



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 4 DECEMBER 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 6th November 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.

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|---|--|--|--------------------------------|-----------------------------|
| 5 | A5 19/01135/OUT | Land North East Of Bailrigg Lane
Lancaster Lancashire | Scotforth
East Ward | (Pages 5 -
86) |
| | | Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North. | | |
| 6 | A6 19/01137/FUL | Land North East Of Bailrigg Lane
Lancaster Lancashire | Scotforth
East Ward | (Pages 87 -
93) |
| | | Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road. | | |
| 7 | A7 23/00802/REM | Land To The South Of Lawsons
Bridge Site Scotforth Road
Lancaster Lancashire | Scotforth
West Ward | (Pages 94 -
121) |
| | | Reserved matters application for the erection of 70 dwellings. | | |

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|--|----------------------------------|--|---------------------|--------------------------|
| 8 | A8 23/00398/FUL | Site Of Former Pontins Holiday Camp Natterjack Lane Middleton Lancashire | Overton Ward | (Pages 122 - 153) |
| | | Erection of 49 dwellings (C3) with access, associated infrastructure including provision of bus turning circle, open space and landscaping. | | |
| 9 | A9 23/00858/FUL | 228 - 235 Marine Road Central Morecambe Lancashire | Poulton Ward | (Pages 154 - 166) |
| | | Relevant demolition of existing buildings, erection of five storey building comprising ground floor unit (Use Class E) and hotel (Use Class C1) with roof level plant space/enclosure, ancillary facilities, associated works and landscaping. | | |
| 10 | A10 23/00571/FUL | Part Of Former St Georges Works (Pump House) Abram Close Lancaster Lancashire | Marsh Ward | (Pages 167 - 189) |
| | | Change of use and conversion of existing pump house and erection of front and upwards extensions to create 35 studio apartments for students (C3 use) with associated communal areas. | | |
| 11 | A11 23/01209/PAD | Former Skerton Community High School Owen Road Lancaster Lancashire | Skerton Ward | (Pages 190 - 196) |
| | | Prior approval for the demolition of former Skerton High School. | | |
| 12 | A12 23/00817/FUL | Littlebirch 71 Westbourne Drive Lancaster Lancashire LA1 5EE | Marsh Ward | (Pages 197 - 201) |
| | | Erection of a 1.5 storey side extension, rear single storey infill extension. | | |
| 13 Delegated List (Pages 202 - 209) | | | | |

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Claire Cozler (Vice-Chair), Louise Belcher, Dave Brookes, Keith Budden, Roger Dennison, Paul Gardner, Alan Greenwell, John Hanson, Jack Lenox, Sally Maddocks, Joyce Pritchard, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Mandy Bannon (Substitute), Martin Bottoms (Substitute), Tom Fish (Substitute), Martin Gawith (Substitute), Paul Hart (Substitute), Colin Hartley (Substitute) and Paul Newton (Substitute)

(iii) Queries regarding this Agenda

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

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

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

Published on 23rd November 2023.

Agenda Item	A5
Application Number	19/01135/OUT
Proposal	Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North
Application site	Land North East Of Bailrigg Lane Lancaster Lancashire
Applicant	Gladman Developments Ltd
Agent	Mr Adam Key
Case Officer	Mr Richard J Byrne
Departure	Yes
Summary of Recommendation	Refuse

1.0 Application Site and Setting

- 1.0.1 The application site is located at land off Bailrigg Lane. The Site measures approximately 39.36 hectares and is located on the southern extent of Scotforth, a suburb located in the south of Lancaster. The Site occupies several pastoral fields separated by a mix of managed hedgerows and areas of woodland. A public footpath (reference nos. 1-1-FP54 and 1-29-FP3) runs in a north to south alignment through the Site on the western side of the central hedgerow. High voltage overhead power lines supported by metal pylons crosses through the central part of the Site, passing just to the north of Bailrigg. Ou Beck, predominantly a dry watercourse, emerges within a tree belt north of the metal pylon and runs through the low-lying land between the aforementioned public footpath and the M6 motorway. Ou Beck continues south through the rest of the Site before turning south westwards through Bailrigg.
- 1.0.2 To the north and north west, the site is bound by existing housing marking at the southern edge of Scotforth. The M6 bounds the Site to the east. Immediately to the south of the Site is the hamlet of Bailrigg, which is accessed via Bailrigg Lane. To the south and south west of the Site lies the main campus of Lancaster University, including the Lancaster University Health Innovation Campus, which is presently under construction. To the west, the Site is bound by further housing within Scotforth and two arable fields, beyond which lies the A6 Scotforth Road.

2.0 PROPOSAL

- 2.0.1 The proposal seeks outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and

sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.

- 2.0.2 There are two proposed vehicular accesses into the Site. The first is to be taken from Hala Hill to the north of the Site and will consist of a single priority-controlled junction. The access road will achieve an appropriate gradient by building the road on embankments. The second access point is to be taken from the access road has been built out to serve the Lancaster University Health Innovation Campus. The northeastern end of this road will be extended to cross Bailrigg Lane and enter the Site where the property of Low Hill is currently situated. This extension will require changing the priority of Bailrigg Lane and the removal of the property of Low Hill.
- 2.0.3 The illustrative masterplan shows the potential pedestrian access points and routes within the Site. The two vehicular access points will incorporate 2-metre wide footways to either side of the carriageway to allow safe access for pedestrians into the Site. The existing public footpath will facilitate pedestrian and cycle access from Winmarleigh Road and the existing cycle route between the Site and Bailrigg, and pedestrian access from Bailrigg Lane.
- 2.0.4 This application is in outline with access to be considered. However, the submission of the Design and Access Statement with a Design Principles documents sets out the parameters of the proposed development for consideration.
- 2.0.5 The proposal can be broken into three key components.
- 2.0.6 Firstly, Residential Development Area – The proposal accommodates a residential development area measuring 20.13 hectares, providing for up to 644 homes. The average net density for the residential development area is 32 dwellings per hectare (dph). The housing mix will be determined at the Reserved Matters stage, however, a parameter plan accompanies the application which identifies that the residential area will be predominately two storey with a limited number of 2 and half storey. It is expected to include a broad range of types, sizes and tenures. It is purported that up to 30% of the homes will be affordable and will be fully integrated within the market housing and be of a type and size that meets local need.
- 2.0.7 Secondly, Community Uses (small local centre and community hall) – The small local centre will have a floor area of up to 280 square metres. It could take the form of a single convenience store, or be broken down to provide more than one retail unit. The community hall will have a floor area of up to 150 square metres.
- 2.0.8 Finally, Green Infrastructure – A proportion of the new neighbourhood is proposed as publicly accessible green infrastructure. The open spaces comprise soft landscaping with interconnecting footpaths incorporating existing trees/hedges. The spaces are envisaged to either provide a dual function for drainage of the site or for informal recreation. Three locally equipped areas of play are proposed within the site.
- 2.0.9 To help demonstrate that the principle of residential development could be acceptable, the application has been accompanied by a range of supporting documents as follows: -
- 2.0.10 An Environment Statement, Ecological Impact Assessment And Habitats Regulations Assessment Screening Report, Flood Risk Assessment, Foul Drainage Analysis, Health Impact Assessment, Mineral Resource Assessment, Phase I Geo-Environmental Report, Planning Retail Statement, Socio-Economic Sustainability Statement, Soils and Agricultural Quality Report, Statement of Community Involvement, Travel Assessment, Utilities Statement, Affordable Housing Statement, Affordable Housing Statement, Archaeology And Built Heritage Statement, Biodiversity Net Gain Plan, Employment And Skills Plan, Shadow Flicker Impact Assessment, Geophysical Report and Arboricultural Impact Assessment.

3.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.0.1 The nature of the proposals mean that it falls within the definition of projects for which an Environmental Assessment must be undertaken under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“The EIA Regulations”). The EIA Regulations requires an EIA to accompany an application for development consent for certain types of project. The

proposed development is considered to fall within the category 10(b) of Schedule II of the Regulations and comprises ‘Urban development projects’. The development exceeds the threshold of the area of development and it has been determined that an EIA and Environmental Statement (ES) is required.

3.0.2 During the scoping stage of the Environmental Statement preparation process the following bodies were consulted, Highways England; Lancaster City Council Environmental Health; Lancaster City Council Public Realm; Lancaster City Council Tree Protection Officer; Wyre Borough Council; Ramblers Association; Public Rights of Way; Natural England; Greater Manchester Ecology Unit; Mineral Safeguarding; Scotforth Parish Council; Lancaster CC Planning Policy; Lancaster CC Engineering Team; Lancaster City Council Conservation Officers; Historic England; Lancashire County Archaeology; Lancaster City Council Strategic Housing Officer; United Utilities; Lead Local Flood Authority; Dynamo; Cadent Gas; Environment Agency; Environmental Health; United Utilities; Lancaster City Council Planning Policy; Forest of Bowland Area of Outstanding Natural Beauty office; Royal Society for the Protection of Birds and Marine Management Organisation. The organisations submitted comments regarding the scope of the Environmental Statement and these were incorporated into the final submitted document.

3.0.3 The ES provides a systematic examination of environmental effects that may be caused by a development proposal on the receiving environment. The process allows modification of the project to minimise potentially harmful effects through the incorporation of mitigation measures and enhancement proposals within the design process. In the period since the submission in 2019 and the original ES, discussions have taken place between the Applicant, the LPA and consultees regarding the design of the proposals. As a result, a number of changes have been made to the proposed scheme. These have been submitted to LPA which the resultant proposal is set out as in section two of this report. An addendum, dated May 2022, has been made to the Environmental Statement (ES) to reflect the changes made to the application since submission.

