of negligible ecology value, and therefore enhancements in ecology can be provided through more substantive planting to the roadside, as indicated on the proposed site plan and visualisations, with full details controlled through planning condition. As such, subject to such a planning condition, in addition to a construction environmental management plan to reduce impacts upon the canal during construction, and a scheme to control any external lighting of the development, the proposal is considered to cause no undue harm to the environment or protected species, and modest enhancement to ecology. The proposal would have no undue impact upon the Lancaster Canal open space designations.
- 5.7.3 A Surface Water Drainage Strategy has been submitted with this application, surveying the condition of existing surface water manholes within the site and directing to the adjacent combined sewer, and detailing some remediation works to ensure this provides a suitable outfall of surface water from existing buildings on site. A cellular tank is sought to control runoff from the new extension, before connecting to the existing surface water manhole within the site. Given the largely hardsurfaced site, proximity to the existing surface water manhole within the site, subject to final details of a final surface water sustainable drainage strategy and remedial works in accordance with the submitted details, it is considered that the proposal can delivery acceptable drainage arrangements. The Lead Local Flood Authority have raised no objection to the proposal subject to such a planning condition. Such a planning condition should also include drainage measures to collect runoff directly beneath the corten walls, to prevent build-up of any stained runoff from this material.
- 5.7.4 The two existing Mill buildings have been recently occupied for decades by students, and works to these buildings are considered safe for construction workers and future occupants. The proposed link extension would break ground between the Mills, in the location of a demolished Mill building. However, given the previous works to the site and no objection or recommended conditions from Environmental Health to the previous recent proposed at the site (and no response to this application), it is considered that the risk of contamination can be proportionately controlled through an unforeseen contamination planning condition.

**6.0 Conclusion and Planning Balance**

- 6.1 The proposal for the refurbishment and alteration of existing student accommodation to form higher standard studio student apartments is considered to be policy compliant in principle, and in accordance with the aims of the Canal Quarter Area, bringing regeneration to this important city centre site. Whilst resulting in fewer bedrooms, as student accommodation for cluster flats is calculated on a basis of 3 bedrooms equating to one housing units, and student studio accommodation is considered to be one housing unit in itself, the proposal would make a modest contribution to meeting the districts housing needs. The proposal would achieve social and economic benefits from the development, which are afforded moderate weight.
- 6.2 Importantly, through high-quality contemporary design, massing and materials sympathetic to the industrial past of the Mills and surrounding area, the proposal will make a bold impact but one that is considered to be neutral impact upon heritage assets, subject to planning conditions ensuring suitably high-quality details and samples. Surface water drainage, sustainable design and travel, highway impacts, biodiversity and noise can all be controlled and appropriately mitigated through planning conditions to ensure these matters are also neutral in planning balance. As such, and on balance, it is considered that there are no adverse impacts identified that would significantly or demonstrably outweigh the benefits of the proposal, and as such this application is recommended for approval, subject to a number of planning conditions.

**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 the amended approved plans	Control
3	Surface water drainage strategy	Prior to commencement
4	Surface water drainage implementation, verification, management and maintenance details	Prior to completion or occupation
5	Construction management plan	Prior to commencement
6	Energy efficiency measures	Prior to commencement
7	Details and samples of external materials	Prior to above ground works
8	Details of guttering and flues/extraction	Prior to installation and occupation
9	Lighting details	Prior to installation and occupation
10	Noise management	Prior to installation and occupation
11	Details of bin, bike and laundry facilities	Prior to installation and occupation
12	Security measures, including details of bollards and boundary treatments	Prior to occupation
13	Landscaping details	Prior to occupation
13	Unforeseen contamination	Control
14	Restriction to student accommodation	Control

### Informatives

Fire safety

### **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

<b>Agenda Item</b>	A7
<b>Application Number</b>	22/00880/LB
<b>Proposal</b>	Listed building application to facilitate the conversion from 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall
<b>Application site</b>	Mill Hall Moor Lane Lancaster Lancashire
<b>Applicant</b>	Afar Properties Limited
<b>Agent</b>	Mr Thomas Zub
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is Mill Hall, a Grade II Listed Building located within the Lancaster Conservation Area, part of the Canal Corridor North Character Area. Mill Hall was built as a steam-powered worsted mill in 1819 by Thomas Higgin & Co. Thomas, subsequently operated by Greys of Styal and then Storey Brothers. The building was converted into a cotton spinning factory by 1828, and to student accommodation in 1988-89. This multistorey property has a dominating presence in the townscape, as one of several impressive mills in the area. The frontages of the older mills and factories generally have a uniformly consistent pattern, which emphasises their massing. Industrial buildings such as the application site are particularly important to the character of this area of the Lancaster Conservation Area, and contributes positively to the designated national heritage asset area. The Mill walls are finished in battered squared coursed sandstone under a slate roof, with a rectangular plan along the canal with coped gables, the cap of a ventilation shaft at the southern apex, and with a truncated chimney stack against the north gable. The existing front Doric porch is understood to be a subsequent addition added by Charles B Pearson Son & Partners (Architects), with the roof slope containing 20th century rooflights. The stone wall on the approach to the canal bridge on the north side of Moor Lane adds historic interest to this frontage, with its distinctive coping and response to the change in level.
- 1.2 The smaller Block 2 part of this proposal is also a Grade II Listed Building, which was part of the cotton mill built for Storey Brothers circa 1880, and converted to student accommodation caretakers block in 1988. This 3-storey building is finished in squared coursed sandstone under a slate roof, with a central wagon entrance at ground floor level providing access to a rear courtyard area. The rear wall has a central 1st-floor bay of timber and glass with an iron crane. These Grade II Listed Buildings make a positive contribution to the setting of further Grade II Listed Mill buildings to the south side of Moor Lane, and non-designated heritage asset buildings in the surrounding area. The site is within a parking permit area, adjacent to the Lancaster Canal designated open space, green

space, cycle network and biological heritage site. The site is near a smoke control area and the outer zone 2 for air quality management, and forms part of a regeneration priority area for the broader Canal Quarter area.

## 2.0 Proposal

2.1 This application seeks listed building consent for the erection of a four-storey front link extension and to reorganise the existing internal arrangements for student accommodation bedrooms to student studio flats. The proposal would reduce the number of student accommodation bedrooms from 96 predominantly 10sq.m bedrooms, to just 62 en-suite student studio apartments measuring between 19sq.m and circa 28sq.m floorspace. The proposal seeks to remove 15 existing communal WCs, 18 communal bathrooms, and 11 communal kitchen/living space, replacing these with en-suite facilities, a two communal living areas, a communal gym, meeting space, with communal WC by the entrance and within the gym the proposed front extension. The proposed four-storey front link extension with additional roof terrace is to be finished in glazing and corten steel, measuring circa 13 metres above external ground level to the top of the corten parapet, with a further approximately 1 metre tall glazing balustrade to the roof top terrace. The flat roof development measure 10.4 metres long along the frontage, projecting a maximum of 10.1 metres from the front elevation of the 5-storey Mill building.

## 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
22/00879/FUL	Change of use of 96-bed into 62 one-bed self contained student accommodation units, erection of a four storey front extension with roof terrace above linking the Mill and annexe and demolition of part of enclosure wall	<b>Concurrent</b>
21/00489/FUL	Erection of a two storey front extension linking Mill and annexe, reconfiguration layout from 96-bed into 62-bed ensuite student accommodation with associated facilities, and demolition of an enclosure wall	Refused
21/00490/LB	Listed building application for erection of a two storey front extension linking the Mill and annexe and reconfiguration of internal layout from 96-bed into 62-bed ensuite student accommodation, and demolition of an enclosure wall	Refused
07/00668/LB	Listed Building application for alterations and reinstatement of curtilage wall (following demolition of adjacent buildings)	Refused
07/00665/LB	Listed Building Application for alterations and reinstatement of northern elevation (following demolition of part of the adjacent Heron Chemical Works)	Refused
05/01340/FUL	Installation of laser data communication equipment on gable end at high level	Approved
05/01375/LB	Listed Building Application for installation of laser data communication equipment on gable end at high level	Approved
89/3017/LB	Formation of dormer roof to accommodate internal goods lift and ground floor windows and doors	Approved
87/01084/HST	Convert Mill To Student Accommodation	Approved
87/01085/HST002	Convert Mill To Student Accommodation	Approved
87/00896/HST	Demolition Of Old Mill Buildings	Approved

## 4.0 Consultation Responses

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

Consultee	Response
<b>Conservation Section</b>	<b>No objection</b> , loss of portico entrance raises no concern, sought amendments to provide deeper recesses of glazing, lower corten height with capping to this, and improve visualisation, subsequently addressed through amended plans, concluding neutral impacts to heritage assets of Listed Buildings and the Conservation Area.
<b>Lancashire Archaeology</b>	<b>No objection</b> , no formal archaeological investigation or recording required
<b>Historic England</b>	No advice offered, suggest seeking local specialist conservation and archaeological advisers.
<b>Lancaster Civic Society</b>	<b>Objection</b> , serious reservations regarding proposed design, materials and height, which would appear overwhelming, harsh and obtrusive, detracting from very handsome mill buildings. Suggest reducing height and more neutral cladding. Support reducing number of student units and elements within the listed buildings themselves. Amendments have resulted in modest improvements aesthetically, but not addressed the fundamental concerns within the objection.

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

- **Three objections**, raising concerns with harm to heritage assets, longevity of student accommodation use, inappropriate materials and design to setting of stone Mills and Moor Lane.

## 5.0 Analysis

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

- Design, scale and impact upon heritage assets

5.2 **Design, scale and impact upon heritage assets** (Development Management DPD DM29: Key Design Principles, DM37: Development affecting Listed Buildings, DM38: Development affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets, DM41: Development Affecting Non-Heritage Assets or their settings, Strategic Policies and Land Allocations DPD SG5: Canal Quarter, Central Lancaster, SP7: Maintaining Lancaster District's Unique Heritage, Canal Quarter SPD, National Planning Policy Framework Section 12. Achieving well-designed places, Section 16. Conserving and enhancing the historic environment, Listed Building and Conservation Areas Act 1990 Section 7, 17 Paragraph 72, 73

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, 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. This is reiterated by policies DM37 and DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.2.2 The application site contains two national heritage asset Grade II Listed Buildings, making a strong positive contribution to the city scape and Conservation Area, particularly when viewed in the context of adjacent Grade II Listed Moor Lane Mill buildings and non-designated heritage assets. The frontage to the 5-storey Mill building already contains a modest Doric porch, which is sought to be replaced by a 4-storey flat roof extension to the front, linking to the adjacent 3-storey mill building,

also a Grade II Listed Building. The proposal seeks internal alterations to facilitate a reorganisation of existing student cluster flats to student studio flats within the existing Listed Buildings. However, given the previous original; conversion to student accommodation, the interior works primarily affect modern alterations, with no undue harm to the interiors of these Listed Buildings through the proposal. The interior is less sensitive to change than the exteriors of these heritage assets given previous works undertaken at the site.

- 5.2.3 The area sought for development likely contained built form in this location, as shown on historic OS maps, and a 3-storey building was present immediately south of the frontage of the 5-storey building up until the conversion to student accommodation in the late 1980's. From 1948 aerial photography, it is understood that this building previously linked the two remaining Mill buildings, within the location of the proposed development. Whilst this building (Mill 3) was demolished, part of this building had formed part of the sought original student conversion, with a link roof canopy between the three Mill buildings. However, this was demolished prior to conversion and the link canopy was not implemented. Given the previous built form in this location and proximity of opposite historic mill buildings to Moor Lane, the siting of a link extension in this location may be suitable, subject to a high-quality design and sympathetic proportions in this prominent location. High quality design is vital for new developments in the historic environment, as the vibrancy and richness of the heritage assets strongly contribute to the cultural values of the district, the quality of which could be eroded through inappropriate or low-quality proposals. In certain circumstances, and with an understanding of the significance of heritage assets and their setting, high-quality contemporary and innovative design may be acceptable within the historic environment.
- 5.2.4 A linking extension to the building has previously been proposed at the site, and was refused due to the design, massing and materials resulting in harm to national heritage assets. The proposed development under this current application is substantially different, addressing the horizontal emphasis through reduced footprint and increased height, bridging the height to 4-storeys tall, providing a vertical link between the 5-storey Mill Hall and 3-storey smaller mill as this steps up Moor Lane eastwards. The location of development would not restrict views of Lancaster Castle from Moor Lane, and whilst the topography of Moor Lane rises eastwards, the rooftop of the development would be circa 6 to 7 metres above street level, providing a degree of visual containment of any rooftop furniture despite the glazed balustrade to this.
- 5.2.5 Furthermore, whilst the Canal Quarter regeneration is considered to be at an early stage, with a masterplan unveiled in October 2022 and the council seeking a first phase delivery partner, the Canal Quarter SPD details potential for 4 storey tall development east of Bulk Street as part of phase four. The Canal Quarter SPD also includes a precedent image within the design and materiality section of Caixa Forum in Madrid, which has a large corten vertical extension above a traditional brick heritage building adjacent to a green wall. Whilst surrounding development within this phase of the Canal Quarter would likely be in the medium- to long-term, it is considered that the proposed development is in accordance with the design ethos of this area of the Canal Quarter, and future development aspirations for the wider area to the west nearer Bulk Street could progress in a similar ilk to that proposed. The existing traditional buff and elements of pink/red Cumbrian sandstone walls, vegetation adjacent to the canal and introducing a corten extension to this would achieve a similar appearance to precedent images within the Canal Quarter SPD, and whilst the predominant materials in the immediate vicinity are sandstone under grey slate, the tall red brick tower projecting above the Mills to the south and wider use of render provides some variety, ensuring that the development of contrasting industrial appearance achieves a degree of congruency.
- 5.2.6 The external materials proposed now include corten steel, considered to be a high-quality material when combined with glazing as proposed, tying into the Mills with an industrial appearance finish and a perforated design inspired by mill punch cards for programmed patterns, albeit this design inspiration may not be immediately obvious. Further minor amendments received following submission have modestly reduced the height of the corten elements, with a glass balustrade atop, providing greater depth/separation of glazed links joining the listed buildings, with some minor design alterations including a parapet top to the corten elements. Such changes are considered to have resulted in a development harmoniously scaled to the adjoining and immediately surrounding Mill buildings, in a clearly contemporary design and appropriate high-quality industrial material, with variation provided by glazing and perforated design.
- 5.2.7 Whilst full details and samples would be required to ensure the development is suitable in terms of

high-quality design, subject to planning conditions controlling such matters, the scale is considered to be proportionate to the vertical emphasis of attached and surrounding built form, in a well-considered design and architecture, finished in high-quality materials and sympathetic to the area and heritage significance. As such, and as concluded by the Principal Conservation Officer in their consultation response, subject to final details and samples agreed through planning condition, it is considered that the development would have a neutral impact upon the Listed Buildings, the setting of the detached Listed Buildings and the Lancaster Conservation Area as a whole. The site is clearly sensitive from a heritage and streetscene prominence perspective, and whilst the development would undoubtedly affect the character and appearance, it is considered that this would not be in a harmful way for the aforementioned reasons. Overall, the proposed development would certainly be striking, but due to the contemporary design of extension with positive links and inspiration from the original use of the Mill buildings using high quality design and materials, the proposal would not cause significant harm to heritage or streetscene. Whilst concerns and objections have been raised by Lancaster Civic Society and three members of the public, the proposal is considered to be high quality contemporary and innovative design, in appropriate materials, resulting in a neutral impact upon heritage assets.

5.2.8 There are some public and heritage benefits to the proposal to balance against the neutral impacts of the development upon the Listed Buildings and Conservation Area. Whilst the proposal is a reconfiguration of existing student housing provision, this will make modest contribution to meeting the districts housing needs. Furthermore, the refurbishment of the building will encourage long-term maintenance of the heritage assets, through what is now considered to be the optimum viable use of the heritage assets. As such, the heritage impacts are considered to offer modest benefits from the re-use of the building for alternative student accommodation, consistent with the assets' conservation. Additional details regarding works to improve energy efficiency measures within the Listed Buildings, surrounding landscaping, external lighting and boundary treatments can be controlled through planning condition to ensure all details are acceptable, and that the impact to the Listed Buildings and wider heritage assets remains acceptable.

**6.0 Conclusion and Planning Balance**

6.1 The proposal for the refurbishment and alteration of existing student accommodation to form higher standard studio student apartments is considered to be policy compliant in principle, facilitating the continuation of the optimal viable use of the site whilst bringing regeneration to this important city centre site. Importantly, through high-quality contemporary design, massing and materials sympathetic to the industrial past of the Mills and surrounding area, the proposal will make a bold impact but one that is considered to be neutral impact upon heritage assets, subject to planning conditions ensuring suitably high-quality details and samples. As such, and on balance, the continuation of the optimal viable use of the site in a form that will result in a neutral physical impact to heritage assets is considered to be acceptable, and therefore this application is recommended for approval, subject to a number of planning conditions.

**Recommendation**

That Listed Building Consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year timescale	Control
2	Development in accordance with the amended approved plans	Control
3	Energy efficiency measures	Prior to commencement
4	Details and samples of external materials	Prior to above ground works
5	Details of guttering and flues/extraction	Prior to installation and occupation
6	Lighting details	Prior to installation and occupation
7	Security measures, including details of bollards and boundary	Prior to occupation

**Background Papers**  
None

<b>Agenda Item</b>	A8
<b>Application Number</b>	22/00668/FUL
<b>Proposal</b>	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras
<b>Application site</b>	Land to the South of Middleton Clean Energy Plant Middleton Road Middleton Lancashire
<b>Applicant</b>	Ms Donna Cooper
<b>Agent</b>	Mr Daniel Grierson
<b>Case Officer</b>	Mr Robert Clarke
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval – Delegate back to Head of Service for finalisation of planning obligation.

## 1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.17 hectares of mainly rough ground with areas of tipped/piled material. In parts some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

## 2.0 Proposal

- 2.1 Planning permission is sought for the installation of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and Distribution Network Operator (DNO) substation control room building. The proposal also includes associated boundary fencing, internal access road and column mounted CCTV cameras. The proposed infrastructure is



required to complement the recently permitted battery storage site immediately to the north (22/00358/VCN) and the proposed battery storage site immediately to the south (22/00839/FUL).

### 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
22/01152/EIR	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	Environmental Statement not required
22/00839/FUL	Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras	Pending consideration
22/00358/VCN	Installation of 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on approved application 18/01203/FUL to amend the layout and container specifications)	Approved
21/01534/NMA	Non material amendment to planning permission 18/01203/FUL for rearrangement of battery storage containers	Withdrawn
21/00735/NMA	Non material amendment to planning permission 18/01203/FUL to change the maximum output from 49.9MW to 99.95MW	Approved
18/01203/FUL	Installation of a 49.9MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds	Approved
14/01117/FUL	Erection of a 47.5mw gas fired power station and associated works	Approved
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

### 4.0 Consultation Responses

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

Consultee	Response
United Utilities	No objection subject to conditions requiring submission and agreement of a drainage strategy. A public sewer crosses this site and building over it will not be permitted and an access strip will be required.
EDF	No response received.
Greater Manchester Ecology Unit (GMEU)	Raises concerns regarding Biodiversity Net Gain calculations. Conditions requested regarding confirmation of District Level Licencing for Great Crested Newts, a

	Construction Environmental Management Plan (CEMP) and methodology for the clearance of invasive species from the site.
The Wildlife Trust	Raises concerns regarding the impact of developing the site upon its ecological value and possibility of notable species. Off-site ecological compensation required along with a Construction Environmental Management Plan (CEMP).
Parish Councils	No response received.
County Highways	No objection subject to conditions requiring submission and agreement of a Construction Traffic Management Plan (CTMP) and incorporation of wheel washing facilities.
Environmental Health	No response received.
Emergency Planning	No response received.
Natural England	No objection.
Office of Nuclear Regulation	No response received.
Planning Policy	Response provided highlights the relevant policy considerations.
Property Services	No response received.
Engineers	No response received.
Health and Safety Executive	Does not advise against development.

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

## 5.0 Analysis

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

- Principle of development
- Ecological Implications
- Highway Implications
- Design, landscape and visual impact
- Impacts in relation to nearby hazardous installations
- Drainage

5.2 **Principle of development** (NPPF paragraphs: 7 – 12 (Achieving Sustainable Development) paragraphs 152 and 155 (Planning for climate change); Development Management (DM) DPD policies DM14 (Proposals involving employment land and premises), DM30 (Sustainable Design) and DM53 (Renewable Energy Generation in Lancaster District); Strategic Policies and Land Allocations DPD policies SP1 (Presumption in Favour of Sustainable Development), SP4 (Priorities for sustainable economic growth), EC1.9 (Established Employment Areas) and EC5.5 (Regeneration Priority Area)

5.2.1 The site is within an allocated employment site (EC1.9). Given that the proposal would be contrary to the employment (B-type uses) allocation, it represents a departure from the adopted development plan as the proposal falls outside the uses that would be supported in principle on established employment areas. However, there is a need for this type of development which should be taken into consideration. The Draft Overarching National Policy Statement for Energy (EN-1) although not formally designated, places emphasis on energy storage infrastructure. EN-1 sets out that an increase in renewable electricity is essential to enable the UK to meet its commitments under relevant legislation. Energy storage technology is recognised as being key to delivering the path to net zero by 2050 and The Energy White Paper: Powering our net zero future (December 2020)

places significant emphasis on electricity storage, acknowledging that novel energy storage technologies could enable the decarbonisation of the energy system more deeply at lower costs. However, renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, as the deployment of renewable generating sources becomes more widespread, the greater the need is for associated renewable energy storage capacity. The renewable energy that is stored in battery storage facilities is subsequently fed back into the grid at times when the availability of intermittent renewable energy sources is low. The document goes on to say that electricity storage can be used to compensate for the intermittency of renewable generation.

- 5.2.2 The development proposed does not seek to provide additional battery storage capacity itself. This proposal seeks consent for electrical infrastructure and associated ancillary equipment which will allow the energy stored in two neighbouring consented battery storage containers located to the north (permitted through 22/00358/VCN) and to the south (currently proposed through 22/00839/FUL) to be connected and distributed into the national grid efficiently.
- 5.2.3 Policy DM53 sets out the Council's commitment to supporting the transition to a lower carbon future and support for proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts on stated considerations are or will be made acceptable. On 30 January 2019, the council declared a climate emergency. Lancaster City Council subsequently conducted a climate emergency focused review of the adopted Local Plan, thus highlighting the importance that the climate emergency has in decision making in the district. The aim of the review is to ensure that the climate emergency declaration is fully considered within the planning policies for the district ensuring that climate change adaptation and mitigation is central to all new development. The Council is also committed to supporting the district in reaching net zero by 2030.
- 5.2.4 The submission sets out that changes in energy generation, alongside a significant increase in electricity demand, as well as intermittent supplies from renewable and low carbon energy sources, have led to a situation where electricity supply requires reinforcement to meet current and expected demands. This proposed development will aid in providing more efficient and greater battery storage capacity for the neighbouring sites to the north and south and will contribute towards relieving and reinforcing the supply of energy to meet demand, and to ensure there is a reliable source of power for both business and residential consumers. Consequently, the proposed electrical infrastructure development will contribute towards helping the national grid provide a reliable source of power in the face of fluctuating and changing energy demand and supply. At times the grid struggles to provide an efficient, consistent supply of energy due to variations in demand and the unreliability of renewable energy supplies. Energy storage facilities and their associated infrastructure like that proposed offer flexibility to absorb surplus energy from renewable sources at times of excess to be released when needed.
- 5.2.5 In terms of the location, this type of development is often more appropriate in an industrial area, rather than in the open countryside, due to the visual impact, or close to residential areas. The application site is well related to existing energy infrastructure and there are a number of renewable energy projects in the area including a solar farm and wind turbines, both on and off-shore. The proposal will occupy a relatively small proportion of the allocated employment site overall and will leave the opportunity for employment development on the wider site to the east in the future. Paragraph 152 of the NPPF sets out that the planning system should support the transition to a low carbon future and paragraph 158 states that it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would comply with these aims as it would help to reduce carbon emissions by facilitating greater and more efficient storage capacity. For the above reasons, it is considered that the site provides an appropriate location for battery storage infrastructure and the conflict with the Development Plan with respect to the site's employment allocation are outweighed by the benefits of the proposal.
- 5.2.6 As required by Policy DM53, a condition is recommended to ensure that if the infrastructure proposed becomes non-operational for a period in excess of one year, the development is to be removed in full and the site fully restored to its original condition within one year.
- 5.3 **Ecological Implications (NPPF paragraphs 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and**