3.0.4 A further revision to the ES was made during September 2023. The resultant ES covers the following scoped in topics (with a brief summary of the update from the May 2022 ES iteration):

- Non-Technical Summary
- Introduction – minor text updates
- Site Description and local context – minor text updates
- Scheme Description and Land Uses Assessed – scheme description updated
- Approach to assessment EIA Scoping, consultation – update of Table 4.2
- Transport and Access – updates to reflect current policy and guidance, identification of mitigation, and revisions to the assessment
- Air Quality – updates to reflect current policy and guidance
- Noise and Vibration – updates to reflect current policy and guidance, assessment based on a noise model that includes a site layout and a noise barrier
- Water Resources – assessment updates, policy and guidance
- Biodiversity - assessment update
- Landscape Effects and Visual Amenity - assessment update
- Summary of Mitigation and Residual Effects – updated to reflect the above

3.0.5 The ES Appendices includes new information comprising:

- Detailed air quality modelling results at receptor locations
- Façade specification and noise exposure levels
- Updates to reflect current policy, guidance, and methodology, replacement flood risk assessment and outline surface water drainage strategy

4.0 SITE HISTORY

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

Application Number	Proposal	Decision
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19/01137/FUL	Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road	Pending determination
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5.0 CONSULTATION RESPONSES

5.0.1 The has been significant response to consultation. The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Active Travel England	<p>Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out below:</p> <ul style="list-style-type: none"> • Production of a comprehensive Travel Plan and an enhanced Transport Assessment; • Cycle Parking and Infrastructure more detail required to demonstrate how the development will meet both local and national policy requirements, in terms of type and size. • Identification of Section 106 obligations
Bailrigg Residents Group	<p>OBJECT</p> <ul style="list-style-type: none"> • Provision of Primary school to service the housing development should be proposed; • The General Practice infrastructure and mitigating payment should be reassessed in view of the undoubted additional pressure, well publicised in that service area; • Increased health risks due to noise, air and light pollution; • Note that the green buffer zone has been increased from south of the powerlines to Bailrigg Village, however, the area of Separation behind Bailrigg Farmhouse is still insufficient; • The proposal would destroy woodland on the eastern side of the development by cutting a road through it (Policy DM45 Protection of Trees, Hedgerows and Woodland); • Concerns of flooding due to surface water run-off. The site slopes steeply down to the southern end of the proposed development. The Revised plans do nothing to mitigate the flooding risk downstream in Bailrigg Lane; • Proposed 'spine road' through the development site from Hala Hill to the Health Innovation Campus will have a major detrimental impact on the rural heritage of Bailrigg Village. The residents of Bailrigg Village will be directly and significantly impacted by this; • The spine road of the proposed development will establish a 'rat run' across Bailrigg Lane; and, • Lighting along cycle paths would be necessary but request that it is appropriate for safety but shouldn't cause 24/7 light pollution.
British Horse Society	<p>OBJECT</p> <ul style="list-style-type: none"> • The society believe historical evidence indicates a route within the site is under recorded as footpath, this route could reasonably allege to subsist at a minimum a bridleway. These public rights should be asserted and not be allowed to be subsumed within this development or anything beyond it. • Safe routes for equestrians are desperately needed. There is no provision within the application for equestrians. • Objection would be withdrawn if equestrian access is accommodated within the development.
British Horse Society Access and Rights of Way Officer)	<ul style="list-style-type: none"> • Great opportunity to provide a much-needed recreational route, an addition to the bridleway provision in the City; • Public FP 54 runs through the middle of the development and FP55 along the western edge. Public Bridleway 52 is just to the north=west. • Vital asset linking Scotforth to Ellel, Condor Green and Millennium bridleway from Glasson Dock to Lancaster

<p>British Horse Society Access and Rights of Way Officer Lancaster and Lune Valley</p>	<ul style="list-style-type: none"> • I feel this proposal could really benefit many walkers, cyclists and horse riders. • Inclusion of a multiuser track and upgrade of existing footpaths (1-29-FP3 / 1-1-FP54) would help connectivity in the area • People would promote accessible environmentally friendly option to commute into Lancaster
<p>Canal And River Trust</p>	<ul style="list-style-type: none"> • No comment as this application falls outside the notified area for its application scale.
<p>Citizens Of Lancaster Opposed To Unnecessary Development (CLOUD)</p>	<p>OBJECT</p> <ul style="list-style-type: none"> • Even with proposed SUDS and other facilities, surface water runoff from the significant number of proposed dwellings and all of the associated hard surfaces would be very great. This would result in significant surcharge to the existing minimal drainage facilities, which have caused flooding to immediately adjacent dwellings in the past, resulting in clear flood risk to existing homes downhill of parts of the proposed development, and the likelihood of even more flooding to homes and highways downstream of the watercourses to be surcharged; • The addition of this significant urban sprawl with no meaningful natural buffer between it and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area; • The proposed development envisages a new distributor road through the middle of the development feeding out onto an awkwardly placed junction at the top of Hala Hill. Roads connected thereto - Hala Hill running through an already densely developed area and Bowerham Road which is already supporting increased development and traffic, would become excessively congested and more dangerous; • The infrastructure required to support this 1,546 person development does not exist and there are no clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere. The applicant's proposals appear to accept that significant off-site infrastructure will be required and to assume that this will be provided ancillary to the proposed but yet uncertain Bailrigg Garden Village (BGV). This proposed development would therefore be premature at the moment; • The NHS Clinical Commissioning Group have made a professional calculation of the cost of providing the additional GP capacity to cater for the additional 1,546 residents, amounting to more than a third of a million pounds. Creating the capacity is only theoretical however as the only nearby practice has no ability to expand further, and there are no proposals or funding to construct and staff a new practice within the proposed development. The new patients would have to travel quite a distance, probably north into central Lancaster, to access GP services; • Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development, and it is noted that the great majority of the proposed dwellings will be family homes. Children, both primary and secondary school ages, would have to be spread amongst distant schools to which to commute, either being at risk on foot on more busy roads or adding to increasing congestion by car travel; • Additional traffic congestion and pollution would be created by this extent and density of development as it is clear that most movements will be by car. Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming. No off-site public transport facilities will be provided in connection with this proposed development and the applicant mentions the opportunity for a 'bus operator to run a service from a proposed Hala Hill junction through the proposed housing estates, but with no indication of how this will be procured or funded;

	<ul style="list-style-type: none"> • Contrary to the City Strategic Policies and Land Allocations DPD, there is proposed to be virtually no buffer between the proposed built areas and existing developments. New development and distributor road would be constructed with a few metres of existing established development in some parts. In this way the proposed development would constitute just urban sprawl and certainly not an identifiable and separate development. • The Lancaster South Area Action Plan proposes and aspires to rational planning and development of this area, but the proposed development would constitute a piecemeal opportunistic accretion to the built area, independent of and with disregard to the planning of other significant development in the south Lancaster area. In many ways it would detract from the ability to plan for rational development by adding load to infrastructure demands and by assuming contributions by future development. The proposed development would have the effect of constraining rational planning elsewhere and would be parasitic upon it.
NHS Clinical Commissioning Group (CCG)	<p>COMMENT</p> <ul style="list-style-type: none"> • The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution. • General Practice 644 (1546 persons) £356,106 towards new infrastructure at Lancaster Medical Practice. Advises that the trigger of any healthcare contribution to be available is linked to commencement of development.
Conservation Section	<p>NO COMMENT TO MAKE</p> <ul style="list-style-type: none"> • We can confirm that we are not providing heritage comments on this submission. Please note that this should not be construed that we, therefore, have no objection. • The lack of precise information on the location of development due to the outline nature of this application means that the impact on the setting of the listed farmhouse cannot be fully determined in accordance with policy. If a buffer zone of planting can be agreed by condition, then this may clarify the impact and mitigate any harm to an appropriate degree.
Construction Skills Training and Employment Partnership (CSTEP)	<p>ADVICE PROVIDED</p> <ul style="list-style-type: none"> • This application reaches the threshold for an employment and skills plan as per the SPD for employment and skills. If the planning applicant would like some support in producing an ESP, they can email contact@cstep.co.uk at the appropriate time and we will be happy to help.
Dynamo Cycle Campaign	<p>OBJECT</p> <ul style="list-style-type: none"> • The latest Design and Access Statement still offers no measures to compensate for all the extra traffic that this development would generate on the wider area. Bringing more cars onto existing roads without providing safe, segregated provision for cycling is not promoting sustainable transport at all. • The development does nothing to promote the City Council's policy DM20. • No planning permission should be granted until plans for sustainable transport and safe cycle routes between the new development and the city centre/railway station/schools have been finalised, and funding - including from these developers - identified and secured.
Electricity North West Limited	No comment received
Ellel Parish Council	OBJECT

	<ul style="list-style-type: none"> • The development would have detrimental impact on the village of Galgate; • The Education Contribution Assessment states that St John's, Ellel is the intended school for the children of this development. If the school were to be extended, the parish council would want the extension to facilitate the children of Galgate village, first and foremost. The walking distance from the development to the school is not acceptable and the route is along the A6 which is unsafe. Families that would drive their children to school would congest the residential roads around the school and add more pollution to the village of Galgate; • The Galgate Medical Centre /Doctors has already exceeded it's patient capacity, with long waiting times for appointments and no parking for patients. Therefore, the medical centre will not have the facilities or resources to take on the registering of new patients from this development.
<p>Engineering Team</p>	<p>NO COMMENT RECEIVED</p>
<p>Environment Agency</p>	<p>NO OBJECTION</p> <ul style="list-style-type: none"> • We note there have been significant revisions to the Environmental Statement, including revisions to the FRA. The revisions include new information, updates to reflect current policy, guidance, and methodology and a replacement flood risk assessment. • The planning application is now accompanied by a Flood Risk Assessment (FRA) prepared by Enzygo Limited for Gladman Developments and referenced: SHF.1132.213.HY.R.001.B - NPPF: Flood Risk Assessment & Outline Surface Water Drainage Strategy and dated July 2023. • Satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. • Our previous comments regarding the need for Environmental Permit, and request for Conditions regarding the buffer zone and mitigation measures apply.
<p>Environmental Health (Air Quality)</p>	<p>OBJECTION</p> <p>I have looked at the submitted air quality section in the Environmental Statement and associated air quality Appendix and would comment as follows :-</p> <ul style="list-style-type: none"> • Traffic associated with the proposed development will impact on the Lancaster and Galgate AQMAs. • The submitted assessment predicts pollutant concentrations for and opening year of 2023 and subsequent years to completion in 2029. I have checked with the consultant (AQ Consultants Ltd) and understand that traffic figures have been adjusted incrementally from 2023 to completion of the site in 2029. This graduated approach impacts on the air quality assessment outcomes. I am uncertain as to whether the predictions for each year (houses built) are reasonable for the associated traffic contribution as this information is not presented in the air quality part of the ES and associated Appendix. • The assessment predicts for 2023 that even with 'sensitivity' considerations, pollutant levels within the Lancaster AQMA will only be very slightly above the objective (annual mean NO2). The impact (with development) represents a 2% change may be considered (using their assessment words) a minor - moderate adverse impact. Exceedance predictions are limited to the Lancaster AQMA and only for 2023. Subsequent years indicate compliance with the objective although still up to a moderate adverse impact due to the change associated with the development. • I note that the County Council indicates that the submitted traffic impact information is insufficient and recommend rejection on this ground. The air quality assessment will be based on currently available traffic impact predications and therefore may be subject to correction if issues are found to exist with the traffic data. • Reference has not been made to the requirements advised through the Low Emission and Air Quality PAN. Specifically no mass emission assessment