- 5.3.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The application is supported by a Shadow Habitat Regulations Assessment, this has been reviewed by Natural England who agree with the findings that the development of the site would not have significant impacts on these protected sites and that the site is not considered to be functionally linked land for over-wintering birds. The Council have adopted the Shadow Habitat Regulations Assessment with the agreement of Natural England.
- 5.3.2 The development site lies adjacent to but wholly outside of the Middleton Former Refinery Biological Heritage Site (BHS). This is a nature reserve which is managed by the Lancashire Wildlife Trust. Both the application site and the BHS are known to support a population of Great Crested Newts, which are a Protected Species. The proposed development presents a risk that Great Crested Newts may be harmed as a result of developing the site. Under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence will be required from Natural England. In this instance, rather than seek the traditional mitigation Licence, the applicant has opted to enter into the District Level Licence (DLL) incentive offered by Natural England. A provisional Great Crested Newts DLL Impact Assessment & Conservation Payment Certificate has been received as part of this application. Under the traditional approach to licensing for the disturbance of Great Crested Newts, developers wishing to develop land where Great Crested Newts are known to be present must trap and relocate the species from the site before commencing development. Research by Natural England has found that the amount of money spent on surveying, trapping and excluding with plastic fencing can outstrip that spent on habitat creation and management by a ratio of almost seven to one. Crucially, a lot of resource is used without there being significant benefits for the Great Crested Newts population. With respect to this application, Natural England have confirmed in writing that a provisional DLL was issued in relation to the application site on 8<sup>th</sup> November 2022. Significant weight must be attached to the fact that Natural England have granted a provisional Licence in this instance.
- 5.3.3 Ultimately, although Natural England have granted the provisional DLL, the Local Planning Authority must still have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 (the derogation tests) and must consider whether or not:
- i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
  - ii) That there is 'no satisfactory alternative'; and,
  - iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'
- 5.3.4 Having engaged with Natural England, it is accepted that their granting of the Licence demonstrates compliance with test iii above. However, tests 'i' and 'ii' must still be considered by the Local Planning Authority.
- 5.3.5 With respect to the first test, the benefits of the scheme in terms of control of energy supply and storage, and the environmental credentials of this, are detailed within the 'Principle of the development' section of this report. These benefits are considered to be in the public interest, and as such this test is considered to be passed. In terms of test two and the lack of a satisfactory alternative, by the nature of the proposal, proximity to the recently approved (22/00358/VCN) battery storage scheme is essential as is proximity to a grid connection. As such, the impact upon the Great Crested Newt population is considered to be adequately mitigated through the DLL process, and it is considered that the proposal is acceptable with regard to the Conservation of Habitats and Species Regulations 2010.
- 5.3.6 The application is supported by an Ecological Impact Assessment as well as a Biodiversity Net Gain (BNG) assessment including the DEFRA 3.1 Matrix. The Ecological Impact Assessment sets out that the development site consists of mosaic habitats on previously developed land and the habitats on site have the potential to support a range of notable or protected species, such as GCN. The Lancashire Wildlife Trust have confirmed that other priority and notable species are known to be

present in the local area and possibly within the development site including species of butterfly and moth. The development proposed will lead to the loss of mosaic habitats and Biodiversity Action Plan (BAP) neutral grassland habitats and could have a negative effect on any protected or notable species within the area at the time. However, the site is also quite disturbed given the public access to the land and footpaths which crisscross the site. In order to mitigate the harm in which the development phase will result, a Construction Environmental Management Plan (CEMP) will be necessary to ensure adequate mitigation to noise, light, dust and water pollution during this construction phase. Mitigation in terms of timing of works is necessary to minimise the displacement or disturbance of bird species, whereby the nesting and wintering period should be avoided. Furthermore, visual and noise mitigation through fencing and boundary planting will be required to mitigate the impacts of the development throughout the lifetime of the proposal, in addition to controls on artificial lighting from site. Subject to the aforementioned measures, it is considered that the proposal can adequately mitigate the impacts upon the natural environment and protected species.

- 5.3.7 The BNG assessment provided confirms that the development site accounts for 1.19 habitat units in its current form. The proposed development incorporating the green roof mitigation to the three non-battery storage buildings would lead to a loss of 1.07 habitat units or a 90.01% Net Loss in the ecological value of the site. In light of the fact that the proposed development extends across the full extent of the development area, it is not possible for the BNG losses to be compensated for within the development site itself. Brownfield sites such as this site where nature has been allowed to regenerate and are functionally linked with a wider network of habitats often hold quite significant ecological significance. In this instance, it is clear that the development of the site including and particularly for its allocated purpose (industrial uses) will most likely always result in harm to the sites ecological value. In this respect, there is a conflict with the site's allocation for employment/industrial development and the need to deliver ecological enhancements as part of that same development. In this case, it is not possible to both develop the site and enhance the ecological value of the site at the same time.
- 5.3.8 Therefore, off-site ecological compensation, to mitigate the BNG losses within the development site, is required. The developer has engaged with the Lancashire Wildlife Trust and has agreed to fund enhancement works within the adjacent Middleton Nature Reserve and BHS. The compensation scheme has been developed and costed by the Lancashire Wildlife Trust and consists of the installation of a network of fencing and gates within the Middleton Nature Reserve. The fencing will prevent unauthorised access from members of the public onto sensitive habitats within the reserve. Over a short amount of time, the habitats that have been degraded as a result of trampling, dog walking, antisocial behaviour, fires, etc. will begin to naturally regenerate. The regenerated and fenced habitats will provide protected areas for breeding birds, Great Crested Newts, wintering birds, invertebrates and other priority or notable species that are known to be present. This will then have ongoing and long-term benefits to the species that utilise the sites and the wider area. For example, there may be a higher success rate of breeding birds, breeding Great Crested Newts and invertebrates (as well as other species) as a result of the enhanced and regenerated habitats.
- 5.3.9 The financial contribution for the off-site compensation scheme will be split between this application (22/00668/FUL) and the application for the battery storage extension to the south of the site (22/00839/FUL). The total contribution is £36,000 with this distributed proportionately based on site area between the two developments. 27% or £9,720 is to be contributed upon commencement of works proposed through 22/00668/FUL. The remaining 73% or £26,280 is to be contributed upon commencement of works proposed through 22/00839/FUL. Therefore, the financial contribution is proportionate to the level of harm in which each development results individually. This is to be secured by way of a planning obligation. It is considered that the habitat enhancement that would result by way of the off-site compensation scheme and the resulting benefits in which this will result to the adjacent nature reserve, satisfactorily compensates for the ecological harm in which the proposed development results to the development site. It is considered that providing a financial contribution to fund habitat enhancement works within immediately adjacent Nature Reserve is the best of course of action as opposed to the developer purchasing credits from a recognised habitat bank.
- 5.3.10 Cotoneaster, a potentially invasive species, was found to be present on the site. As outlined in the Ecological Impact Assessment, invasive species on site should be mapped during spring/summer months to prevent unintentional spread. Invasive species control should be implemented within the

development area. An appropriate Invasive Species Management Plan will be prepared and this can be the subject of a condition.

- 5.3.11 Overall, whilst the development will diminish the ecological value of the site, it is considered that the proposal will not have a significant impact on biodiversity as whole in light of the mitigation and off-site compensation works which have been secured.
- 5.4 **Highway Implications** (NPPF paragraphs 104-109 (Promoting Sustainable Transport);, Development Management (DM) DPD policy DM60: (Enhancing Accessibility and Transport Linkages))
- 5.4.1 The proposed development will utilise an existing privately maintained access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site as part of this application and it is considered that there would not be a detrimental impact to highway safety. County Highways raise no objection to the development subject to a condition requiring the submission and agreement of a Construction Traffic Management Plan which is recommended.
- 5.5 **Design, landscape and visual impact** (NPPF: paragraphs 126-136 (Achieving Well-Designed Places), paragraphs 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact))
- 5.5.1 The proposed infrastructure will occupy an area of approximately 0.17 hectares and will be relatively low when compared to the industrial units within the wider industrial estate. The proposed transformer is the largest piece of equipment measuring 8.6 metres in height and 12 metres in length. The substation and welfare buildings are smaller at approximately 3.5 metres in height. The plans set out that all metal surfaces would be painted in subdued colour and the site would be surrounded by a powder coated 2 metre high perimeter fence. The precise colour and details of the fence can be conditioned. Given the height of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area.
- 5.6 **Impacts in relation to nearby hazardous installations** (NPPF: paragraphs 45, 97, 126-136 (Achieving Well-Designed Places); Development Management (DM) DPD policies DM29 (Key Design Principles))
- 5.6.1 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd, which is located immediately to the northwest, within the adjacent allocated employment site. It is also within the middle zone in relation to Heysham Power Station and a public sewer crosses the site. No objections have been raised to the proposal by operators of either of these sites. The scheme retains the emergency access route in relation to Tradebe. An assessment has also been undertaken by HSE (through the online system) which raises no objection in terms of the proximity of the use proposed in relation to the hazardous installations.
- 5.7 **Drainage** (NPPF: Section 14 (Meeting the challenge of climate change, flooding and coastal change), Development Management (DM) DPD policies DM29 (Key Design Principles) and DM34 (Surface Water Run-off and Sustainable Drainage))
- 5.7.1 The proposed development will involve the installation of some impermeable elements, such as transformer infrastructure and control cabins, located on a broader area of permeable subbase aggregate. This will include some degree of surface water attenuation within the site before discharging back to the hydrological network at greenfield rate. Despite the lack of a detailed drainage strategy at this time, given the scale and nature of the site, it is considered that the surface water run-off management can be designed and accommodated within the site in accordance with the sustainable drainage hierarchy. This can be controlled through planning condition. No details have been provided regarding foul drainage, and whilst on-site facilities are likely to be modest due to the lack of continual employee presence on site, details of this would similarly be required through planning condition.

**6.0 Conclusion and Planning Balance**

- 6.1 The application represents a departure from the Local Plan, which identifies the site as part of an allocated employment site. Whilst the proposal does not fall within the acceptable uses set out in the associated policy, it is considered to be a compatible use and will contribute towards reducing carbon emissions by facilitating the storage and distribution of electricity from renewable energy schemes when there is a surplus in the network and releasing it when there is a deficit. It is therefore considered that the site provides an appropriate location for energy infrastructure. The application is considered to be acceptable in all other regards.

**Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Decommissioning and removal in the event of the site becoming non-operational	Control
4	Construction Environmental Management Plan	Pre-commencement
5	Construction Traffic Management Plan	Pre-commencement
6	Surface water and foul drainage strategy	Pre-commencement
7	Standard contaminated land condition	Pre-commencement
8	Control of invasive species	Pre-commencement
9	District Level Licencing Confirmation	Pre-commencement
10	Details of materials: colour and finish to containers; details of fencing; details of surfacing; details of green roof; details of building colours	Prior to development above ground
11	Details of external lighting	Prior to development above ground
12	Soft landscaping scheme	Prior to development above ground
13	Development in accordance Ecological Impact Assessment mitigation strategy	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

<b>Agenda Item</b>	A9
<b>Application Number</b>	22/00839/FUL
<b>Proposal</b>	Construction of 100 MWh energy storage facility with associated boundary fencing, access road and column mounted CCTV cameras
<b>Application site</b>	Land to the South of Middleton Clean Energy Plant Middleton Road Middleton Lancashire
<b>Applicant</b>	Ms Donna Cooper
<b>Agent</b>	Mr Daniel Grierson
<b>Case Officer</b>	Mr Robert Clarke
<b>Departure</b>	Yes
<b>Summary of Recommendation</b>	Approval – Delegate back to Head of Service for finalisation of planning obligation.

## 1.0 Application Site and Setting

- 1.1 This site relates to an area of land which is part of the former Middleton Oil Refinery and is known locally as Middleton Wood. It comprises approximately 0.47 hectares of mainly rough ground with areas of tipped/piled material. In parts some natural regenerated vegetation has occurred. There are areas of hardstanding forming an original portion of the road network within the refinery site. The site is accessed via a road through an existing industrial state, off Middleton Road.
- 1.2 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd which is located immediately to the northwest within the established industrial area. It is also within the Health and Safety Executive middle consultation zone in relation to Heysham Power Station. The site falls within the established employment area Major Industrial Estate (EC1.9). It also falls within the Heysham Gateway Regeneration Priority Area. The site is also identified as forming part of a larger historic landfill site.
- 1.3 Adjacent to the eastern boundary of the site is the Middleton Former Refinery Biological Heritage Site (BHS). This extends over a large area to the east, south and west of the site and forms Middleton Nature Reserve. Located approximately 800 metres to the south west is the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Marine Conservation Area.

## 2.0 Proposal

- 2.1 Planning permission is sought for the installation of a battery storage facility, which would have a capacity up to 100MWh. The facility incorporates the siting of battery storage units arranged in 7 rows along with a transformer, inverter, communications equipment containers at the end of each row. The proposal also includes the installation of a 2 metre high security fence around the site perimeter, installation of CCTV columns, creation of internal access road and formation of a SuDS basin. In addition to the internal site access road, the developer has also committed to undertaking upgrade works to the existing site access road.



2.2 This application follows on from a recently approved battery storage facility to the north which provides 99.95MWh of storage capacity (22/00358/VCN) and a substation facility also to the north which is currently being considered (22/00668/VCN).

### 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
22/01153/EIR	Screening opinion for the construction of 100 MWh energy storage facility with associated internal access road, boundary fencing and gate and 3 CCTV columns	Environmental Statement not required
22/00668/FUL	Erection of a substation compound comprising of a transformer, HV equipment, switchgear control room, welfare cabin and DNO substation building with associated boundary fencing, access road and column mounted CCTV cameras	Pending consideration
22/00358/VCN	Installation of 99.95MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds (pursuant to the variation of condition 2 on approved application 18/01203/FUL to amend the layout and container specifications)	Approved
21/01534/NMA	Non material amendment to planning permission 18/01203/FUL for rearrangement of battery storage containers	Withdrawn
21/00735/NMA	Non material amendment to planning permission 18/01203/FUL to change the maximum output from 49.9MW to 99.95MW	Approved
18/01203/FUL	Installation of a 49.9MW battery storage facility including 2m security fence, battery units, cabling and creation of attenuation ponds	Approved
14/01117/FUL	Erection of a 47.5mw gas fired power station and associated works	Approved
95/01352/DPA	Change of use from derelict Shell/ICI works to Middleton Community Wood	Granted 1/4/1996

### 4.0 Consultation Responses

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

Consultee	Response
The Wildlife Trust	Raises concerns regarding the impact of developing the site upon its ecological value and possibility of notable species. Off-site ecological compensation required along with a Construction Environmental Management Plan (CEMP).
Planning Policy	Response provided highlights the relevant policy considerations.
Engineers	No response received.