	<p>has been made of suggested impact mitigation approaches and mitigation presented is vague e.g. provision for electric vehicle charging appears not to be in line with guidance. Mitigation should be detailed and its anticipated impact quantified to meet the requirements of the guidance, particularly as traffic associated with the staged development may impede earliest compliance with objective standards within the Lancaster AQMA.</p> <ul style="list-style-type: none"> To my best knowledge there is no consideration/ruling out/assessment of any potential odour impacts in the submitted information. I would therefore recommend rejection of the application, requesting further information to address the matters raised in 2, 4, 5 and 6 above.
<p>Environmental Health (Contaminated Land)</p>	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Reviewed the Enzygo Phase 1 Geo-Environmental report, SHF.1132.213.GE.R.001.D, Final, August 2019 and have the following comments: <ul style="list-style-type: none"> Contrary to best practice no enquiries were made of this department to determine what, if any, information we hold on the subject site. Given the identified number of ponds (historically) on site (6) some attempt at qualifying the gas risk (low/medium/high) should have been attempted. There is a 5-10% radon risk area c50m to the SW of the development site. Given a combination of the positional inaccuracy of radon polygon affected boundaries (+/-25m) and the underlying data being >>12 years old (many, many thousand more data points will have been obtained by PHE as well as ongoing refinements in geological mapping – the indicative radon potential map is a statistical merging of these two data sets) it may be advisable to get a site/postcode specific radon search from Public Health England. We have a shapefile that shows EA data and there does not appear to be any waste management sites with exemptions recorded on the proposed development. However, it is worth checking this with the EA directly. It is always useful at the end of a Phase 1 report to list any uncertainties/inaccuracies in data reviewed, assumptions etc etc. given the inherent uncertainty in the data reviewed, e.g. unauthorised, illegal of pre-regulation polluting activities may have taken place and not been “captured”. On this basis, and given the very high sensitivity of the proposed development, a site investigation (and remediation/verification if required) is necessary. The scope of this must be agreed with me prior to its execution. A site investigation is recommended, in any case, in the report.
<p>Environmental Health (Noise)</p>	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Would have no concerns about minimising the impacts of the noise internally within dwellings and would be confident that sound criteria recommended within BS8233:2014 (both day-time and night-time) would be achieved to ensure ‘no observed effect levels’ (NOELs) or ‘Lowest Observed Adverse Effect Levels’ (LOAELs) with an appropriate mitigation strategy in place. This would be determined with a more informed/detailed noise assessment with noise ingress calculations to determine what level of sound insulation/ façade insulation/ uprated glazing was required; and, whether alternative ventilation would be needed where windows need to remain closed to meet targets to ensure that acceptable and not desirable indoor ambient noise levels can be achieved. Achieving recommended noise levels in external amenity areas could in my opinion prove more challenging across this site and further information is required to assist in determining whether noise within external amenity areas will achieve recommended acceptable noise criteria, to achieve at least ‘LOAELs’. Recommended ‘guidelines’ within BS8233:2014 are that noise levels should not be above the range 50-55dB LAeq ,16hr; where this is not achievable the development should be designed to achieve the lowest practicable levels. However, policy guidance would be guided by the principle that any amenity space must have an acoustic environment so that it can be enjoyed as intended.

	Noise appendices provided indicate the noise levels across the site without the inclusion of the acoustic effect of the specific scheme would result in 'Significant observed adverse effect levels' (SOAELs) indicating that noise levels at this site are unacceptable. Further information is required to assist in demonstrating what the resultant noise levels will be across the whole site with the inclusion of acoustic effect to satisfactorily demonstrate that SOAELs have been avoided. In addition, to ensure the robustness of the survey effort, additional information is required about the model used to predict the soundscape across the site (use of LiDAR and application in this context) and the reliability/accuracy of the modelling procedure.
Fire Safety Officer	COMMENT <ul style="list-style-type: none"> Recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them.
Forest of Bowland AONB	NO COMMENT RECEIVED.
Galgate Flood Action Group	OBJECTION <ul style="list-style-type: none"> Where are the new jobs coming from for new residents? Commuting will add to pollution, congestion and accident risk on local road. Air pollution is already an issue in Galgate and additional traffic will hardly improve matters. Downstream flooding as the drainage scheme for this development has no answer to where the runoff from the M6 would go, nor where run off from the development will go – in practice the answer is straight into Ou Beck and onto Galgate. What consideration is given to the impact on local services such as school places, GPs and local hospitals and a sewage system, much of which is 19th century or earlier.
Greater Manchester Ecology Unit (GMEU)	No objection <u>General comments:</u> <ul style="list-style-type: none"> An extended Phase 1 habitat survey was undertaken in October 2018, with one section of the site (F6a) having a repeat survey at a more appropriate time of year (May 2019). Bat surveys including assessment of the building proposed for demolition, potential roosts in trees and activity transects of the site were undertaken in 2019, as were HSI and eDNA surveys for great crested newts. Riparian mammals were also surveyed for in 2019. This survey work was used to inform the Biodiversity Chapter of the Environmental Statement for the EIA. In addition to this, CSA Environmental have also undertaken a Shadow HRA/Appropriate Assessment on behalf of the Local Authority which also involved undertaking winter bird surveys of the site in 2018/19 to inform this process. An Ecology Technical Note, undertaken by suitably qualified ecologists and has followed best practice guidelines, has now been submitted which confirms further survey work for bats in trees was undertaken in March 2020 and clarifies many of the points raised in my initial comments. In general, there are no objections to the principle of the development at this site, and it is pleasing to see an emphasis within the Design and Access Statement on Green Infrastructure and retention of existing woodland, trees and hedgerows, where possible. The central public footpath and hedgerow through the site is maintained as an important feature, and there is additional woody vegetation/landscaping and SUDs schemes proposed within the site. I would advise further demonstration of the ability to incorporate changes to the landscaping and maintain the proposed number of housing units is provided at this stage of the application, to ensure that important habitats can be conserved. As the results of the previous survey work has not identified any significant constraints with regards to protected species, I would be satisfied that

the update of all ecological surveys can be secured via condition, should planning permission be granted. These surveys would need to have been completed prior to reserved matters applications being submitted and any appropriate mitigation measures also incorporated into the proposal.

Protected Sites

- **Statutory Sites** - The shadow HRA has considered the potential impacts on European Protected Sites (RAMSAR, SACs, SPAs) and concluded that without mitigation the proposals have the potential for likely significant impacts on Morecambe Bay SAC/Ramsar and Morecambe Bay and Duddon Estuary SPA. The report concludes that LCC must therefore undertake an appropriate assessment, but with the mitigation proposed and discussed within the Shadow Appropriate Assessment (such as homeowner packs, provision of suitable alternative recreation space on site and a CEMP to protect the water course) it is anticipated that there will not be an adverse impact on the integrity of the European Sites.
- Natural England has responded to the updated information within the technical note, with no further concerns. They highlight the need for the LPA, as the competent authority, to bring together the submitted information into one HRA. The mitigation measures suggested by CSA Environmental should be incorporated into the HRA and secured through appropriate conditions.
- If this is secured there is unlikely to be any negative impact on other non-European statutory sites (Morecambe Bay is also designated as a SSSI for example).
- **Non-Statutory Sites** - Burrow Beck Biological Heritage Site (BHS) is located on the north-west boundary of the site, between the proposed development area and residential area off Collingham Park. The Illustrative Masterplan indicates buffer planting along the BHS boundary, along with a SUDs scheme, and a Construction Environmental Management Plan (CEMP) is proposed with adequate pollution protection. If these measures are secured there should be no negative impact on the BHS.

Priority habitats

- **Broadleaved Woodland and Hedgerows** - Within the site the woodland and hedgerows are the most significant habitat features in terms of their ecological value, and it is evident that the retention of these habitats has been considered in the outline layout. However, further consideration needs to be given to the layout and landscaping of the site in terms of habitat fragmentation and buffer planting to ensure that these notable habitats are suitably conserved:
 - a number of areas the proposed road/shared access routes intersect woodland or hedgerows, which will increase the fragmentation of the habitat and the landscape. For instance W3 has a proposed shared pedestrian/cycle route through the middle of it, W2 has the proposed vehicular access road through it.
 - there is no buffer planting indicated around the majority of the woodland on the site. I would suggest this should be included to protect the existing habitat on the site from pressures of development (both construction and operational) and also necessary to maintain/increase the connectivity of the habitats within the site and to the wider environment.
 - While I accept that the application is Outline, I would still consider that further consideration needs to be given to the above points at this stage of the development, with regards to the landscape and layout of the scheme in relation to biodiversity. The technical ecology report states the development will seek to provide sufficient undeveloped buffers to woodland and other habitats (hedgerows and ditches) however it also outlines that the other constraints of the site (drainage and topography) have already been considered in the current proposal. I would therefore be very cautious about securing adequate buffer zones at Reserved Matters stage, if the principle of the current number of

housing units has already been established at Outline, knowing there are other factors which constrain the layout of the site.

- Further survey work had been conducted of the on-site woodlands. The off-site woodland which the Woodland Trust (WT) has raised was not surveyed, as far as I can establish, this would have been helpful as the ground flora present would provide an indication of the woodland age (presence of Ancient Woodland Indicator Species for example). An effort to source historical maps of this woodland has been made, but none found before 1844. Ancient woodland is categorised as continually wooded since 1600. I would suggest that some discussion between the WT and the applicant would be appropriate to establish any other data sources WT may have.

- I would advise further demonstration of the ability to incorporate changes to the landscaping and maintain the proposed number of housing units is provided at this stage of the application, to ensure that important habitats can be conserved.

- Aquatic habitat - There are a number of aquatic features on and adjacent to the site, including Ou Beck, Burrow Beck and ditches running through the woodlands on the site. The riparian corridor around Burrow Beck is dealt with sufficiently and could potentially deliver enhancements to the corridor in this area (see previous comments). However, there are proposals within the scheme with the potential to negatively impact other water courses on the site (diversion of Ou Beck, and bridges through/over watercourses). Where possible any negative impact on these habitats should be avoided through adequate protection. Where this can't be avoided, adequate mitigation/compensation will be required. As the detailed design of these schemes hasn't been produced yet, this will need to be secured by way of suitably worded conditions.

- Grassland - A large area of grassland will be lost as a result of the proposed development. While this grassland may not be species rich and therefore does not qualify as Priority Habitat, it does provide a resource for local wildlife (for foraging and as a habitat corridor for example) and also contributes to the landscape in this area.

Biodiversity Net Gain

- Based on the information which has been submitted a very small (2.11%) habitat net gain is predicted, and a 24.14% hedgerow net gain is predicted. It is worth noting that 218m of hedgerow included in this metric has not been included in the plans submitted so far, but has been noted as an opportunity for enhancement by the ecologists. Even if this is removed from the metric, a net gain of over 10% of hedgerows is still achievable. I have noticed that there is an error in the metric table, with regards to tab A-3 – On-Site habitat enhancement. In Row 12 (Baseline Ref 3), Column R (Proposed habitat) the proposed habitat has been changed to mixed scrub rather than remaining as other woodland; mixed. When this is changed to the correct habitat, the overall gain for the site in the results table is lower- 1.56% (or 1.57 units).

- As this is an outline application, a level of uncertainty is to be expected, however the factors discussed above means this is greater than would often be encountered. These factors include:

- the low % onsite BNG (2.11%/1.57%) currently predicted,
- the lack of data included in the metric on the linear watercourses
- the uncertainty that all the proposed habitat creation/enhancements can achieve the predicted conditions □ the uncertainty of the impacts of the works relating to the levels on the site and the impact on the trees/hedgerows etc.

- It is advised that to be compliant with the relevant NPPF policies and Lancaster's Local Plan, the LPA should seek to ensure sufficient information relating to BNG is secured at Reserved Matters/Detailed Design stage. This can be achieved through appropriate conditions to update surveys and the

BNG metric at appropriate stages of planning process. Given the uncertainty around the scheme to deliver net gain on site, a mechanism to secure off-site units should also be considered should it be required.

Protected Species

- **Bats** - Further survey work relating to bats in trees has been undertaken, and many of the trees reclassified as a result of the climb and inspect. 6 trees are assessed as having moderate potential and 2 trees as having high potential to support roosting bats, and no confirmed roosts were identified. Where possible the scheme should be designed to retain the trees identified with medium and high bat roosting potential. If this proves not to be possible as the detailed design is developed, then further survey work and adequate compensation of the loss of these trees will be required. If bat roosts are found within the trees then further ecological input will be required and it may be necessary to apply for the Natural England development licence if the features cannot be retained or that bats will be impacted upon.
- The activity surveys for the buildings will require updating once the surveys are 12-18months old, so time should be allowed in the schedule to accommodate these at an appropriate time of year (May – August).
- **Otters**- The aquatic habitat on and adjacent to the site is suitable for otters. Riparian mammal surveys were undertaken along the water courses on site and also along Burrow Beck. It is not clear if Ou Beck was surveyed or assessed for its potential to support riparian mammals. Otter was confirmed along Burrow Beck (spraints, possible footprints and possible lie-up areas recorded). The ES chapter concludes that otter are likely to use the study area on occasion, but due to lack of resting sites (presumably within the site) there is not considered to be a legal constraint. A precautionary pre-commencement survey of the site for Otters should be required by Condition.
- **Water Voles** - No evidence of water vole was found. A precautionary pre-commencement survey of the site for Otters should be required by Condition.
- **Badgers** - A precautionary pre-commencement survey of the site for Badgers should be required by Condition.
- **Amphibians and Reptiles** - There are numerous ponds within the development site and within 500m from the site. A scoping exercise was undertaken to assess the ponds in relation to the site. Ponds were either scoped in or out of the further survey work based on distance from site, connectivity to site and suitability for great crested nests (i.e. high fish impact). A number of ponds could be discounted from further study due to the presence of the M6 between them and the study site, and other waterbodies were not suitable for great crested newts, such as a raised stone trough present on the site. Three ponds in total were subject to eDNA survey in 2019, which returned negative results for great crested newts. There is limited potential for great crested newts to be present on the site. There are records of slow worm within 1km of the study area, and some of the watercourses and field boundary habitat is suitable for grass snake. However, the majority of the grassland is not optimal for reptiles, being closely grazed and lacking the structural diversity that reptiles require. No specific reptile surveys were undertaken, but a method statement for the site clearance is recommended within the PEA.
- A method statement for site clearance to avoid harm to reptiles and amphibians should be secured through a suitably worded condition, in line with paragraph 5.21 of the Preliminary Ecological Appraisal provided with the application.

	<ul style="list-style-type: none"> • <u>Invasive Plant Species</u> - Himalayan balsam and rhododendron were recorded within the site. No development should take place until a management plan for the control (treatment and prevention of spread) of Invasive Species is submitted to the LPA for approval. This should be based on the most up to date survey work available, and follow best practice methodologies. • <u>Nesting birds</u> - The habitat on the site (buildings, trees, hedgerows, grassland etc) is suitable for nesting birds. The active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Additionally, species of conservation concern are also known to be present on the site. Measures to benefit tree sparrow have been suggested within the technical note, which is a welcome inclusion. As the detailed design is produced these measures should be incorporated into the scheme, along with measures to enhance the site for other species of conversation concern. A condition should be used so that the applicant is aware of the legal protection that active bird nests receive. Work (building demolition, site and vegetation clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present. <p><u>General Recommendations</u></p> <ul style="list-style-type: none"> • A Construction and Environmental Management Plan (CEMP) should be produced and followed, which should contain details for the protection of the BHS and all other retained habitats from factors such as run-off, light spill, noise and dust pollution. Moreover, I would advise that the CEMP is extended to cover prevention of spread of invasive species, impact on nesting birds and suitable method statements for activities such as felling of trees (e.g. soft felling of trees in relation to bats) and site clearance (nesting birds/amphibians/reptiles). I would advise that this is secured through a suitably worded condition. • A lighting design for biodiversity must be submitted to approval by the LPA. This must be designed to minimise any adverse impact of lighting on any wildlife which may utilise the site, with specific attention to the woodland/BHS edge and nocturnal mammals (e.g. otters and bats). The lighting design should follow the principles outlined in BCT guidance. A light spillage plan should be produced to support the lighting design. • An up-dated detailed layout/landscape plan for the site will be required for the site. This should be informed by the further survey work/analysis that has been requested within these comments and in relation to the outcome of any Biodiversity Metric calculation if this is undertaken. Specific emphasis on habitat connectivity and buffer planting around existing habitats and species should be made, along with protection/compensation for protected sites/priority habitats on the site. Where adequate compensation cannot be accommodated on site, a provision for off site measures will need to be made, and the biodiversity metric can be used to inform the required amount. • A site wide management plan should be secured through a suitably worded condition which requires a Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA for approval. This LEMP should be linked to the final landscape scheme for the site and include details of the long-term funding and monitoring of the proposals.
Historic England	<ul style="list-style-type: none"> • On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.
Lancashire Constabulary	COMMENT

(Designing Out Crime Officer)	<ul style="list-style-type: none"> It is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. Recommendations made to ensure that the development meets the accreditation standards for designing out crime.
Lancashire County Council (Education)	<p>OBJECT</p> <ul style="list-style-type: none"> Due to ongoing discussions between LCC's School Planning Team and Planning Officers at Lancaster City Council regarding planning applications relating to SG1/SG3 – Lancaster South broad location for growth including Bailrigg Garden Village, we wish, at this stage, to submit a formal objection to this planning application on lack of infrastructure provision grounds. The Local Plan and Masterplan specifies that education mitigation should be provided through the provision of two primary and one secondary school sites on the SG1/SG3 – Lancaster South broad location for growth including Bailrigg Garden Village. As planning applications have been submitted prior to AAP adoption we need to be clear of the position of your authority on school land provision. There is currently no detail provided in any application regarding how either school site will be secured and provided. As you are aware, LCC require that this land is transferred at nil cost. Without confirmation of the mechanism for the provision of the required school land we are not clear that this development is sustainable and therefore we are not in a position to support the application at this time.
Lancashire County Council (Highway Authority)	<p>NO OBJECTION</p> <ul style="list-style-type: none"> To support this development and others including the forthcoming Bailrigg Garden Village on the local and strategic network, will require a significant level of highway and transport change. Thirteen initiatives have been developed and their delivery will be by the County Council as Local Highway Authority but requires that developers support the Gravity Model approach and the full level of contribution requested. The Gravity Model approach, the derivation of contribution, and the delivery of the interventions by the County Council as set out in the Infrastructure Strategy is supported by the applicant. The applicant acknowledges that the measures are necessary to support development coming forward. LCC Highways have reviewed the previous package of comprehensive initiatives, and identified schemes that can be progressed with funding secured from this development, to support the delivery of the necessary step change in modal shift in Lancaster. For this reason, the originally requested contribution has been revised (which would always occur, with or without a gravity model), and an update to the contributions has been provided (incorporated further in this report). The table shows the original initiatives, the highway works and schemes related to each initiative, whether funding for the full scheme or part funding is being requested and the description and benefits of the schemes. The updated requests are broadly in line with the previous gravity model approach, with suitable regard had for connectivity, location, destinations, modal choice and accommodation of all highway user needs and abilities. The positive conclusion reached is as follows: <ul style="list-style-type: none"> A Legal Agreement to secure £1,907,000 under the gravity model and a further £24,000 to enable LCC to provide a range of Travel Plan services. Planning conditions relating to Highway Condition Survey, Construction Management Plan (CMP), visibility splays, landscaping & maintenance of vegetation within the approved visibility splays, scheme for site access/off-site highway mitigation works, highway works constructed prior to start of development, highway works constructed prior to occupation, travel plan, electric vehicle charging points, garage cycle storage, management and maintenance of estate streets prior to formal adoption, management and maintenance of estate streets to remain private streets or which do not conform to adoptable highway standards, management and maintenance of embankment and drainage and for new retaining structures.

<p>Lancashire County Council</p> <p>(Historic Environment Team)</p>	<p>No objection</p> <ul style="list-style-type: none"> The results of the geophysical survey were such that we no longer considered that further investigation of the site needed to be prior to determination, and that it could now be undertaken as a programme of post-permission works secured by means of a planning condition.
<p>Lancashire County Council</p> <p>Lead Local Flood Authority (LLFA)</p>	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Based on the new flood risk assessment and outline drainage strategy provided (Gladman Developments Ltd, SHF.1132.213.HY.R.001.B, July 2023) and, therefore, supersedes our previous responses. Conditions recommended requiring that Development is in accordance with the submitted Flood Risk Assessment, submission of a Final Surface Water Sustainable Drainage Strategy, Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and a Verification Report of Constructed Sustainable Drainage System.
<p>Lancashire County Council</p> <p>(Public Rights Of Way)</p>	<p>NO COMMENT RECEIVED</p>
<p>Lancaster Civic Society</p>	<p>OBJECTION</p> <ul style="list-style-type: none"> The amendments appear minimal - reduction from 680 to 644 homes, small increase in separation from Bailrigg Village, small increase in amount of space allocated to the local centre/shop and community hall and the introduction of a small area for allotments etc. Figure 5.2 (page 45) of the revised Design and Access statement outlines the changes. Whilst we accept this is an outline application, details are very sparse - only an indicative layout, no indication of numbers of different types of houses, materials etc. For such a large development more detailed information should be forthcoming. Scotforth Parish Council makes a very well-argued case about primary school capacity (without a new school on the site) and refute the developer's proposal to increase places at St John's Ellel. We strongly support the comments of the Parish Council. We continue to maintain that this application is premature and consideration should be deferred until the South Lancaster Area Action Plan has been finalised. PREVIOUS RESPONSE – Objection The proposal to funnel traffic through the Health Innovation Campus will inevitably result in even greater congestion on the already busy A6. The northern access point at Hala Road would not only be positioned close to an already problematic junction but would also lead to greatly increased traffic along Bowerham Road. Detailed flood assessments will be required to ensure that existing water courses (Burrow Beck and Ou Beck) can be contained and run-off drainage from the motorway is taken into account.
<p>Lancaster University</p>	<p>COMMENT:</p> <ul style="list-style-type: none"> The University reiterates that it is critical that the plans for the Bailrigg Garden Village (BGV) and application site do not compromise the ability of the University to achieve its targets in relation to climate change and the transition to becoming carbon neutral. Attention is drawn to the University reducing its electricity and heating emissions by 50% and that it recently obtained planning permission for a 16.5 MWp solar farm on a 21ha site to the east of the M6, which will contribute to further lowering emissions.