Greater Manchester Ecology Unit (GMEU)	Raises concerns regarding Biodiversity Net Gain calculations. Conditions requested regarding confirmation of District Level Licencing for Great Crested Newts, a Construction Environmental Management Plan (CEMP) and methodology for the clearance of invasive species from the site.
EDF	No response received.
Parish Councils	No response received.
County Highways	No objection subject to conditions requiring submission and agreement of a Construction Traffic Management Plan (CTMP) and incorporation of wheel washing facilities.
Property Services	No response received.
Emergency Planning (Lancashire County Council Health, Safety & Resilience Service)	No objection. Advice provided regarding the requirements of the REPIR 2019 regulations and COMAH 2015 regulations and the need for further correspondence between the Applicant and the Lancashire County Council Health, Safety & Resilience Service.
Office of Nuclear Regulation	No response received.
Natural England	No objection.
Health and Safety Executive	Does not advise against development.
Fire Safety Officer	Advice provided highlighting the Applicant's responsibilities under the Regulatory Reform (Fire Safety) Order 2005.

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

## 5.0 Analysis

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

- Principle of development
- Ecological Implications
- Highway Implications
- Design, landscape and visual impact
- Impacts in relation to nearby hazardous installations
- Drainage

5.2 **Principle of development** (NPPF paragraphs: 7 – 12 (Achieving Sustainable Development) paragraphs 152 and 155 (Planning for climate change); Development Management (DM) DPD policies DM14 (Proposals involving employment land and premises), DM30 (Sustainable Design) and DM53 (Renewable Energy Generation in Lancaster District); Strategic Policies and Land Allocations DPD policies SP1 (Presumption in Favour of Sustainable Development), SP4 (Priorities for sustainable economic growth), EC1.9 (Established Employment Areas) and EC5.5 (Regeneration Priority Area)

5.2.1 The site is within an allocated employment site (EC1.9). Given that the proposal would be contrary to the employment allocation (B-type uses), it represents a departure from the adopted development plan as the proposal falls outside the uses that would be supported in principle on established employment areas. However, there is a need for this type of development which should be taken into consideration. The Draft Overarching National Policy Statement for Energy (EN-1) although not formally designated, places emphasis on energy storage infrastructure. EN-1 sets out that an increase in renewable electricity is essential to enable the UK to meet its commitments under

relevant legislation. Energy storage technology is recognised as being key to delivering the path to net zero by 2050 and The Energy White Paper: Powering our net zero future (December 2020) places significant emphasis on electricity storage, acknowledging that novel energy storage technologies could enable the decarbonisation of the energy system more deeply at lower costs. However, renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, as the deployment of renewable generating sources becomes more widespread, the greater the need is for associated renewable energy storage capacity. The renewable energy that is stored in battery storage facilities is subsequently fed back into the grid at times when the availability of intermittent renewable energy sources is low. The document goes on to say that electricity storage can be used to compensate for the intermittency of renewable generation.

- 5.2.2 The installation of the proposed 100MWh energy storage project will result in significant carbon savings and will contribute towards decarbonising the UK electricity grid. The applicant estimates this to be within the range of 4,314 to 6,742 tonnes of carbon dioxide equivalent per annum, depending on the methodology used.
- 5.2.3 Policy DM53 sets out the Council's commitment to supporting the transition to a lower carbon future and support for proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts on stated considerations are or will be made acceptable. On 30 January 2019, the council declared a climate emergency. Lancaster City Council subsequently conducted a climate emergency focused review of the adopted Local Plan, thus highlighting the importance that the climate emergency has in decision making in the district. The aim of the review is to ensure that the climate emergency declaration is fully considered within the planning policies for the district ensuring that climate change adaptation and mitigation is central to all new development. The Council is also committed to supporting the district in reaching net zero by 2030.
- 5.2.4 This proposed development will aid in providing greater battery storage capacity to absorb surplus energy from renewable sources at times of excess to be released when needed back into the grid. Consequently, the proposed development will contribute towards helping the national grid provide a reliable source of power in the face of fluctuating and changing energy demand and supply. At times the grid struggles to provide an efficient, consistent supply of energy due to variations in demand and the unreliability of renewable energy supplies. In addition to this, the applicant has also committed to upgrading the existing access road which currently consists of broken tarmac overgrown with vegetation and areas of gravel road. Securing upgrades to this access road as part of the development which could encourage development and investment into the wider employment allocation which weight notably in favour of the proposed development. The requirement to undertake these works can be secured by condition.
- 5.2.5 In terms of the location, this type of development is often more appropriate in an industrial area, rather than in the open countryside, due to the visual impact, or close to residential areas. The application site is well related to existing energy infrastructure and there are a number of renewable energy projects in the area including a solar farm and wind turbines, both on and off-shore. The proposal will occupy a relatively small proportion of the allocated employment site overall and will leave the opportunity for employment development on the wider site to the east in the future. Paragraph 152 of the NPPF sets out that the planning system should support the transition to a low carbon future and paragraph 158 states that it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would comply with these aims as it would help to reduce carbon emissions by facilitating greater and more efficient storage capacity. For the above reasons, it is considered that the site provides an appropriate location for battery storage infrastructure and the conflict with the Development Plan with respect to the site's employment allocation are outweighed by the benefits of the proposal.
- 5.2.6 As required by Policy DM53, a condition is recommended to ensure that if the infrastructure proposed becomes non-operational for a period in excess of one year, the development is to be removed in full and the site fully restored to its original condition within one year.
- 5.3 **Ecological Implications (NPPF paragraphs 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and**

- 5.3.1 The site is located approximately 800 metres to the northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The application is supported by a Shadow Habitat Regulations Assessment, this has been reviewed by Natural England who agree with the findings that the development of the site would not have significant impacts on these protected sites and that the site is not considered to be functionally linked land for over-wintering birds. The Council have adopted the Shadow Habitat Regulations Assessment with the agreement of Natural England.
- 5.3.2 The development site lies adjacent to but wholly outside of the Middleton Former Refinery Biological Heritage Site (BHS). This is a nature reserve which is managed by the Lancashire Wildlife Trust. Both the application site and the BHS are known to support a population of Great Crested Newts, which are a Protected Species. The proposed development presents a risk that Great Crested Newts may be harmed as a result of developing the site. Under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a Licence will be required from Natural England. In this instance, rather than seek the traditional mitigation Licence, the applicant has opted to enter into the District Level Licence (DLL) incentive offered by Natural England. A provisional Great Crested Newts DLL Impact Assessment & Conservation Payment Certificate has been received as part of this application. Under the traditional approach to licensing for the disturbance of Great Crested Newts, developers wishing to develop land where Great Crested Newts are known to be present must trap and relocate the species from the site before commencing development. Research by Natural England has found that the amount of money spent on surveying, trapping and excluding with plastic fencing can outstrip that spent on habitat creation and management by a ratio of almost seven to one. Crucially, a lot of resource is used without there being significant benefits for the Great Crested Newts population. With respect to this application, Natural England have confirmed in writing that a provisional DLL was issued in relation to the application site on 8<sup>th</sup> November 2022. Significant weight must be attached to the fact that Natural England have granted a provisional Licence in this instance.
- 5.3.3 Ultimately, although Natural England have granted the provisional DLL, the Local Planning Authority must still have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 (the derogation tests) and must consider whether or not:
- i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
  - ii) That there is 'no satisfactory alternative'; and,
  - iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'
- Having engaged with Natural England, it is accepted that their granting of the Licence demonstrates compliance with test iii above. However, tests 'i' and 'ii' must still be considered by the Local Planning Authority.
- 5.3.4 With respect to the first test, the benefits of the scheme in terms of providing greater capacity for the storage of renewably sourced energy, and the environmental credentials of this, are detailed within the 'Principle of the development' section of this report. These benefits are considered to be in the public interest, and as such this test is considered to be passed. In terms of test two and the lack of a satisfactory alternative, by the nature of the proposal, proximity to the recently approved (22/00358/VCN) battery storage scheme is essential as is proximity to the substation infrastructure proposed through 22/00668/FUL, to which the battery storage facility proposed will be functionally linked. As such, the impact upon the Great Crested Newt population is considered to be adequately mitigated through the DLL process, and it is considered that the proposal is acceptable with regard to the Conservation of Habitats and Species Regulations 2010.
- 5.3.5 The application is supported by an Ecological Impact Assessment as well as a Biodiversity Net Gain (BNG) assessment including the DEFRA 3.1 Matrix. The Ecological Impact Assessment sets out that the development site consists of mosaic habitats on previously developed land and the habitats on site have the potential to support a range of notable or protected species, such as GCN. The

Lancashire Wildlife Trust have confirmed that other priority and notable species are known to be present in the local area and possibly within the development site including species of butterfly and moth. The development proposed will lead to the loss of mosaic habitats and Biodiversity Action Plan (BAP) neutral grassland habitats and could have a negative effect on any protected or notable species within the area at the time. However, the site is also quite disturbed given the public access to the land and footpaths which crisscross the site. In order to mitigate the harm in which the development phase will result, a Construction Environmental Management Plan (CEMP) will be necessary to ensure adequate mitigation to noise, light, dust and water pollution during this construction phase. Mitigation in terms of timing of works is necessary to minimise the displacement or disturbance of bird species, whereby the nesting and wintering period should be avoided. Furthermore, visual and noise mitigation through fencing and boundary planting will be required to mitigate the impacts of the development throughout the lifetime of the proposal, in addition to controls on artificial lighting from site. Subject to the aforementioned measures, it is considered that the proposal can adequately mitigate the impacts upon the natural environment and protected species.

- 5.3.6 The BNG assessment provided confirms that the development site accounts for 5.36 habitat units in its current form. The proposed development incorporating possible on-site mitigation of the proposed SuDS pond and mixed scrub planting around the pond would lead to a loss of 4.78 units or 89.21% Net loss in the ecological value of the site. In light of the fact that the proposed development extends across the full extent of the development area, it is not possible for the BNG losses to be compensated for within the development site itself. Brownfield sites such as this site where nature has been allowed to regenerate and are functionally linked with a wider network of habitats often hold quite significant ecological significance. In this instance, it is clear that the development of the site including and particularly for its allocated purpose (industrial uses) will most likely always result in harm to the sites ecological value. In this respect, there is a conflict with the site's allocation for employment/industrial development and the need to deliver ecological enhancements as part of that same development. In this case, it is not possible to both develop the site and enhance the ecological value of the site at the same time.
- 5.3.7 Therefore, off-site ecological compensation, to mitigate the BNG losses within the development site, is required. The developer has engaged with the Lancashire Wildlife Trust and has agreed to fund enhancement works within the adjacent Middleton Nature Reserve and BHS. The compensation scheme has been developed and costed by the Lancashire Wildlife Trust and consists of the installation of a network of fencing and gates within the Middleton Nature Reserve. The fencing will prevent unauthorised access from members of the public onto sensitive habitats within the reserve. Over a short amount of time, the habitats that have been degraded as a result of trampling, dog walking, antisocial behaviour, fires, etc. will begin to naturally regenerate. The regenerated and fenced habitats will provide protected areas for breeding birds, Great Crested Newts, wintering birds, invertebrates and other priority or notable species that are known to be present. This will then have ongoing and long-term benefits to the species that utilise the sites and the wider area. For example, there may be a higher success rate of breeding birds, breeding Great Crested Newts and invertebrates (as well as other species) as a result of the enhanced and regenerated habitats.
- 5.3.8 The financial contribution for the off-site compensation scheme will be split between this application (22/00839/FUL) and the application for the substation compound to the north (22/00668/FUL). The total contribution is £36,000 with this distributed proportionately based on site area between the two developments. 27% or £9,720 is to be contributed upon commencement of works proposed through 22/00668/FUL. The remaining 73% or £26,280 is to be contributed upon commencement of works proposed through 22/00839/FUL. Therefore, the financial contribution is proportionate to the level of harm in which each development results individually. This is to be secured by way of a planning obligation. It is considered that the habitat enhancement that would result by way of the off-site compensation scheme and the resulting benefits in which this will result to the adjacent nature reserve, satisfactorily compensates for the ecological harm in which the proposed development results to the development site. It is considered that providing a financial contribution to fund habitat enhancement works within immediately adjacent Nature Reserve is the best of course of action as opposed to the developer purchasing credits from a recognised habitat bank.
- 5.3.9 Cotoneaster, a potentially invasive species, was found to be present on the site. As outlined in the Ecological Impact Assessment, invasive species on site should be mapped during spring/summer months to prevent unintentional spread. Invasive species control should be implemented within the

development area. An appropriate Invasive Species Management Plan will be prepared and this can be the subject of a condition.