	<ul style="list-style-type: none"> • The prematurity of the application in advance of the Lancaster South AAP which is progressing and is expected to be published for public consultation in early 2023; • Welcomes the submission of the Design Code (CSA Environmental, June 2022), and the suggested approach for future Reserved Matters applications to be accompanied by a Design Code Compliance Statement. This approach should be secured via an appropriately worded planning condition. • There is a need for an appropriate buffer between the University and the application site, as the Development Framework Plan proposed built development and dwellings which immediately abutted the boundary with the University campus. It was suggested that the interface with the University on the southern application site boundary was reconsidered, in order to take account of the setting and security of the campus. There have been no changes made to this offset in the revised documents submitted by the applicant in June 2022 and therefore this comment regarding the interface with the University campus remains relevant; • Significant concerns that the creation of a new “through” route for all vehicular traffic, which connects the HIC spine road in the south to Hala Hill in the north could result in a ‘rat run’ being created through the site, with residents/visitors seeking a more direct route from the eastern part of Scotforth and Lancaster to the A6. In light of the recognition that a shorter route is being created by the proposed development, further detail should be provided by the applicant to alleviate the concerns shared by the University and LCC Highways, with the potential for road design measures to be identified to discourage the diversion of wider traffic through the site; • The University highlighted that the campus operates a permit/pay parking system at its Bailrigg campus which is often at capacity during busy term-time periods. It is important that the proposed development considers the potential for parking issues and overspill in this context, particularly on dwellings proposed at the southern extent of the site. The University has suggested this be addressed through a Controlled Parking Zone (‘CPZ’) or Traffic Regulation Order to prevent weekday parking. Similarly, any unadopted roads in the proposed development should include ‘Private – no parking’ signs, supported by sufficient enforcement to prevent commuter and student parking, particularly during term time. Therefore, the applicant should be responsible for considering potential parking issues for prospective residents and putting mitigation in place, if required, in advance of occupation of the new dwellings; • The proposed development includes a ‘community facilities’, comprising a community hall (150 sq m) and potential retail unit(s) (280 sq m). However, this does not address other facilities / services which may be required to support the new residential population. In the CBRE letter dated 20th December 2019, the University raised concerns that further consideration should be given to the impact of the development and its new residents on existing and future community infrastructure. The additional documents submitted have not addressed this concern and the capacity of nearby schools and healthcare infrastructure (namely GPs) should be specifically assessed in order to understand the potential impact; • Concern that given the proximity of the site to the University the dwellings could be rented as Houses in Multiple Occupation (HMOs) to students, which could cause issues including in relation to residential amenity. • If the application were to be approved, we request that a planning condition is applied to remove the permitted development rights allowing a change of use from Use Class C3 (dwellinghouses) to Use Class C4 (HMOs).
<p>Marine Management Organisation</p>	<ul style="list-style-type: none"> • General advice given.

National Planning Casework Unit	NO COMMENTS RECEIVED
National Grid	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Notes the proposal is in close proximity to a High Voltage Transmission Overhead Line –Low Pressure Gas Mains, Medium Pressure Gas Mains, Above Ground Gas Installation, Overhead Electricity Line, Electricity Tower, Local High Pressure Gas Mains.
National Highways	<p>NO OBJECTION SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> Submission of details of the following off-site highway improvements at Stoney Lane/A6/Main Road 'The Improvement Scheme' (as shown in outline in Eddisons Drawing reference 2446-F10 Revision E); Limitation of occupation of dwellings in advance of The South Lancaster to M6 Link Road) being constructed and made available for public use. A Travel Plan and associated Travel Plan Coordinator for the development shall be in place and be operational from the point of the occupation of the first unit; Fence plan and details along site boundary with the M6 a detailed Construction and Environmental Management Plan (CEMP) relating to site development earthworks, drainage and construction operations alongside the motorway; No drainage and / or surface runoff from the proposed development shall connect / flow into the motorway drainage system / carriageway <p>Should the conditions not be imposed, National Highways suggests that the application should be refused.</p>
Natural England	<p>FURTHER INFO REQUIRED</p> <ul style="list-style-type: none"> In summary, having reviewed the details of the proposal, Natural England considers the development will have no adverse impacts on designated sites, subject to the proposed mitigation measures being secured. We have therefore have no objections to the proposed development. However, based upon the amendments and additional information provided we advise that an updated Habitat Regulations Assessment (HRA) is required.
Open Spaces Society	NO COMMENTS RECEIVED
Planning Policy	<p>COMMENTS</p> <p>In September 2023 the City Council resolved to undertake a Full Review of the Local Plan and have published a new Local Development Scheme providing an initial timetable for how that review process will be advanced.</p> <p>The decision for the Full Review was primarily based on the material change in circumstances relating to the delivery of strategic infrastructure in South Lancaster, specifically Lancashire County Council's decision to suspend work on the South Lancaster Growth Catalyst (SLGC) and its associated transport related projects in June 2023. This has led to the City Council ceasing work on the preparation of the Lancaster South Area Action Plan DPD and commencing an immediate full review of the Local Plan.</p> <p>The material change in circumstances, when viewed in the context of the Local Plan Review Mechanism (Policy LPRM1 of the Strategic Policies & Land Allocations DPD) mean that the City Council have determined that a full review of the Plan is required to re-evaluate options for growth within South Lancaster and indeed the wider district.</p>

In the context of determining planning applications in within the Broad Location for Growth, Policy SG1 of the Strategic Policies & Land Allocations DPD continue to provide the starting point for development proposals. It will continue to provide an important interim position, particularly around the use of key growth principles, in advance of any detailed planning framework coming forward for the South Lancaster, whether have been through the Area Action Plan or now via the Local Plan Review.

For the avoidance of any doubt, the early release mechanism within Policy SG1, which allows for development to come forward in advance of a more detailed framework subject to exceptional circumstances, remains in place to ensure a pathway for suitable development to come forward without delay.

Technical Matter - Affordable Housing

- It is noted that the Affordable Housing Statement includes contradictory statements with regard to the percentage of affordable housing which will be delivered on the site.
- Guidance provided in regard to Policy DM3

Technical Matter – Housing standards and different build types

- Draws attention to DM2 which requires dwellings to be built to Nationally Described Space Standards and 20% of dwellings to meet the Building Regulations M4(2) requirement.
- Policy DM12 of the adopted DMDPD, encourages the provision of self, custom and community build on sites.

Technical Matters – Climate Change

- Policy SG1 reiterates that it is necessary to take proper account of the need to reduce the impacts of Climate Change in the design of new development.
- Makes reference to the applicant's submission which includes public transport vouchers and installation of electric car charging facilities;
- Draws attention to the need for considering the impact on wastewater infrastructure;

Technical Matter - Cycling and Walking infrastructure

- Draws attention to the Lancaster City Council (November 2019) Cycling and Walking Planning Advisory Note (PAN).
- The proposal needs to be considered within the context of modal shift as set out in the adopted Local Plan and the County Council's Highway and Transport Masterplan. More specifically cycling and walking network needs to consider connectivity within the site by ensuring accessibility to schools, employment and community facilities and by taking account of topography and other site constraints and opportunities (eg existing PROW and cycle network).
- Proposals also need to consider how cycle and pedestrian routes within the site connect into the existing network outside the site, and whether the existing provision provides safe and attractive links, most notably to the University (as employment area and provider of local services) and to the city centre and local schools. Proposals should identify potential gaps in the existing network and consider what improvements may be required.
- At present the proposal identifies a cycle/pedestrian route running along the NE boundary of the site. It then follows the line of pylons running east/west across the site. This is not a direct route providing opportunities to reduce car journeys but appears to be a leisure route, which is welcomed but does not contribute to modal shift. There is also an additional access point at Winmarleigh Drive providing access to the north through the Hala estate. However, this does not provide a direct route to the north beyond the site boundary and does not take account of topography. There is no clear link into or support for the development of the strategic route running north/south along the A6 corridor.

Policy Group Lancashire CC - Mineral Safeguarding	NO COMMENTS RECEIVED
Public Realm	<p>NO OBJECTION IN PRINCIPLE</p> <ul style="list-style-type: none"> • An offsite contribution would be preferred towards Williamson Park and/or Greaves Park, particularly towards Williamson Park lighting and path works. The costs for repairs are higher and the enjoyment of the park by the new residents, that are nearby to this park will be negatively impacted. • A new management plan is being drawn up for Williamson Park which will identify these key issues with a recommended plan of action and costings. This will be available in time if this application goes to reserved matters stage. • In relation to contribution towards playing pitches, Public Realms response was based on KKP Playing Pitch and Outdoor sport Strategy (PPOSS) 2018. This is currently being reviewed and there should be a new PPOSS Action Plan element in time if this application goes to reserved matters. • Therefore, Galgate and Royal Albert pitches are put forward for contribution, with the decision to be made at reserved matters when there is more evidence as to where a contribution would be most needed. • There is still a need for a 3G pitch in South Lancaster.
Ramblers Association	NO COMMENTS RECEIVED
Scotforth Parish Council	<p>OBJECTION</p> <ul style="list-style-type: none"> • To reiterate fundamental flaws in this application regarding it being premature and prejudicial to the Area Action Plan, having no credible educational provision, and inadequate Areas of Separation. Our advice to the applicant is to suspend their application and instead work with the City and Parish councils on the development of the long term plan for the area in which their proposals can be judged on merit with what is best for the whole area. • Shadow flicker - The Parish Council consider it unacceptable to knowingly build houses where residents will be forced to live behind closed blinds. The simple solution is for the applicant not to build on these fields. • Flood Risk – whilst the LLFA have ‘no objections’ it is caveated with conditions and requirements and in our view the LPA should interpret the LLFA response as an objection that could be lifted by the various points being addressed, because it is no clear that Gladman can address the points even though they have clearly been in intensive discussions with the LLFA before releasing their submission. • Unreasonable to expect local residents to understand the full suite of flooding related information – would expect a presentation to explain • Raise concerns with highway related drainage as both LLFA and Highway Authority have not commented; • Site Access - objects to the full closure of Bailrigg Lane on the basis that removal of this historic amenity contravenes DM41 (Development affecting non designated heritage assets and their settings). • Until there is a credible transport plan for Lancaster South can be formulated, funded and executed then there is inadequate road and transport infrastructure to support the scale of this planning application; • the access to the southern site necessitates cutting through the veteran, if not ancient, woodland behind Bailrigg Farm and contravenes DM45 <p><u>Previous comments:</u></p> <ul style="list-style-type: none"> • The revised application provides considerably more detail about how the development could look and feel but it continues to be inward looking and still fails to meet the key planning criteria and is based on assumptions about

infrastructure (schools, highways and medical facilities) that simply do not and never will exist unless and until the AAP comes forward. Therefore we continue to object to these revised proposals.

- The Parish Council have used SG1 as a guide in providing the following comments:

- Part I – Green: Consultation including site meetings have occurred;
- Part II – Amber: Community facilities and a Design Code have been included.

- However, many houses will suffer from excessive noise and particulates from M6. There is no primary school to promote a sense of community.

- Part III- Green: Cycleways and pathways have been provisioned and a bus route through the development is envisioned but not guaranteed.

- Part IV – Green: There is a commitment of up to 40% affordable homes

- Part V – Red: contributes no infrastructure, be it road network capacity, schools, sustainable transport. proposal to use Ellel primary school is unworkable and contravenes safety and sustainable development policies.

- The application must include land set aside for a school.

- Part VI – Red: The Area of Separation (policy EN6) between the development and Bailrigg Village has only been satisfied on the northern and south western sides of the village but the development to the east and south-east of Bailrigg is still inadequate. Fundamentally, this development removes virtually all of the buffer zone between Scotforth East and the garden village that is specified in the JTP Master Plan.

- Part VII – Amber: The proposed housing east of and overlooking Bailrigg Farm should be fully removed. The creation of a suitable heritage entrance to Bailrigg Village is welcome.

- Part VIII – Red: A primary school should be included on the site because using St John’s Ellel is totally unworkable.

- Part IX – Green: No significant impact except volume of traffic through Health Innovation Campus.

- Part X – Amber: The south end of the site is the last remaining land suitable for university expansion and should be reserved for that future option.

- Part XI – Amber: The Fabric-First approach is welcome but there is no reference to solar or heat pumps to reduce carbon impact.

- Part XII – Amber: Water attenuation systems are planned but are unproven.

- Part XIII – Amber: There is no comment or commitment in the proposals.

- Part XIV – Amber: There is no evidence of local heating systems being investigated.

- Part XV – Red - The development will severely impact the road network by significantly adding congestion at already over-capacity pinch-points. The development will encourage a ‘Rat Run’ along Bowerham Road to Hala Hill and through the Health Innovation Campus. The development relies upon the road infrastructure associated with the Housing Infrastructure Fund for J33 which has not yet been determined.

- The other test of SG1 is that “there would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and coordinated approach to the wider Bailrigg Garden Village development”. Our argument is that allowing this development to proceed would prejudice the Garden Village because (1) this development would reduce/slow the demand for housing at the garden village and hence undermine the viability of the garden village infrastructure and delay its fruition as a thriving new community, (2) it would result in schools being built or extended in the wrong places in the short term compared to where the two primary schools should be placed through the AAP, and (3) it removed the schematic buffer zone specified in the JTP Master Plan.

- Community Engagement: Parish Council who has proactively engaged Gladman rather than the other way round (which the NPPF requires) and “larger”

and “improved” does not mean that open space and community facilities are anywhere near the sensible and modest requirements we advised. Whilst we have continued to contend that this urban extension is the wrong development in the wrong place we have nevertheless provided thorough and objective submissions on Areas of Separation (Feb 2020), Design Principles (Aug 2021), Heritage protection (Nov 2021) and education provision (May 22) drawing on the local community’s knowledge and understanding of this precious green space.

- Education provision: Overwhelming conclusion is that the naming of St John’s Ellel as the primary school that will support the development at Bailrigg is fundamentally flawed and will not happen and therefore the proposed scheme must include provision for a primary school on the site (ideally adjacent to the community facilities). We specifically ask that our comments of May 2022 be read in conjunction with this part of this response (see below where indicated with an *).

- Protection of tree, hedgerows and woodland: Proposed neighbourhood called Beechwoods predominately occupies the two fields south of Bailrigg and it accessed from the north. The initial roadway not only did not fit the existing space between the woodland and Bailrigg Farmhouse but also left no separation to the farmhouse. This anomaly was highlighted to Gladman and they now propose to move the roadway further away but will require cutting through the woodland. Quotes DM45 and argue that this roadway cannot be justified and the development should end at the powerlines.

- Design Code: revised Design Code document is a vast improvement on the previous version. Revised version there appears to be an attempt (in section 1.4) to establish mandated design code – this is welcomed. However, on closer reading it is not clear as to what is the intention and interpretation of this section and it is vital that this section is clarified. Sections of the Design Code is unclear on who implements. Concept of the three neighbourhoods is interesting and guarantees some variety across the site and some sense of place. The crucial information missing about each neighbourhood is the density of housing and type of houses which are key factors in determining the character of an area.

- Bailrigg village entrance - dramatically changes the entrance into Bailrigg Village and consultation has taken place with residents that resulted in a consensus that the entrance should be rural in nature with the entrance marked by traditional stone gateposts flanked by low stone walls, with the village name embedded, that match the stonework of Bailrigg Farmhouse and that the surrounding wide verges would be appropriately landscaped and include public benches.

- Conclusion – SPC has consistently argued that decisions regarding this development location ought to be considered as part of the Lancaster South Area Action Plan (AAP) exercise on the basis that the latter will yield a more coherent, coordinated, economic and effective development plan than piecemeal schemes such as this proposal. This planning application is incapable of standing alone and going ahead of the AAP because it has no viable education provision and has a severe impact on the existing highway infrastructure. It should be either withdrawn as being premature or rejected as unsustainable and prejudicing the garden village;

* Comments from May 2022:

- Scotforth Parish Council provided evidence that the option to use Ellel St John’s is invalid and therefore requested that Lancashire County Education (LCE) should amend its assessment to remove Ellel St John’s from the s.106 agreement, and that the applicant must amend its proposals in order to include a primary school on site and engage in a full consultation with both statutory bodies and the local community regarding this school.

Other matters:

	<ul style="list-style-type: none"> Following our conversations with both Gladman representatives and the residents of the Grade II listed Bailrigg Farmhouse, Scotforth Parish Council wish to draw attention to the fact that the proposed development in the vicinity (curtilage) of the farmhouse will require Listed Building Consent which could significantly change the scope of the outline planning application and therefore we ask that these matters are addressed in assessing the Development Framework Plan that accompanies the planning application.
South Lancaster Flood Action Group	<p>OBJECTION</p> <ul style="list-style-type: none"> Lentworth Drive - proposed shared footway/cycle way - There is no recognition of the planned bund within the cycleway proposal. At the southern extent of Lentworth Drive there is not enough space to accommodate both the bund and the cycle way. However it's not necessarily the case that the two are incompatible in fact if there was any hint of integrated thinking the cycle way could easily sit on top of the bund. However incorporating this thought should not in any way delay implementation of the bund any further. It is also entirely illogical that the cycle way would route along Lentworth Drive and stop adjacent to the bus stop, if this is to encourage a modal shift away from vehicular transport it would make far more sense for the cycleway to travel adjacent to Burrow Beck across Barton Road field rejoining Barton Road next to the community centre. Whinfell Drive - proposed shared footway/cycle way - The proposed routing of the cycleway along Whinfell Drive fails to capitalise on the opportunity to mitigate flood risk. A commitment to raise the cycle way 300mm above the road kerb height especially at the southern extent of Whinfell drive where existing topography does not provide flood water containment would reduce flood risk making the cycle way a valuable multifunctional asset; Proposed Crossing of Burrow Beck - The proposed crossing of Burrow Beck exists entirely within the flood zone on what is near permanently saturated ground. The design of any crossing of Burrow Beck must provide adequate above bank clearance and the connecting path to the west of the crossing must also be designed to allow flood water to pass underneath it, 'typical construction' will not be permissible.
Sport England	<p>OBJECTION</p> <ul style="list-style-type: none"> The proposal makes no contributions to formal sports facilities, indoor or outdoor based on the information so far provided, it is not compliant with the NPPF or the Local Plan. Details of any off site outdoor sport and indoor sport enhancements/new provision to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development will generate additional demand equating to 1 ½ pitch equivalents, 40 additional visits per week to Artificial Grass Pitches, 133 additional visits per week to sports halls and additional 99 visits per week to swimming pools. Incorporate the 10 principles of Active Design into the overall design of the development.
Strategic Housing	No comment
Tree Protection Officer	<p>COMMENT:</p> <ul style="list-style-type: none"> I've read through the revised documents and have no additional comments to make above my original response. Further consideration needs to be given to the likely impact of the development on existing hedgerows, trees and woodland, given the likely changes in levels and future pressure. This may have implications for the level of/the ability of the scheme to deliver the mitigation and compensation measures. No objection in principle subject to confirmation of levels, their impact on retained trees/hedgerows and revised landscaping proposals.

United Utilities Water Plc	GENERIC COMMENT
The Woodland Trust	<p>OBJECTION</p> <p>On the basis of damage to an unnamed area of woodland abutting the southern and south western boundaries of the site (Arboricultural Impact Assessment ref: W1, grid ref: SD48705786). This woodland appears on the first edition OS Sixinch map series published in 1848, 1895, 1914, 1933 and 1947 and is therefore of historical and ecological importance and likely to be ancient woodland. The Trust therefore recommends that further mapping research is carried out before any decision is made about this application. Furthermore, Natural England should be consulted for their opinion on the application, the antiquity of the site and its likely effects on the woodland.</p> <p>Ancient woodland is an irreplaceable habitat, once lost it is gone forever. The Woodland Trust requests that assessment of the possibly unmapped area of ancient woodland is pursued further with Natural England, as the statutory body for ancient woodland. If Natural England confirms the wood's ancient woodland status, then the Trust requests that the application is amended to provide an appropriate buffer of 20m in line with Natural England's standing advice.</p>
Waste And Recycling	<p>COMMENTS</p> <ul style="list-style-type: none"> • Collections are from the point of the property nearest to the adopted highway (or proposed adopted highway). Lancaster City Council collection crews and vehicles do not go onto private driveways, shared driveways or private roads. Given that on collection days, Lancaster City Council collect at least one grey bin, 3 x recycle boxes and an optional green bin for garden waste (possibly more, depending on subscription) there is potential for at least 1 wheelie bin and recycle boxes to be presented from each property. This may increase in future should we start collecting recycling from wheelie bins, and in future should food waste be collected separately on a weekly basis as suggested in the recently published Our waste, our resources: A strategy for England (Defra 2018).

5.2 Overall, the LPA has received **211** representations which raise the following matters:

Character of area

- Absence of a green buffer between the proposed development and existing urban edge of Lancaster, specifically the area between the houses of Dunkenshaw Crescent, Winmarleigh Road and Shireshead Crescent;
- Building a development directly adjacent to existing development without a green buffer would limit the accessibility of the animals and lead to loss of habitat.
- No mention of the separation between the new homes and existing settlements, i.e., the houses to the north of the proposed development along Winmarleigh Road and Shirehead Crescent.
- Feels nothing has changed to make this urban sprawl any more desirable than previously.
- Prospect of 9000 houses to the west of the A6, amounting to a new town with again no facilities or vehicle access even if the suggested Galgate bypass is built.
- This development will effectively join Lancaster to the University and to Ellet and Galgate
- Destroys a glorious, elevated landscape filled with wild life, rich mature trees and hedgerows. It's brutal in the way its footprint devours every contour and corner to maximise house build capacity with the 'we should be grateful' nod to a playground and some new saplings.
- Will follow the same dreary and depressing low eco and poor energy efficiency new builds already recently constructed in Lancaster
- Does little to enthuse or excite those who seek innovative housing landscapes
- Destroys land that acts as a precious green buffer. At best left alone and if not then treated with less intensive and creative options for future housing needs
- Proposal would destroy neighbourhood, open space and peaceful neighbourhood
- Rural character of the area would be lost
- Development would create urban creep

- Developing on the green buffer zone which is an integral part of the site
- Loss of open green space
- Quotes Woolerton Dodwell report in highlighting beauty of the Bailrigg area
- Enjoy this green space in its undeveloped form: the loss of this green space cannot be reversed once it becomes developed
- Would constitute just urban sprawl and certainly not an identifiable and separate development
- Hamlet of Bailrigg would lose all of its distinction
- Proposed development is on the last remaining green space between Lancaster and Galgate
- Mass urbanisation is going to turn Scotforth into another congested town.
- Development would represent urban sprawl
- This stretch of farmland creates a green corridor between the coast, marshes, the Lune and the moorland landscape of Clough and the Bowland hills. Additionally it acts as a woodland / hedgerow and meadow route for birds from the woods around Campus into South Lancaster. Parts would be lost.
- The smooth curves of the glacial drumlins will be lost & the traditional sledging slopes