- 5.3.10 Overall, whilst the development will diminish the ecological value of the site, it is considered that the proposal will not have a significant impact on biodiversity as whole in light of the mitigation and off-site compensation works which have been secured.
- 5.4 **Highway Implications** (NPPF paragraphs 104-109 (Promoting Sustainable Transport);, Development Management (DM) DPD policy DM60: (Enhancing Accessibility and Transport Linkages))
- 5.4.1 The proposed development will utilise an existing privately maintained access road through the adjacent industrial estate, off Middleton Road. Adjacent to the site there is an existing road, which served the former refinery site, and this will provide access to the site. There are no changes proposed to the access to the site as part of this application and it is considered that there would not be a detrimental impact to highway safety. County Highways raise no objection to the development subject to a condition requiring the submission and agreement of a Construction Traffic Management Plan which is recommended.
- 5.5 **Design, landscape and visual impact** (NPPF: paragraphs 126-136 (Achieving Well-Designed Places), paragraphs 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact))
- 5.5.1 The battery containers and associated infrastructure will occupy an area of approximately 1642.85m<sup>2</sup>, the remaining area of the site will remain open. The battery containers are also relatively low with a maximum height of 3.5 metres. The plans set out that all metal surfaces would be painted in subdued colour and the site would be surrounded by a dark green 2 metre high perimeter fence. Given the height of the structures and the proximity to the existing industrial development, it is considered that the proposal will not have a detrimental impact on the landscape or the amenity of the area.
- 5.6 **Impacts in relation to nearby hazardous installations** (NPPF: paragraphs 45, 97, 126-136 (Achieving Well-Designed Places); Development Management (DM) DPD policies DM29 (Key Design Principles))
- 5.6.1 The site lies within the zone of influence of a Control of Major Accident Hazard (COMAH) site at Tradebe Solvent Recycling Ltd, which is located immediately to the northwest, within the adjacent allocated employment site. It is also within the middle zone in relation to Heysham Power Station and a public sewer crosses the site. No objections have been raised to the proposal by operators of either of these sites. The scheme retains and upgrades part of the emergency access route in relation to Tradebe. An assessment has also been undertaken by HSE (through the online system) which raises no objection in terms of the proximity of the use proposed in relation to the hazardous installations.
- 5.7 **Drainage** (NPPF: Section 14 (Meeting the challenge of climate change, flooding and coastal change), Development Management (DM) DPD policies DM29 (Key Design Principles) and DM34 (Surface Water Run-off and Sustainable Drainage))
- 5.7.1 The proposed development will involve the installation of some impermeable elements, such as the battery containers and associated transformer infrastructure and cabinets, located on a broader area of permeable subbase. The development includes an above ground detention pond located adjacent to the southern boundary. This will provide a degree of surface water attenuation within the site before discharging back to the hydrological network at greenfield rate. Despite the lack of a detailed drainage strategy at this time, given the scale and nature of the site, it is considered that the surface water run-off management can be designed and accommodated within the site in accordance with the sustainable drainage hierarchy. This can be controlled through planning condition.

**6.0 Conclusion and Planning Balance**

- 6.1 The application represents a departure from the Local Plan, which identifies the site as part of an allocated employment site. Whilst the proposal does not fall within the acceptable uses set out in the associated policy, it is considered to be a compatible use and will contribute towards reducing carbon emissions by storing electricity from renewable energy schemes when there is a surplus in the network and releasing it when there is a deficit. It is therefore considered that the site provides an appropriate location for a battery storage facility and would not have a detrimental impact on highway safety, flood risk, biodiversity or the amenity of the locality.

**Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Decommissioning and removal in the event of the site becoming non-operational	Control
4	Construction Environmental Management Plan	Pre-commencement
5	Construction Traffic Management Plan	Pre-commencement
6	Surface water drainage strategy	Pre-commencement
7	Standard contaminated land condition	Pre-commencement
8	Control of invasive species	Pre-commencement
9	District Level Licencing Confirmation	Pre-commencement
10	Details of materials: colour and finish to containers; details of fencing; details of surfacing; details of green roof; details of building colours	Prior to development above ground
11	Details of external lighting	Prior to development above ground
12	Soft landscaping scheme	Prior to development above ground
13	Details and installation of road upgrades	Prior to development above ground/prior to first operation
14	Development in accordance Ecological Impact Assessment mitigation strategy	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

<b>Agenda Item</b>	A10
<b>Application Number</b>	22/01432/VCN
<b>Proposal</b>	Change of use and conversion of existing warehouse (B8) to student accommodation (C3) comprising of 16 1-bed studios, erection of 3-storey side extension, installation of dormer extensions, installation of new window and door openings, installation of rooflights and solar panels to the roof and erection of a 3-storey building for student accommodation comprising 8 1-bed studios with associated plant room and bin store and erection of a bin store and installation of drainage infrastructure (pursuant to the variation of condition 2 on planning permission 20/00964/FUL to amend approved plans by moving position of proposed new 3-storey building away from the North boundary by 925mm)
<b>Application site</b>	J Wedlake And Son Wheatfield Street Lancaster Lancashire
<b>Applicant</b>	Mr K Jayousi
<b>Agent</b>	Mr Chris Harrison
<b>Case Officer</b>	Mr Robert Clarke
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

## 1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is a former engineering works situated within a rectangular plot and which includes a large 3-storey building at its eastern end and a large forecourt service yard at the western end. There are also remnants of previous smaller ancillary buildings located on the western and northern boundaries. The site fronts and is accessed from Wheatfield Street and is located close to the junction with Meeting House Lane. The frontage of the site consists of a wide gated access. The existing building is set back within the site, this has a rendered frontage with natural stone walls to the side and rear elevations. The roof is a natural slate pitched roof which sits behind a parapet to the front elevation.
- 1.2 The site is wholly surrounded by residential properties with the 4-storey side elevation of St James Court immediately abutting the northern site boundary. To the south lies Wheatfield Court a complex of residential properties. On the opposite side of Wheatfield Street to the west of the site is a recently built residential development which includes houses and flats on the site of a former car dealership and service garage. Beyond this lies the west coast railway line. To the east are the residential dwellings located on Dallas Road. Land levels to the north of the site are slightly higher as levels decrease from Meeting House Lane down the length of Wheatfield Street.



1.3 The site is located within the Lancaster Conservation Area, and in close proximity to the Lancaster Air Quality Management Area. The surrounding highway network forms part of the residential parking permit scheme. A number of designated heritage assets are located along the northern side of Meeting House Lane including the Grade II\* listed Friends Meeting House.

**2.0 Proposal**

2.1 Planning permission was granted in October 2021 for the change of use of the existing warehouse building to form student accommodation (Use Class C3) comprising 16 studio apartments and ancillary plant rooms and bicycle storage space. The approved development also included the erection of a 3-storey side extension to the southern elevation, installation of two dormer extensions to the southern roof slope, installation of rooflights and solar panels and installation of new window and door openings throughout the existing warehouse. In addition, a new part 3-storey and part single storey building was also approved at the western boundary of the site fronting Wheatfield Street which comprised of a further 8 student studios (Use Class C3) and associated ancillary plant rooms and bin storage area. An additional bin storage facility was also included on the southern boundary of the site.

2.2 This Section 73 variation of condition application seeks to vary condition 2 (approved plans) on the original permission to allow for the siting of the 3-storey new building to be moved 925mm to the south. Following further ground investigations, this relocation is required so as to enable suitable foundations to be installed.

**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
22/00075/DIS	Discharge of conditions 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on approved application 20/00964/FUL	Split decision
20/00964/FUL	Change of use and conversion of existing warehouse (B8) to student accommodation (C3) comprising of 16 1-bed studios, erection of 3-storey side extension, installation of dormer extensions, installation of new window and door openings, installation of rooflights and solar panels to the roof and erection of a 3-storey building for student accommodation comprising 8 1-bed studios with associated plant room and bin store and erection of a bin store and installation of drainage infrastructure	Permitted
20/00256/PRETWO	Conversion of existing warehouse and construction of new block for residential / student accommodation	Advice provided
17/01219/OUT	Outline application for the erection of a 2 storey and one 4 storey buildings comprising 12 apartments (C3) with associated access and relevant demolition of general industrial building (B2) and ancillary outbuildings	Permitted
16/01412/OUT	Outline application for the erection one 3 storey and one 4 storey buildings comprising 14 apartments (C3) with associated access and Relevant Demolition of general industrial building (B2) and ancillary outbuildings	Withdrawn

## 4.0 Consultation Responses

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

Consultee	Response
<b>Environmental Health</b>	No response received.
<b>United Utilities</b>	No response received.
<b>Lead Local Flood Authority</b>	No objection.
<b>Engineering Team</b>	No response received.
<b>County Strategic Planning and Transport</b>	No response received.
<b>Network Rail</b>	Requests that a Basic Asset Protection Agreement (BAPA) is agreed with Network Rail.
<b>Arboricultural Officer</b>	No response received.
<b>University of Cumbria</b>	No response received.
<b>LUSU Housing</b>	No response received.
<b>Lancaster University</b>	No response received.
<b>Fire Safety Officer</b>	No response received.
<b>Lancashire Constabulary</b>	No response received.
<b>Lancaster Civic Society</b>	No response received.
<b>Planning Policy</b>	No response received.
<b>Waste and Recycling</b>	No response received.
<b>NHS</b>	Contribution required towards the extension and reconfiguration at Queens Square Medical Practice & King St surgery amounting to £8546.00.
<b>Strategic Housing</b>	No response received.
<b>Conservation Team</b>	No comments on this application.
<b>County Highways</b>	No objection.

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

## 5.0 Analysis

5.1 The principle of the development has already been established through the granting of the previous planning permission in 2021. This application just seeks to vary condition 2 of that permission, which relates to the approved plans. As such the key considerations in the assessment of this application are:

- Layout, design and heritage
- Amenity and standard of accommodation
- Highways and parking
- Flood risk and drainage
- Other material considerations

5.2 **Layout, design and heritage** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles, DM30: sustainable design, DM38: Development Affecting Conservation Areas, DM39: The Setting of Designated Heritage Assets. National Planning Policy Framework sections 12 and 16.

5.2.1 The impact of the proposal on the Conservation Area must be assessed according to the statutory duties of the Local Planning Authority under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, Development Management DPD policies DM38 and

DM39 are also relevant to this proposal. NPPF Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.2.2 This application relates to and follows on from the previously granted planning permission for the change of use of the existing warehouse to student accommodation, along with the erection of a new building at the front of the site. Following the granting of this planning permission, detailed ground investigations have taken place on site to assess the structural nature of the boundary wall to St James Court. The investigations concluded that it would be inappropriate to construct the new building as previously approved on the site boundary as the construction work would undermine the existing boundary wall and the newer block wall (of St James Court) behind. The solution to this is to re-locate the whole of new building 925mm further south, the new foundations would not then affect the existing wall.
- 5.2.3 The internal layout of the new building remains unchanged. However, because the flat roof connection of the previously approved scheme has been omitted, the pitch roof of the new building now has to have a longer span, this results in a central ridge which is approximately 250mm higher than the previously approved design. Relocating the new building 925mm to the south also reduces the width of the site access from Wheatfield Street, despite this vehicular access and a separated pedestrian access can still be retained. The resultant alley which is formed between the new building and the side elevation of St James Court will be secured with gates at each end and used for maintenance only.
- 5.2.4 The amendments sought which are driven by construction requirements do not significantly alter the design or character of the development. Other than the amendment to the position of the new building and a slightly taller ridge, the appearance of this part of the development remains as approved. On this basis, it is considered that the design, layout and appearance of the proposed development is appropriate to the character of the local area.
- 5.3 **Amenity and standard of accommodation** Development Management DPD DM7: Purpose Built Accommodation for Students, DM29: Key design principles. National Planning Policy Framework section 12.
- 5.3.1 The internal layout of the new building remains unchanged to that which was approved in 2021. As a result, the standard of accommodation provided within this building is acceptable.
- 5.3.2 The relocation of the new building further to the south increases the separation distance between the new structure and the side elevation of St James Court. The side elevation of St James Court features windows to the first and second floor flats which serve bedrooms, kitchens and bathrooms of the flats within. The relationship of the new building with these adjoining neighbours has already been supported as part of the previously approved application. The relocation of the new building further to the south will increase the separation distance and improve the relationship between the new building and the windows of the opposite flats. The slight increase in the ridge height by 250mm would not significantly impinge views or daylight.
- 5.4 **Highways and parking** Development Management DPD DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages; DM61: Walking and Cycling; DM62: Vehicle Parking Provision. National Planning Policy Framework sections 9 and 12.
- 5.4.1 The relocation of the new building 925mm further south reduces the width of the vehicular and pedestrian access into the site. Despite this, a vehicular access measuring 3.2 metres in width can be provided along with a separate pedestrian gate. Vehicular turning area and parking spaces within the site remains unaltered. County Highways have reviewed the revised site layout and raise no objection to the proposal.
- 5.5 **Flood risk and drainage** Development Management DPD DM29: Key Design Principles, DM33: Development and Flood Risk, DM34: Surface Water Run-off and Sustainable Drainage, DM35: Water Supply and Waste Water. National Planning Policy Framework section 14.

5.5.1 A detailed drainage strategy for the proposed development was submitted and approved as part of discharge of condition application 22/00075/DIS. This included both surface water and foul drainage being directed towards the combined public sewer. The already approved detailed drainage layout plans have been updated to reflect the amended proposed site layout. The Lead Local Flood Authority have reviewed this proposal and raise no objection to the proposed changes. A condition to ensure the development is undertaken with the detailed drainage strategy submitted as part of 22/00075/DIS and the amended detailed drainage layout plans is recommended.

### 5.6 **Other material considerations**

5.6.1 **Waste Storage** – As per the previously approved scheme, the proposal includes the provision of two waste storage facilities within the site. The Waste and Recycling Officer has confirmed that they consider the storage areas to be too far from the entrance to the site. Council collection crews would not move the bins from the storage areas to the front of the site for collection whilst the bin lorry would also not enter the site. The applicant has advised they intend to use a privately managed waste collection service which resolves the matter of bin storage location.

5.6.2 **Planning obligations** – A contribution of £8546.00 has been requested by the NHS to mitigate the effects of the development. Specifically, the consultation response states '*towards the extension and reconfiguration at Queens Square Medical Practice & King St surgery*'. However, the request fails to meet the required standard tests relating to planning obligations, as precise details of the project to which the money will contribute has not been provided.

5.6.3 **Network Rail** – The application site is located approximately 35 metres from operational Network Rail land. Between the site and the operational Network Rail land is Wheatfield Street and the residential development of Thomas and Harrison House. As part of the previously approved application, a noise assessment was submitted which established background noise levels in this location and recommended a specific glazing and ventilation strategy. This was reviewed by the Councils Environmental Health Officer who considered the noise assessment methodology to be robust and the glazing specification satisfactory. A condition was recommended to ensure that the windows are installed in accordance with the correct glazing specification and that detailed ventilation strategy be agreed.

5.6.4 As part of the previous application, the Councils Environmental Health Officer also considered the location of the development and its relationship with the operational rail network with particular reference to the impact of vibration. The previous application was supported by a letter from the applicant's representative setting out that a full vibration assessment would not be necessary in this instance. The application site lies 38 metres from the nearest railway track and 55 metres from the railway station. In light of this separation distance and the approach taken with other planning applications closer to the rail network, the Councils Environmental Health Officer considered that a vibration assessment was not required in this instance. Network Rail have provided a consultation response to this Section 73 application stating that they request the developer to complete an initial enquiry questionnaire and subsequently a basic asset protection agreement (BAPA). In light of the separation distance between the development site and Network Rail infrastructure, the presence of intervening development including a road and residential development, and the conclusions of the Councils Environmental Health Officer pertaining to the previous application, it is considered the requirement to engage with Network Rail through a basic asset protection agreement (BAPA) is onerous in this instance.

5.6.5 **Conditions update** – A discharge of conditions application (22/00075/DIS) was submitted following the approval of original planning permission 20/00964/FUL and which agreed various details. Relevant conditions will therefore be updated to reflect the details agreed as part of 22/00075/DIS, to prevent the need for these details to be submitted and agreed for a second time.

### 6.0 **Conclusion and Planning Balance**

6.1 The relocation of the new building 925mm to the south will have minimal impacts in design and heritage terms whilst acceptable residential amenity, vehicular access and site layout can still be retained. The proposed development is considered to be acceptable with regard to the other specified material considerations.

**Recommendation**

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit	Control
2	Approved plans	Control
3	Details and sample of materials to be agreed – Stone walling, render, quoins, window surrounds, boundary treatments, bin store walling and fencing	Prior to above ground works
4	Contaminated land assessment	Prior to occupation
5	Employment Skills Plan	Prior to occupation
6	Homeowner Information Packs	Prior to occupation
7	Cycle storage details	Prior to occupation
8	Security and lighting details	Prior to occupation
9	Provision of parking spaces	Prior to occupation
10	Provision of two 7.3kW electric vehicle charging points	Prior to occupation
11	Provision of bin storage facilities	Prior to occupation
12	Windows in accordance with noise assessment glazing specifications	Prior to occupation
13	Drainage Operation and Maintenance Plan and Verification Report	Prior to occupation
14	Details agreed - slate and ridge tiles, zinc cladding, windows and doors, rooflights, ridges, verges and eaves, dormers, rainwater goods and soil vent pipes, flues and vents, gates, solar panels	Control
15	Surface water drainage strategy	Control
16	foul drainage strategy	Control
17	Ventilation details	Control
18	Landscaping details	Control
19	Approved tree works	Control
20	Ecological mitigation measures	Control
21	Hours of construction	Control
22	Gated access arrangement set back a minimum of 5 metres from highway	Control
23	Restriction to student accommodation	Control

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

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

**Background Papers**

None

<b>Agenda Item</b>	A11
<b>Application Number</b>	22/01482/FUL
<b>Proposal</b>	Demolition of existing rear extension, erection of a single storey rear extension with raised balcony, erection of a detached garage to the rear and construction of a new driveway
<b>Application site</b>	5 Laureston Avenue Heysham Morecambe Lancashire
<b>Applicant</b>	Mr and Mrs Russell
<b>Agent</b>	Mr Richard Mews
<b>Case Officer</b>	Ms Lucy Livesey
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

**(i) Procedural Matters**

This form of development would normally be dealt with the Scheme of Delegation. However, as the applicant is an employee of Lancaster City Council, the application must be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

1.1 5 Laureston Avenue is a detached bungalow located in Heysham. The property features pebble dashed exterior walls, with white uPVC windows, underneath a red tiled hipped roof. The rear garden is bounded by approx. 1.8m high fencing to the south, stone fencing to the east and hedgerow to the north.

**2.0 Proposal**

2.1 The application seeks consent for the demolition of existing rear extension, erection of a single storey rear extension with raised balcony, erection of a detached garage to the rear and construction of a new driveway.

2.2 The proposed rear extension will measure approximately 8.8m wide, 4.9m deep, featuring a flat roof including a roof lantern, with a total height of 5.1m. The exterior walls will be finished in an off-white k-render with Agate Grey uPVC windows and doors and aluminium sliding doors.

2.3 This proposal also includes a raised balcony measuring 5.2m wide and 2.5m deep (an additional 1m will serve the external steps). At its lowest point, the raised balcony will be 1.5m from the garden floor level, and 2.1m at its highest point. A 2m high privacy screen will be sited along the northern elevation of the balcony. The balcony will be finished in grey composite decking and a glass balustrade with stainless steel posts.

2.4 In addition, a detached garage will be constructed to the east of the property. This will measure 4.2m wide, 5.4m deep, featuring a pitched roof with an eaves height of 2.2m and a total height of 3.6m. It will be finished in materials to match the proposed rear extension with the addition of dark grey roof tiles.

2.5 Following concerns raised by the Local Planning Authority and a local resident, the proposed scheme was amended to reduce the width of the balcony by setting it in from the boundary with the adjacent neighbouring property to the north.

**3.0 Site History**

3.1 No relevant planning history related to this application.

**4.0 Consultation Responses**

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

Consultee	Response
County Highways	<b>No objection</b> although the proposed garage space is smaller than the recommended 6x3m. <b>Recommends condition</b> for the driveway materials (to prevent loose materials from being carried onto the public highway).
Parish Council	No response has been received.

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

- **One letter of objection** to the original plans have been received. These primarily raised concerns relating to overlooking and loss of privacy.
- No public comments received following the amended plans.

**5.0 Analysis**

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

- Design
- Residential Amenity
- Parking and highways

**5.2 Design (Policy DM29 of the Development Management DPD and NPPF Section 12)**

5.2.1 The rear extension is not of any significant architectural merit and its demolition is considered to be acceptable and not detrimental to the character and appearance of the original building. The scale and massing of the proposed rear extension will be proportionate to the existing dwelling, sitting largely within the footprint of the existing rear extension. The proposed extension will feature a flat roof as per the existing rear extension; as such, this aspect of the proposal is considered to be acceptable in terms of character and design in relation to the existing dwelling. An appropriate amount of private garden space is retained. The existing materials to the dwelling will remain the same. The render to the proposed rear extension will add a contemporary look to the extension that is judged to complement the existing dwelling.

5.2.2 The proposed detached garage will be of an appropriate scale and design that will be in keeping with the rear extension. As it will be set back from the highway by approximately 24m and not highly visible, it is not judged to have an adverse impact upon visual amenity.

5.2.3 Overall, the proposed rear extension and detached garage are proportionate and subservient to the main dwelling, leaving sufficient garden space to the rear, and the materials will complement the existing dwelling. As much of the development will be to the rear, it will not be highly visible from the

street, and so is not judged to cause significant harm to visual amenity. The proposal is considered to comply with policy DM29 of the DM DPD and Section 12 of the NPPF and is therefore acceptable.

**5.3 Residential Amenity (Policy DM29 of the Development Management DPD and NPPF Section 12)**

5.3.1 Whilst the existing rear extension will be demolished, the proposed rear extension will project no further from the rear wall of the host dwelling, and as it will feature a flat roof (like existing). As such, the rear extension is not judged to be significantly overbearing on 5 Laureston Avenue, especially as the neighbour’s existing garage and the hedge boundary provide sufficient screening. Furthermore, the proposed rear extension will be set approximately 4.7m from the party boundary with 3 Laureston Avenue, and 13m from No.3’s dwelling, separated by the proposed driveway and the neighbour’s existing garage, therefore, the proposed extension is judged to be acceptable in terms of residential amenity.

5.3.2 Views from the windows to the rear elevation will look towards the applicant’s own garden space, similar to existing. The property is separated from the rear neighbouring properties by Goldcrest Corridor (PPG 17 Open Spaces), having a separation distance of over 40m between the habitable room windows. There will be two new windows to the side elevation. Both of these windows will serve a bathroom and so will be obscurely glazed and conditioned to be retained as such. Therefore, it is considered that the proposal raises no significant privacy or overlooking issues.

5.3.3 To prevent overlooking from the raised balcony, a 2m high privacy screen will be installed along the edge nearest to 7 Laureston Avenue which will guide views away from the boundary. Providing the privacy screen is conditioned to be installed and retained, it is considered that the proposal raises no privacy or overlooking issues and ensure that the residential amenity of the adjacent neighbouring property is protected.

5.3.4 The proposed garage will be to the east of the property. As the property benefits from satisfactory boundary treatments, the 1.8m high fences to the side and rear boundaries will provide sufficient screening which will protect the residential amenity of 3 Laureston Avenue, and the pitched roof of the garage will lessen the impact upon the neighbour’s private amenity space. The siting and scale of the proposed garage will not give rise to any significant overbearing/ overshadowing impact, or loss of privacy.

**5.4 Parking (Policy DM62 of the Development Management DPD and NPPF Section 9)**

5.4.1 The proposal includes a detached garage and the construction of a new driveway. The internal garage dimensions fall short of those required by Policy DM62, however, still provides potential for covered and secure bicycle storage or the housing of a smaller vehicle. The construction of a new driveway is considered to provide sufficient parking for the two-bed property for at least two vehicles. On balance, the proposal is acceptable in terms of parking provision.

5.4.2 County Highways have recommended that a condition to ensure that the driveway is appropriately paved prior to use for vehicular purposes.

**6.0 Conclusion and Planning Balance**

6.1 For the reasons outlined above, the proposed development is considered to comply with local and national policies and is therefore recommended for approval.

**Recommendation**

That Outline Planning Permission Listed Building Consent Advertisement Consent Approval of Reserved Matters Consent BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard Planning Permission Timescale	Control
2	Development in accordance with Amended Plans	Control