Design

- Gladman's proposal for 644 houses, one shop and a dog walk park underneath an electricity pylon is clearly a development of poor design, and as Gladman's recognise from the NDG, such a proposal should be rejected.
- Proposed 'green buffer zone' is inadequate
- Should be a defined separation from existing housing by substantial planting to trees and shrubs
- Area of Separation behind the Grade 2 Listed Bailrigg Farmhouse is still in-sufficient
- This development will spoil the whole ambience of the area. Green spaces must be protected.
- Loss of beautiful open green fields which have been so valuable to the local community in recent years also the inevitable increase in flooding caused by building so many new houses on these fields
- Would constitute just urban sprawl and certainly not an identifiable and separate development
- No meaningful natural buffer between it and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area
- No provision for new woodland and thicket planting to provide an area of separation between the proposed new homes
- Understanding was that development to the south of the city would be distinct and maintain a green boundary around existing areas of Scotforth and Hala. Proposal does not do either.
- Concerns with siting dog walking area under electric lines
- Does not provide a 'very high standard of urban design to deliver new development in a holistic and comprehensive manner
- Where is the 'distinct sense of place'

Connectivity

- Negligible public transport links to Lancaster and Galgate
- Little thought given to connection with existing public transport links
- Impact on cycle/pedestrian routes making
- Still no mention of any sustainable travel plans in the amended application for this car-dependent development
- No indication of how a bus operator to run a service through the development would be procured or funded
- Eddisons report that a cycle path should be constructed along Lentworth Dr, Hala Square, Claughton Dr, Whinfall Dr. These roads (and houses) have flooded in the past. This cycle path should be a raised structure to also provide a flood bund
- Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming.
- The infrastructure doesn't lend well to a dedicated bus lane, and a guided bus way would only seem possible alongside the West coast Main line.
- Holds little weight in cycle paths and sustainable transport being a solution.
- Seems not to take account of the needs for easy cycling access to the University
- Public footpath running from Winmarleigh Road to Bailrigg should be protected in its rural format

- Does the demographic of home-owners that can afford this type of housing utilise public transport on a daily (commuting) basis?

Construction period

- Disruption to existing residents during the construction phase
- Health impacts on existing populations living close to the application site
- Disruption during construction phase
- Disruption when laying new pipes and cables
- Increase traffic movement both construction vehicle and construction workers vehicles, noise impact pollution at every level and serious impact to the environment, loss of green space and the tranquil
- No good access for traffic, particularly the heavy construction traffic required for building via Hala Hill

Land use

- Emphasis should remain on creating considered in fill developments with minimised negative impact
- Green countryside is a local walking area to enjoy nature and should not be built upon.
- Scale and need for development unjustified
- Number of houses in this proposed development is excessive and the need for them has not been demonstrated
- This is a one-dimensional "dormitory" development. It provides only housing, with no employment opportunities
- There are brown field sites in the local authority area that should be redeveloped before green belt land is sacrificed.
- Proposed development would constitute a piecemeal opportunistic accretion to the built area
- Developers first reuse and repurpose land that has already been built on and left derelict to house people rather than simply create more university accommodation
- The very low density of the proposed housing is not only an extremely inefficient use of the land, but it will encourage car dependency, in contravention of all the Council's objectives.
- What justification is there for this continued erosion of farmland?
- The quantum of development appears excessive for the site area available. Yet what is to prevent an increase in the number of units applied for at the detailed application stage?

Local plan policies

- Countryside in South Lancaster should not be developed in a piecemeal way, before the Local Plan inquiry outcome is known and before a coherent plan for BGV is in place
- It would make sense to support the Bailrigg Garden Village application first as a trial, which specifically sets out the development of suitable road networks, infrastructure, paths, GP practice, 3500-5000 houses and schools before other developments are built
- Pre-empting the BGV with this development undermines the vision and ambition of the BGV project, which was developed in close consultation with residents, the local council and key stakeholders
- Unlike this proposal, the BGV addresses the key principles of the SPLA DPD. What is needed for the development of South Lancaster is cohesive, joined-up thinking;
- Reiterates part of Policy SG1.
- Too much green belt land is being used for housing, is there not more brown land to be used before using green belt
- Fear that current national policy favours developers and ignores local democracy
- Premature development and would undermine the ongoing strategic plans of Bailrigg garden village south area action plan as a whole
- Question how the application can be approved with regard to climate change emergency declared by the Council.
- How does this huge, proposed development on green fields contribute to Lancaster's role in leading by example, reducing carbon emissions and meeting the local challenges of global climate change?
- Clear lack of planning. Existing plans for 10000+ houses are far in excess of need
- Areas of Separation are not compliant with Garden Village Principles

- The application needs to be considered alongside the wider BGV development, as part of the AAP process, to ensure a cohesive and integrated approach to planning and the provision of the necessary infrastructure for south Lancaster.
- Where is the green buffer zone in the BGV Final Draft Masterplan between Hala and this proposed development of 644 houses?
- No clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere
- Proposal to build a relief road round Galgate is dependant on some 9,000 houses being built in the garden village. This is unlikely to be realised and should not be considered as mitigation for the increased volume of traffic movements which this application would produce.
- Garden Village of some 3,500+ houses around this site this would negate the need for any other developments south of the city
- Emerging revised local plan which does not feature this site the application should be refused on these grounds alone.
- Bailrigg Garden Village should be started first
- Developers first reuse and repurpose land that has already been built on and left derelict to house people rather than simply create more university accommodation
- Premature development and would undermine the ongoing strategic plans of Bailrigg garden village south area action plan as a whole
- ES indicates that a fabric first approach will be utilised to reduce carbon emissions and goes on stating that housing will be to the minimum requirements of the building regulations. These are the worst possible and most basic standards you can build to; therefore, no consideration has been given to the climate emergency;
- Still no mention of any sustainable travel plans in the amended application for this car-dependent development
- Contrary to policy (E31) called Key Urban Landscapes which rightly reserves the land alongside the motorway for trees and open spaces.
- This development joins the city to Bailrigg and if classed as part of the Bailrigg Garden village project, it takes the BGV out of the "stand alone" category
- Would be contrary to climate emergency
- This satellite development is attempting to 'bypass' the grand plan and start development piecemeal.
- Planning permission should therefore be restricted to 250 dwellings in the area marked B on the Gladman schematic map below and only landscaping be applied within the two policy areas of E31 and EN6 (marked A, C, D & E).
- Limited acknowledgement of our Climate Crisis in the Environment Statement but whilst it states that addressing climate change is paramount it offers little in concrete solutions. 'Efficient designs', 'latest heating systems', 'encouraging user behavioural change', are all too vague and difficult to pin down.

Impact on infrastructure

- No mention of secondary schools, of which spaces are very limited at present.
- Not convinced that Ellel St John's CE Primary School could accommodate the level of development
- Applicant must therefore provide own infrastructure within this proposed development.
- The proposed development contains neither a primary nor secondary school
- Offers no contribution to the additional demands that will be generated for health/educational etc
- Requirement for cars to be used to get to the nearest school (thus contributing to air and noise pollution) is at odds with Lancaster City Council's sustainability vision
- Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development
- Note that the proposal is to increase Ellel St John school size. This is not safe or possible due to the street configuration for the entrance to the school.
- Doctors' surgeries will struggle with extra patients.

Impact on highway network

- Main objections are the increase in traffic to the south of Lancaster with no provision for access to the motorway or improvement to the A6 proposal for an access from Hala Hill will cause major traffic disruption at an already difficult junction
- Will become a noisy 'rat run' inconveniencing and endangering local residents.

- The infrastructure doesn't lend well to a dedicated bus lane, and a guided bus way would only seem possible alongside the West coast Main line
- Increase in road traffic
- Additional traffic to an already crowded road network
- Increased traffic and parking congestion
- Increased traffic impacting on the already stretched road infrastructure
- Given that the Bailrigg Garden Village will create at least 3,500 new homes along the A6 it is rather ridiculous to assume that "it is unlikely that there will be the same scope for traffic growth."
- Development along the A6 is already causing issues and further planned developments will only add to it.
- Daily congestion in the Scotforth and Greaves areas , there is no possible way that this could ever be alleviated, it is for these serious unsolvable reasons that this application must be declined
- Questions why traffic increase is not significant.
- Traffic loads on existing roads would be exacerbated
- Plenty of car parking and garaging accommodation is envisaged by the applicant but no enhancement to public transport will be forthcoming.
- No housing developments should be considered until the reconfiguration of junction 33 is completed
- Traffic generated will inevitably flow to Galgate and the junction with the A6 which is already over capacity at peak times
- Projections on traffic flows must be recalculated from a 2022 timebase if they are to have any validity
- Travel to the M6 or the town centre is totally inadequate to accommodate this scale of development
- Proposed road to join the top of Hala Hill is likely to cause severe congestion
- Will bring an enormous increase in traffic using Hala Hill and Bowerham Lane/Blea Tarn Road
- Bentham road is already used as a rat run and cannot be placed under more pressure
- Would add to congestion and other means of transportation initiatives are not progressed
- Proposed opening of the HIC road through into the estate and out at the north end on Hala Hill will just become a car "rat run"

Highway safety

- Legal or not, it should be resolved for a right turn to be resolved on the Hala Hill junction the sun shines very low in winter from the east blinding traffic doing a similar manoeuvre out of Bentham Road, therefore this should be resolved at this stage not left for when it is too late
- Hala Hill across Bowerham Lane when driving south from the town - experienced the traffic speeding down from the motorway bridge over what is almost a blind bend. Sight lines around the existing junction are already poor and will be made worse by traffic exiting the new estate onto Hala Hill.
- Safety concerns regarding use of walkway from Bay Horse Drive to Bentham Road
- Road design would lead to poor highway safety
- Two exits proposed this will cause a monumental and unworkable increase in traffic access onto Hala Hill would be dangerous
- Highly unlikely that the intended access from Hala and Bailrigg Lane would prove adequate
- Categorically assured that the land between the motorway and Barnacre Close would not be built on danger to highway safety on Hala Hill
- Environmental Statement (May 2022) contains a major error concerning speed limits (section 2.3), an error repeated in the Non-Technical Addendum (p.5). Thus it is evident that there has not been an adequate checking of factual information.
- New road through the new estate will become a short cut to the A6
- The proposal which the County Council now favour seems to vary very little from that which they were unhappy with in their comments of 17th January 2022 (Version D);
- Vehicles approaching the new junction in a northerly direction up the new ramp (if they overshoot) could end up in the gardens of houses on Greenacre Court. Similarly, vehicles coming down Bowerham Lane from the direction of the motorway bridge will be doing a severe manoeuvre (coming back on themselves) if they want to enter the new estate
- In the previous County Council comments there was concern about the estate becoming a "rat run". This seems not to be mentioned in the further report.
- new concept of gravity funding suggestion per unit on this development (£4383) seems to be much less than figure quoted in the Story Homes proposal on Ashton Road (£7853).

- surrounding the new junction it is not currently adopted highway will be maintained by a management company? Surely that adds another element to the danger. If plants and grass grow then sightlines will be obstructed even more.