3	Driveway Surface Materials	Control
4	Privacy Screen	Control
5	Side windows to be obscure glazed	Control

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

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

**Background Papers**

None

## LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
21/00046/DIS	Ashton Golf Centre, Ashton Road, Ashton With Stodday Discharge of conditions 3, 4, 5, 6, 7, 8, 9 and 10 on approved application 17/01196/FUL for Mrs Lake (Ellel Ward 2015 Ward)	Application Permitted
22/00135/DIS	Land At Royal Albert Farm, Pathfinders Drive, Lancaster Discharge of condition 14 on approved application 19/01568/FUL for Oakmere Homes (Scotforth West Ward 2015 Ward)	Application Permitted
22/00156/DIS	Land East Of Hazelrigg Lane, Hazelrigg Lane, Scotforth Discharge of condition 13 on approved application 21/01247/FUL for Lancaster University (University And Scotforth Rural Ward)	Split Decision
22/00164/DIS	Bantons Farmhouse, Chipping Lane, Dolphinhholme Discharge of condition 3, 4, 5, 6, 7 and 8 on approved application 22/00495/VCN for Duchy of Lancaster (Ellel Ward 2015 Ward)	Application Permitted
22/00165/DIS	Bantons Farmhouse, Chipping Lane, Dolphinhholme Discharge of condition 4 and 5 on approved application 21/00136/LB for The Duchy of Lancaster (Ellel Ward 2015 Ward)	Application Permitted
22/00173/DIS	2 New Street, 55 - 59 Church Street, 1 Sun Street, Lancaster, Lancashire Discharge of conditions 3,4 & 5 on approved application 21/01153/LB for Michael Harrison (Castle Ward 2015 Ward)	Split Decision
22/00175/DIS	2 New Street, 55 - 59 Church Street, 1 Sun Street, Lancaster, Lancashire Discharge of conditions 4,5,6,7 and 8 on approved application 21/01152/FUL for MHO Mayar Ltd (Castle Ward 2015 Ward)	Split Decision
22/00178/DIS	Ellel Hall, Ellel Hall Gardens, Galgate Discharge of condition 2 on approved application 22/01023/VCN for Mr Craig Smith (Ellel Ward 2015 Ward)	Application Permitted
22/00243/FUL	5 And 7 Main Street, Hornby, Lancaster Erection of single storey rear extensions for Susan & Richard Briggs & Nicholls (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/00529/ADV	2 Castle Hill, Lancaster, Lancashire Advertisement application for the display of one hanging sign for Janet Moffatt (Castle Ward 2015 Ward)	Application Permitted
22/00530/LB	2 Castle Hill, Lancaster, Lancashire Listed building application for the display of one hanging sign for Miss Janet Moffatt (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/00677/FUL	1 Moor Platt, Caton, Lancaster Erection of a single storey rear extension for Mr Jamie Quarry (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/00698/FUL	Church Bank, Fall Kirk, Gressingham Installation of a package treatment plant for Mr And Mrs Carroll (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/00869/FUL	Fuel Proof Limited, Middleton Business Park, Middleton Road Demolition of existing storage unit and erection of new industrial unit for Fuel Proof Ltd (Overton Ward 2015 Ward)	Application Permitted
22/00873/FUL	Land Between 3 And 5 Dalton Road, Lancaster, Lancashire Demolition of 3 existing garages and erection of two detached dwellings (C3) with associated landscaping, access and erection of outbuilding for Lindsay Robertson (Bulk Ward 2015 Ward)	Application Refused
22/00883/FUL	Halls Cottage, The Green, Over Kellet Demolition of rear outbuildings, installation of rooflights to front elevation, installation of window and doors to front and rear elevation and retrospective removal of render to front elevation for Mr & Mrs Walsh (Kellet Ward 2015 Ward)	Application Permitted
22/00890/CU	Sws Uk Ltd, Hornby Road, Claughton Change of use from Storage and Distribution (class B8) to General Industrial (class B2) for Mr Derrick Knapp (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/00999/FUL	Croftlands, 4 Shore Road, Silverdale Erection of single storey side extension, installation of solar panels to the south facing roof pitch, alteration to windows and doors including installation of rooflights, installation of two windows to the second floor west front elevation, installation of two first floor windows to north side elevation, installation of a window to the first floor south side elevation, replacement of render to all elevations, demolition of outbuildings and erection of detached outbuilding and installation of sewage treatment plant for Mr & Mrs Steve Sladdin (Silverdale Ward 2015 Ward)	Application Permitted
22/01060/FUL	310 Marine Road Central, Morecambe, Lancashire Relevant demolition of existing double garage, change of use of hotel (C1) and cafe (E) to 6 serviced apartments (Sui Generis) and 1 managers flat (C3), removal of existing fire escape, installation of new and replacement windows/doors, creation of first floor terrace with associated balustrade, installation of rooflights to the front elevation and associated landscaping and parking for Hewitt Properties Ltd (Poulton Ward 2015 Ward)	Application Refused
22/01094/FUL	55 Twemlow Parade, Heysham, Morecambe Installation of replacement balcony and construction of external stairs to the rear elevation for Mr Steve Thomas (Heysham Central Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01104/FUL	MRL Services, Middleton Road, Heysham Erection of 5 small industrial/commercial/storage units (Class B2, B8 and E(g)) with associated parking and turning areas for Mr Tim Butler (Overton Ward 2015 Ward)	Application Permitted
22/01114/FUL	22 St Pauls Drive, Brookhouse, Lancaster Construction of a dormer extension to the rear elevation, replacement dormer extension to the front elevation and erection of a replacement detached garage for Mrs Dawn Hayhurst (Lower Lune Valley Ward 2015 Ward)	Application Permitted
22/01121/FUL	33 Walton Avenue, Morecambe, Lancashire Construction of a raised replacement roof to include hip to gable extensions and 2 front and 1 rear dormer extensions, erection of a front porch, single storey rear extension and detached garage for Mr L Stainsby (Torrisholme Ward 2015 Ward)	Application Permitted
22/01195/FUL	Land To The West Of Garstang Road, Cockerham, Lancashire Construction of an earth banked slurry lagoon with floating cover for Mr David Mitchell (Ellel Ward 2015 Ward)	Application Refused
22/01237/FUL	Broadband For The Rural North Limited, Station Yard, Melling Road Retrospective application for the temporary siting of two demountable units for use as office accommodation for 3 years for Broadband for the Rural North(B4RN) (Upper Lune Valley Ward 2015 Ward)	Application Withdrawn
22/01250/FUL	87 Westbourne Road, Lancaster, Lancashire Conversion of outbuilding to create residential annex and erection of a first floor extension for Mr Jayousi (Marsh Ward 2015 Ward)	Application Refused
22/01257/FUL	20 Hornby Terrace, Morecambe, Lancashire Retrospective application for the construction of a raised decking area with external steps for Mr Andrew Swarbrick (Poulton Ward 2015 Ward)	Application Refused
22/01263/FUL	4 Broadlands Drive, Bolton Le Sands, Carnforth Construction of a raised roof, hip to gable extension and rear dormer extension, erection of a single storey rear extension and construction of a raised terrace to the rear for Mrs Catrin Lowe (Bolton And Slyne Ward 2015 Ward)	Application Withdrawn
22/01264/FUL	Greendales Farm Caravan Park, Carr Lane, Middleton Siting of two static caravans to replace two holiday pods, siting of nine new static caravans, creation of outdoor gym in amenity area and landscaping for Mr M McCarthy (Overton Ward 2015 Ward)	Application Refused
22/01288/FUL	29 Cove Road, Silverdale, Carnforth Erection of a rear single storey extension and demolition of existing wall to create parking for Jacqueline Shorrocks (Silverdale Ward 2015 Ward)	Application Permitted
22/01292/FUL	Batty Hill Farm, Lancaster Road, Cockerham Use of building and agricultural land for 4 dwellings for holiday use (C3) and installation of a package treatment plant for Mr P Hewitt (Ellel Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

22/01303/FUL	1 Tarn Cottages, Highfield Lane, Bolton Le Sands Demolition of existing outbuilding and erection of a single storey front extension for Mr and Mrs Worthington (Bolton And Slyne Ward 2015 Ward)	Application Permitted
22/01309/CU	8 The Green, Over Kellet, Carnforth Retrospective application for change of use of mixed-use building comprising a ground floor shop (A1) with associated living accommodation over 2 floors (C3) to one dwelling (C3) for Mr & Mrs CR & TA Burns (Kellet Ward 2015 Ward)	Application Permitted
22/01319/FUL	Malt House, Melling Road, Melling Erection of a single storey side extension for Mr & Mrs Todd (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01320/PAC	2B Station Road, Hest Bank, Lancaster Prior approval for the change of use of Shop (E) to Dwelling (C3) for Mr G. Sharples (Bolton And Slyne Ward 2015 Ward)	Prior Approval Refused
22/01323/FUL	2 Church Hill, Church Street, Whittington Conversion of existing attached outbuilding into ancillary residential (bathroom and kitchen), creation of new vehicle access and associated retaining wall landscaping for Mr Jonathan Earl (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01330/FUL	The Old Dairy, Burrow Heights Farm, Burrow Heights Lane Installation of solar panels to south facing roof pitch for Mr Simon Woodland (University And Scotforth Rural Ward)	Application Permitted
22/01331/FUL	16 Lancaster Road, Carnforth, Lancashire Conversion of attic with rear dormer extension for Mr C. Kerr (Carnforth And Millhead Ward 2015 Ward)	Application Refused
22/01333/PAM	Grass Verge At OS Grid Reference E351420 N473015, Burton Road, Tewitfield Prior approval for the installation of 19m streetpole telecommunications mast, antennas, ground-based equipment cabinets and associated development for EE Ltd (Warton Ward 2015 Ward)	Prior Approval Not Required
22/01337/ELDC	57 Poulton Road, Morecambe, Lancashire Existing Lawful Certificate for works to the rear roof comprising the removal of existing roof tiles and battens, installation of new battens, re-slating and felting, installation of eave support trays and fascia vents, lead replacement around the chimney stack, replacement of Velux window with tile flashing and installation of a vented dry ridge system for Louisa Jones (Poulton Ward 2015 Ward)	Lawful Development Certificate Granted
22/01343/CU	29 Edward Street, Carnforth, Lancashire Change of use of first and second floor from storage and distribution (Class B8) to 1 3-bed maisonette (Class C3) for Mr M Baron (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
22/01348/ELDC	Jackdaw Quarry, Capernwray Road, Capernwray Existing Lawful development certificate for the lawful use of the site in relation to the non compliance of condition 6 on planning permission 99/00493/FUL relating to the use of the club facilities for Hack Enterprises Ltd (Kellet Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

22/01362/FUL	3 Portland Place , Aldcliffe Road, Lancaster Change of use of a dwelling house (Class C3) to a 5-bed house in multiple occupation (Class C4) for Mr Mohmedamin Patel (Castle Ward 2015 Ward)	Application Refused
22/01369/FUL	Land Adjacent To ISS Building And, Land Adjacent To Roundhouse Building, Lancaster University Erection of two ventilation turrets for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
22/01370/ADV	Land Adjacent To ISS Building , And Land Adjacent To Roundhouse Building, Lancaster University Advertisement application for the display of four internally illuminated digital signage display screens to the front and side elevations of two ventilation turrets for Lancaster University (University And Scotforth Rural Ward)	Application Permitted
22/01375/FUL	11 Wilton Close, Lancaster, Lancashire Erection of a first floor extension with roof alterations for Mr Wheatman (Skerton East Ward 2015 Ward)	Application Permitted
22/01377/FUL	2 Ascot Close, Lancaster, Lancashire Demolition of existing single storey side kitchen extension and rear conservatory and erection of a two storey side extension and rear single storey lean to extension to form granny annexe for Mr Sim Lane-Dixon (Scotforth East Ward 2015 Ward)	Application Permitted
22/01382/FUL	Flats 1 And 2, 336 Marine Road Central, Morecambe Change of use of two flats to one dwellinghouse for Mr Peter Brown Brown (Poulton Ward 2015 Ward)	Application Permitted
22/01383/FUL	9 Briarlea Road, Nether Kellet, Carnforth Erection of a two storey rear extension, side dormer extension, replacement of the existing external materials, alteration of the stepped access. for Mr & Mrs G Dalton (Kellet Ward 2015 Ward)	Application Withdrawn
22/01387/FUL	101 Westminster Road, Morecambe, Lancashire Change of use from dwellinghouse (C3) to a 6-bed holiday let (Sui Generis) for Mr George Cunningham (Harbour Ward 2015 Ward)	Application Permitted
22/01394/FUL	7 Dolphinholme Mill, Wagon Road, Dolphinholme Retrospective application for the erection of a balcony to the rear and side elevation for Mr John McGorrigan (Ellel Ward 2015 Ward)	Application Permitted
22/01398/LB	2 Melling Hall, Melling Road, Melling Listed building application for installation of secondary glazing to the side and rear elevation windows for Mr Kevin Barrett (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01410/RCN	18 China Street, Lancaster, Lancashire Change of use and conversion of former YMCA building into nine student apartments and retention of existing ground floor office (removal of condition 8 on planning permission 11/00778/CU) for Mr & Mrs N Hall (Castle Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01411/ELDC	18 China Street, Lancaster, Lancashire Existing lawful development application for conversion and use of the property as nine apartments and ground floor office to include all aspects of the development approved on planning permission 11/00778/CU for Mr & Mrs N Hall (Castle Ward 2015 Ward)	Lawful Development Certificate Granted
22/01420/FUL	42 Lister Grove, Heysham, Morecambe Erection of a part two storey, part single storey rear extension with balcony and an external staircase and erection of a porch for Mr.& Mrs. J. Cullen (Heysham South Ward 2015 Ward)	Application Permitted
22/01435/PLDC	2 Grove Court, Throstle Grove, Slyne Proposed lawful development certificate for the conversion of loft with installation of rooflights, conversion of garage to facilitate gym and utility and installation of windows and patio doors for mr Allan Dawson (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
22/01441/FUL	7 The Sheiling, Arkholme, Carnforth Erection of a single storey rear extension, enlargement of two existing upper floor windows, infill existing front door with installation of a window, removal of garage door with installation of front door and the conversion of garage to store for Mr and Mrs Jonathan and Claire Halsey (Kellet Ward 2015 Ward)	Application Permitted
22/01446/ADV	D Stoker Group , Fellgate, Morecambe Advertisement application for the display of three internally illuminated fascia signs, two internally illuminated totem signs and one internally illuminated mast sign for Mr Iain Stoker (Westgate Ward 2015 Ward)	Application Permitted
22/01453/LB	Flats 1 And 2, 336 Marine Road Central, Morecambe Listed building application for the installation of an internal door opening on the ground floor for Peter Brown (Poulton Ward 2015 Ward)	Application Permitted
22/01456/FUL	9 Church Park, Overton, Morecambe Demolition of existing conservatory and erection of a single storey rear extension for Miss R. Oneil (Overton Ward 2015 Ward)	Application Permitted
22/01458/FUL	Cock Hall Farm, Lancaster Road, Cockerham Retrospective application for the erection of an agricultural worker dwelling and installation of drainage infrastructure for Andrew Clarkson (Ellel Ward 2015 Ward)	Application Permitted
22/01459/FUL	50 Main Street, Warton, Carnforth Erection of two single storey extensions to side and rear for Mr and Mrs Taylor (Warton Ward 2015 Ward)	Application Permitted
22/01468/FUL	9 Borwick Lane, Warton, Carnforth Construction of a dormer extension to North West (rear) elevation for Mr+Mrs A+D Bradshaw (Warton Ward 2015 Ward)	Application Permitted
22/01473/FUL	37 Robin Crescent, Heysham, Morecambe Erection of a single storey extension to side and rear and garage extension to the side for Mr. R. Standen (Heysham South Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

22/01474/VCN	34 Fairhope Avenue, Lancaster, Lancashire Erection of a single storey rear extension (pursuant to the variation of condition 2 on approved application 21/01446/FUL to reduce the footprint of the extension and alter the window arrangement) for Mrs JD Carvalho (Skerton East Ward 2015 Ward)	Application Permitted
22/01475/FUL	1 Burton Avenue, Lancaster, Lancashire Demolition of existing rear conservatory, erection of single storey rear extension for Mr Daniel Speight (Skerton West Ward 2015 Ward)	Application Permitted
22/01480/FUL	New House Farm Caravan Park, Long Level, Cowan Bridge Demolition of existing agricultural barn and erection of storage building, erection of 4 dwellings (C3) for use as holiday lets with associated landscaping and parking for Mr Tom Hogarth (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01483/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
22/01484/FUL	15 Warley Drive, Morecambe, Lancashire Erection of a part first floor and part two storey side extension for Mr James Whiteley (Torrisholme Ward 2015 Ward)	Application Permitted
22/01488/VCN	Diviny Livery Stables, Middleton Road, Middleton Erection of a detached dwelling for equestrian worker (pursuant to the variation of condition 7 on planning permission 17/00708/FUL to clarify the wording of the use of the building condition) for Ms Hazel Diviny-Day (Overton Ward 2015 Ward)	Application Permitted
22/01489/PAA	Agricultural Building At Poplar Farm, Gulf Lane, Cockerham Prior approval for the change of use of agricultural buildings to 2 dwellings (C3) for Eddie Redmayne (Ellel Ward 2015 Ward)	Application Withdrawn
22/01490/FUL	26 Coleman Drive, Lancaster, Lancashire Installation of one rooflight to the front and two rooflights to the rear for Mr J Crosse (Bulk Ward 2015 Ward)	Application Permitted
22/01497/FUL	Smiths Barn, Bay Horse Road, Ellel Retrospective application for the installation of rooflights to the north and south roof slope, installation of solar panels to the south roof slope and air source heat pump to the side. for Mr David Gibbens (Ellel Ward 2015 Ward)	Application Permitted
22/01506/FUL	Yew Trees, Bentham Road, Wennington Installation of private sewage treatment plant and soakaway for Taylor and Smith (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01508/FUL	25 Victoria Parade, Morecambe, Lancashire Erection of a single storey outbuilding for Mr Gary Windle (Poulton Ward 2015 Ward)	Application Permitted



## LIST OF DELEGATED PLANNING DECISIONS

22/01509/PAM	Land At Middleton Way, Heysham, Lancashire Prior approval for the installation of 15 metre street pole and equipment cabinets for CK Hutchison Networks (UK) Ltd (Heysham South Ward 2015 Ward)	Prior Approval Refused
22/01510/FUL	5 Ripon Avenue, Lancaster, Lancashire Construction of a rear first floor balcony for Mr and Mrs Walling-Lewis (Skerton East Ward 2015 Ward)	Application Withdrawn
22/01511/FUL	Post Office, 99 - 101 Main Street, Warton Change of use of commercial unit (E) to provide additional floor space for an existing dwelling (C3), removal of shopfront with installation of windows for Mrs Evelyn Anderson (Warton Ward 2015 Ward)	Application Refused
22/01512/FUL	Cantsfield Grange, Cantsfield Road, Cantsfield Installation of solar panels to south facing roof slope for Mr Adrian Cresswell (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01514/FUL	4 Wellington Terrace, Morecambe, Lancashire Change of use of dwelling (C3) to 8-bed house of multiple occupation (sui generis) and construction of dormer extension to the front elevation for Mr Sean Ginger (Poulton Ward 2015 Ward)	Application Withdrawn
22/01517/FUL	6 Canterbury Avenue, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr Stuart Hemmings (John O'Gaunt Ward 2015 Ward)	Application Withdrawn
22/01519/PLDC	Moss House, Gulf Lane, Cockerham Proposed Lawful Development Certificate for proposed building operations to allow the completion of works approved under planning application 02/00665/CU (Appeal ref: APP/A2335/A/02/1104108) for Mr William Pye (Ellel Ward 2015 Ward)	Lawful Development Certificate Granted
22/01527/FUL	Quay Concrete, New Quay Road, Lancaster Erection of 2 hoppers in existing industrial yard area for Mr Mel Walsh (Marsh Ward 2015 Ward)	Application Permitted
22/01529/FUL	38 Skew Bridge Lane, Galgate, Lancaster Erection of a single storey rear extension for MR WHITTLE (Ellel Ward 2015 Ward)	Application Permitted
22/01530/FUL	23 Oak Drive, Halton, Lancaster Construction of dormer extensions to the front and rear elevations for Mr and Mrs Cruyton (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
22/01537/FUL	26 Station Road, Hornby, Lancaster Installation of solar panels to the rear roof for Mr Mark Norris (Upper Lune Valley Ward 2015 Ward)	Application Permitted
22/01548/FUL	22 Windsor Grove, Morecambe, Lancashire Demolition of existing garage and erection of outbuilding to the side for Mr.& Mrs. B. Alderson (Harbour Ward 2015 Ward)	Application Permitted
22/01550/PLDC	9 Winthorpe Avenue, Morecambe, Lancashire Proposed lawful development certificate for a hip to gable loft conversion with rear dormer for Mr.& Mrs. W. Ramsbottom (Westgate Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

22/01555/PLDC	3 Artle Mews, Caton, Lancaster Proposed lawful development certificate for internal remodelling to the ground and first floor, including new partitions and internal doors, proposed rear rooflights (3.no), new kitchen and en-suite, with associated drainage, safety glazing / balustrade to existing rear roof terrace, new external bi-fold doors to the rear elevation to replace existing external doors and window. for Mrs Fiona Leinster - Evans (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Refused
22/01557/FUL	40 Low Road, Middleton, Morecambe Demolition of existing rear extension and erection of part two storey, part single storey rear extension with terraced area above including balustrade and external steps, erection of a replacement porch, installation of a replacement raised roof to create additional accommodation on the first floor, installation of a window to the side elevation, render to all elevations and limestone cladding to the front and erection of a detached garage to the side for Mr & Mrs Darren Norman (Overton Ward 2015 Ward)	Application Permitted
22/01561/ELDC	4 Bay View Crescent, Slyne, Lancaster Existing Lawful Development Certificate for an attic conversion and construction of a dormer extension to the side elevation for Mr G. Pedder (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Refused
22/01564/ADV	Bus Shelter Next To Heysham Library, Heysham Road, Heysham Advertisement application for the display of an internally illuminated double-sided digital screen for Ms Kirstie Rowland (Heysham Central Ward 2015 Ward)	Application Permitted
22/01567/ADV	Bus Shelter At Next To Scale Hall Traffic Lights, Morecambe Road, Lancaster Advertisement application for the display of an internally illuminated single digital screen for Ms Kirstie Rowland (Skerton West Ward 2015 Ward)	Application Permitted
22/01579/PAM	Footpath Adjacent To 81-83, Scale Hall Lane, Lancaster Prior approval for the installation of 17m Phase 8 monopole with wraparound cabinet, 3 ground-based equipment cabinets and associated ancillary development for CK Hutchison Networks (UK) Limited) (Skerton West Ward 2015 Ward)	Prior Approval Refused
22/01580/PAM	Footpath Adjacent Regent Park, Regent Road, Morecambe Prior approval for the installation of 20m Phase 8 monopole with wraparound cabinet, 3 ground-based equipment cabinets and associated ancillary development for CK Hutchison Networks (UK) Limited) (Harbour Ward 2015 Ward)	Prior Approval Refused
22/01582/PAM	Land Corner Of Fairfield Road And Oxcliffe Road, Heysham, Lancashire Prior approval for the installation of a 20 metre street pole and equipment cabinets for CK Hutchison Networks (UK) Limited) (Heysham Central Ward 2015 Ward)	Prior Approval Refused
22/01583/PAM	Land Adjacent Playground, Mossgate Park, Heysham Prior approval for the installation of 20 metre street pole and equipment cabinets for CK Hutchison Networks (UK) Limited) (Heysham South Ward 2015 Ward)	Prior Approval Refused

LIST OF DELEGATED PLANNING DECISIONS

22/01584/FUL	2 Lane Cottages, Burrow Heights Lane, Lancaster Erection of a first floor extension to the side and rear for Mr Leon Wanless (University And Scotforth Rural Ward)	Application Refused
22/01590/PLDC	17 Brantwood Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a hip to gable extension and dormer extension to the rear elevation for Mr and Mrs Cave (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
22/01591/PAH	17 Brantwood Avenue, Morecambe, Lancashire Erection of a 5.00 metre deep, single storey rear extension with a maximum roof height of 3.00 metres and a maximum eaves heights of 3.00 metres for Mr And Mrs Cave (Bare Ward 2015 Ward)	Prior Approval Not Required
22/01594/PAS	Pye Motors Ltd, Ovangle Road, Morecambe Prior approval for the installation of a roof mounted 150kW solar PV system for Mr Johnson (Westgate Ward 2015 Ward)	Prior Approval Not Required
22/01595/LB	The Old Dairy, Burrow Heights Farm, Burrow Heights Lane Listed building application for the installation of solar panels to south facing roof pitch for Mr Simon Woodland (University And Scotforth Rural Ward)	Application Permitted
22/01602/PLDC	25 Willowfield Road, Heysham, Morecambe Proposed Lawful Development Certificate for the demolition of existing conservatory and erection of a single storey rear extension for Maudsley (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
22/01606/NMA	Brows Fold, Glasson Dock Road, Glasson Dock Non-material amendment to planning permission 22/00535/FUL to remove a window on the side elevation, and reduce the size of windows to the side and rear elevations for Mr David Riley (Ellel Ward 2015 Ward)	Application Permitted
22/01607/EIR	Yealand Hall Farm, Silverdale Road, Yealand Redmayne Screening request for the siting of a caravan for residential occupation for an agricultural worker for Mr M Holgate (Silverdale Ward 2015 Ward)	ES Not Required
23/00002/DIS	Land Off Bye Pass Road And , Land Rear Of 18 To 24 Monkswell Avenue, Bolton Le Sands Discharge of condition 9 on approved application 18/01493/FUL for Mr C Sellers (Bolton And Slyne Ward 2015 Ward)	Application Permitted
23/00004/DIS	9 St Johns Avenue, Silverdale, Lancashire Discharge of conditions 4,5,6 and 7 on approved application 22/00072/VCN for Mr John Burrow (Silverdale Ward 2015 Ward)	Split Decision
23/00006/DIS	29 Queen Street, Lancaster, Lancashire Discharge of condition 3 on approved application 22/00454/LB for Ms Gisela Renolds (Castle Ward 2015 Ward)	Application Refused
23/00006/PAH	64 Levens Drive, Heysham, Morecambe Erection of a 5 metre deep, single storey rear extension with a maximum roof height of 2.93 metres for Mr A Burton And Ms S Gribbin (Heysham North Ward 2015 Ward)	Prior Approval Not Required

LIST OF DELEGATED PLANNING DECISIONS

23/00007/PLDC	64 Levens Drive, Heysham, Morecambe Proposed lawful development certificate for construction of hip to gable roof extension and rear dormer extension for Mr A Burton And Ms S Gribbin (Heysham North Ward 2015 Ward)	Lawful Development Certificate Granted
23/00015/PLDC	19 Brantwood Avenue, Morecambe, Lancashire Proposed Lawful Development Certificate for the construction of a hip to gable extension and dormer extension to the rear elevation for Hannah Kelly (Bare Ward 2015 Ward)	Lawful Development Certificate Granted
23/00016/DIS	Asda, Ovangle Road, Morecambe Discharge of condition 6 on approved application 22/01228/FUL for Miss Rebecca Yates (Westgate Ward 2015 Ward)	Application Permitted
23/00017/DIS	Cock Hall Farm, Lancaster Road, Cockerham Discharge of condition 2 on approved application 22/01458/FUL for Mr Andrew Clarkson (Ellel Ward 2015 Ward)	Application Permitted
23/00026/PAD	Oatlands Farm, Grab Lane, Lancaster Prior approval for the demolition of Oatlands Farmhouse and outbuildings for Paul Fenton (Lower Lune Valley Ward 2015 Ward)	Prior Approval Refused
23/00032/PLDC	42 Walker Grove, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a detached garage/office for Mr J. Watson (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
23/00033/PLDC	49 Fairhope Avenue, Morecambe, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr. & Mrs. I. Stokes (Torrisholme Ward 2015 Ward)	Lawful Development Certificate Granted
23/00069/NMA	Mellishaw Park , Mellishaw Lane, Heaton With Oxcliffe Non-material amendment to planning permission 22/00519/FUL to reduce size of the buildings and to omit one unit (Landlords Building) for Mr Tom Greenwood (Overton Ward 2015 Ward)	Application Permitted
23/00076/PLDC	60 Beech Road, Halton, Lancaster Proposed lawful development certificate for the partial conversion of the garage to ancillary living accommodation, increase in height of external walls and eaves, installation of a replacement roof, replacement doors to the front and insertion of new windows to the side for Mr Stringer (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted
23/00077/NMA	49 Portland Street, Lancaster, Lancashire Non material amendment to planning permission 21/00431/FUL to replace a window and door to bifold doors to the side elevation for Mrs S Dola (Castle Ward 2015 Ward)	Application Permitted
23/00117/NMA	Land Adjacent, 26 Moorside Road, Brookhouse Non material amendment to planning permission 21/01552/FUL to to amend the siting of the solar panels, to include an additional three rooflights and amend the internal layout of the first floor and garage floor for Mr and Mrs Brian Pinington (Lower Lune Valley Ward 2015 Ward)	Application Permitted