Flooding

- Make flooding worse and have an adverse effect on my property and therefore my quality of life;
- Inaccuracies in the EIA, both the Conder and Ou Beck have flood defences in place in Galgate including flood walls and barriers;
- It should be noted no water than currently enters the beck should be added to it. This is to prevent downstream flooding attenuation features need to allow for none of this water to enter the beck at an increased flow that is current and slow the flow measures could be utilised on the downstream farms prior to Galgate village to hold water back
- Surely the condition from the LLFA should be to “stop” any flood risk
- Flooding often occurs in Bailrigg Lane
- More concrete will add more flooding to the whole area and not just Bailrigg lane
- Behind Knowe Hill Crescent we have already had Ou Beck overflowing several times, development would exacerbate problem;
- More house in this extremely vulnerable flooding area can only make the situation far more serious than it is already
- The proposal does not do enough to mitigate against the flood risk and could increase the risk of flooding to our property
- Flooding - no guarantees have been given, nor can be given, that new development on this substantial scale can contain all of its own water run-off and that existing flood problems will not be exacerbated.
- The area is prone to flooding, and the drainage plans only seek to maintain current levels of run-off, which is entirely insufficient given the successive recent flood events
- More hard surfaces will increase the likelihood of flooding
- Building on the fields can only lead to more water runoff and the risk of further flooding

Residential amenity

- Air and noise pollution from the M6 to the development
- Disturbance at night from proposed shop, play area and community centre
- Additional noise impacts
- Affect open space around property
- Need to maintain several yards of space beyond the fencing of back gardens at the peripheries
- Findings of report seem perfectly clear about the unsuitability of noise levels for residential development adjoining the motorway
- Will affect personal wellbeing.
- Undoubtedly impinge on my privacy and inconsequence reduce my standard of living
- Block out light to my property depending on buildings and garden designs.
- Development would add noise and pollution to what currently comes from the M6
- Need to maintain several yards of space beyond the fencing of back gardens at the peripheries
- Concerned about the invasion of our privacy posed by building new homes so close by
- Access road will run right behind my house and those of my neighbours.
- Addition of another road will exacerbate noise.
- The addition of a road will allow strangers to see into our gardens and therefore compromise both privacy and security

Pollution

- Increase in cars in the area will cause air pollution, noise pollution and the potential for further accidents.
- Air and noise pollution from the M6 to the development
- 1288 car movements per day, the majority will be fossil fuelled few will be electric cars again adding to poor air quality and increased pollution

Services and facilities within site

- No provision for additional schools, Doctors' surgery, Dentist or any other service which will be required
- Who will upkeep and maintain proposed community centre;
- Community hall/facility is insufficient to create a functioning community if it does not also include medical and educational institutions
- Place the facilities more centrally to the new development to be more equidistant for the future residents
- No plan for local services, such as local health care and other services to support extra residents
- Adverse effect on residents' access to local school, GP surgeries and other services in Lancaster
- Concerned that no school or doctors' surgery are proposed
- Plans lack detail in important areas such as sufficient transport provision, load on schools and medical centres, consideration of cycling links between the University and town, and most of all environmental impact and flood management
- A small local centre, plus shops is proposed with a community hall including two carparks should be in the centre of the site where new residents can choose to live next to and not imposed on the local residents which will have significant impact.
- No commercial nor social amenities other than one modest sized convenience store to serve the development therefore encouraging travel by car
- Infrastructure required to support this 1,546 person development does not exist no clear proposals of how it will be delivered unless provided by others as part of significant development elsewhere
- Creating the capacity is only theoretical however as the only nearby GP practice has no ability to expand further
- Local schools do not have the capacity to accommodate the significant additional number of children proposed to reside in the new development
- Infrastructure in the local area has not evolved enough to support this development.
- Applicant must therefore provide own infrastructure within this proposed development.
- The location of the community hall and facilities at the outskirts of the proposed development with no specification of the future location of electrical substations
- No commercial nor social amenities other than one modest sized convenience store to serve the development therefore encouraging travel by car

Surface water

- Adequate drainage and soak aways should be planned for in line with changing climate and not redirected towards other residential areas
- surface water runoff from the significant number of proposed dwellings and all of the associated hard surfaces would be very great.
- Environmental Impact Statement fails to provide adequate details of what will be required in terms of additional reservoir capacity, mains water supply, sewage collection and treatment, gas piping, electricity cabling.
- Building of properties or urbanisation above Barnacre Close and Ou Beck would cause increased rainfall runoff from the use of impervious materials and removal of vegetation and soil
- Surface water needs to go somewhere but it is not clear that the optimal solution has been reached

Spaces within the site

- No meaningful natural buffer between the proposed built form and the existing built development would have a serious detrimental effect on the existing rich wildlife in the currently undeveloped area
- That Areas of Separation are not compliant with Garden Village Principles
- Should be a defined separation from existing housing by substantial planting to trees and shrubs
- Does this also mean that all areas marked as Landscaped could in theory have an access road running through them?
- Enjoy walking our dog along the footpath (yellow on the plans) which will be reduced to a simple through-estate path;
- No mention of the separation between the new homes and existing settlements, i.e., the houses to the north of the proposed development along Winmarleigh Road and Shireshead Crescent.
- By destroying this area, you remove green spaces that have been accessible to the public

- East area around the hamlet of Bailrigg has not been given sufficient woodland screening from the development particularly on the north aspect looking from Bailrigg towards the pylons
- Proposal does not highlight which areas of separation will be observed within the proposed area of development, and the boundaries of South Lancaster

Trees and hedgerows

- The hedgerows between the houses of Winmarleigh Road, Shireshead Crescent and the proposed development are not illustrated on any of the figures present in the documentation.
- Destruction of woodland on the eastern side of the development on biodiversity grounds as replacement tree planting is insufficient
- Not clear how many mature trees are intended to be removed
- Token replacement by saplings, is insufficient by itself
- Object to proposal to destroy woodland on the eastern side of the development by cutting a road through it
- Tree cover could be increased to support the existing bats, deer and otters
- Destruction of woodland on the eastern side of the development on biodiversity grounds as replacement tree planting is insufficient

Wildlife

- Fields are a haven for wildlife, with deer, foxes and badgers seen almost every day (to name a few) any development would eradicate wildlife.
- Superb opportunity to answer some climate emergency challenges by "rewilding" all of this land to increase biodiversity, prevent flooding and create beautiful open space for the people of Lancaster
- Converting this field to housing would of course destroy the habit of the animals which currently reside there.
- Environmental impact to this development will be huge not just from a nature point of view but also a public wellbeing aspect
- The proposal further threatens biodiversity in the area.
- Noise and disturbance this construction site will produce will have a negative effect on well being
- Will destroy much of the beautiful habitat we have for wildlife in the area
- The proposed access road and the proposed new housing will lead to a loss of wildlife habitat
- Site sustains a population of many birds and small animals, including hedgehogs, shrews and field mice, which are in general decline nationally

Heritage assets

- Area of separation behind the grade 2 listed Bailrigg farmhouse is still insufficient

Other

- Has the potential to reduce the current valuation of my property creating a negative fiscal impact
- Unsure of the reason for the canal and rivers trust comments given there is excess water proposed to be put into ou beck. Therefore, request the canal and rivers trust are ask to reassess this issue;
- Water quality assessment should be undertaken for ou beck
- No mention of an electrical substation on any of the diagrams of the new proposed development.
- Contradictory statements regarding infrastructure
- Is this landscaped area to include a road junction through the narrow field at the back of my house
- Reference made to view of council officers not wanting an acoustic fence along m6, implies decision has already been made.
- Surprised and disappointed that a 377 page document does not include a contents or index page
- Supports BVRA letter of objection
- Not enough jobs to support new population of the development
- Affordable houses will be presold / kept and rented by the developer
- Aside from a clear dereliction of responsibility, the fact that no plan for employment has been considered is important

- Comparing the updated 2022 plans to the original 2019 design and access statement, the only significant difference is that all mention of the Bailrigg Garden Village has been removed.
- Dark skies at night, looking east, which would be destroyed by the accompanying lighting for new roads and buildings
- Recommending retrofit over new builds, where possible, re-use existing buildings and recycled materials, as opposed to building new by default
- References to 'Morecombe' in 10.3.8 and 10.3.9 only cast further doubt as to the reliability of the application
- Need more greener areas, parks for children and public sports fields instead!
- The fact that no plan for employment has been considered is important
- Would you please make the planning proposals more transparent and easier to read by the public? The proposals are laid out poorly, overly repetitive and, frankly, composed entirely of "planning speak"
- Loss of views into countryside
- How are you going to ensure that this footpath on my property and using my driveway will not become an overused pathway from the proposed development
- Question on housing shortage if student accommodation is being built or new builds are bought to let
- No housing development should start until the reconfiguration of Junction 33 to the north of Galgate.
- As the application is only in outline i have a concern that the detailed applications by the building companies will vary the detail considerably. Would it not be better for this application to be withdrawn and a detailed application to be submitted which has more certainty?
- Lack of detailed consultation with residents affected by surface water flooding or the presentation of suitable plans to mitigate any increased risk of flash flooding
- The socio-economic sustainability statement is a series of simplistic assumptions based on various local and national statistics, without any error bounds or confidence intervals
- comment about the management company - maintenance of ponds/swales to be created for flood defence of existing houses. Existing householders/ratepayers should not be left with future problems such as flooding which in turn will lead to difficulties obtaining insurance etc.

A further two representations have been received following notification of the revised Environmental Statement and are summarised as follows:

- volumes of technical data are presented in the application which cannot reasonably be considered accessible to the community
- 'Potential site access arrangement Rev H' shows no awareness of domestic drainage from properties on the north of Bailrigg Lane (Cherry Trees/White Walls) south across Bailrigg Lane
- it is unclear what the intentions are for sewage drainage from the site more generally
- appreciate the efforts to address flood risks on the site these efforts are focused on Ou Beck
- conclusions and recommendations of this report shows "Soakaway drainage is not considered feasible for this site."
- the application acknowledges flooding issues to the south west of the site but has not put in any new measure to mitigate against this
- Despite these additional reports which clearly show a risk to our property from activity on the proposed site – 'ES - 03.3 Development Framework' – shows no intention to create a SuDS area, nor any other mitigation, in the south west of the site next to Bailrigg Lane and adjacent to our property
- insufficient consideration of the wider impact on infrastructure, traffic, access the the south of Lancaster and the lack of school places
- As residents of Bailrigg Lane major concerns are raised about water, drainage and flood risk
- housing numbers should be restricted on the development until an improved road layout is in place
- acoustic fence does not solve excessive noise levels in gardens close to the M6

6.0 ANALYSIS

6.0.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless

material considerations indicate otherwise. The Development Plan (hereafter 'Local Plan') for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents (SPLA DPD), a reviewed Development Management (DM) DPD, the Morecambe Area Action Plan DPD, the Arnside and Silverdale AONB DPD and 2 Neighbourhood Plans. The SPLA DPD and reviewed DM DPD were adopted in July 2020 and result in an up-to-date Local Plan. For the reasons as contained within this report the council have embarked on a full review of the local plan given the recent HIF decision.

6.0.2 It is noted that on 31 March 2022 the Council submitted the Lancaster District Climate Emergency Review of the Local Plan 2020-2031 to the Secretary of State for independent examination. This is in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (2) - Regulation 22. Given the stage of the review limited weight is applied in the determination of the planning application. The LPA are confident that the Climate Emergency Review will be capable of being deemed sound, and therefore adoptable in 2024.

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

- Principle of Development
- Infrastructure Requirements
- Affordable Housing and Housing mix
- Housing Standards
- Sustainable Design and Renewable Energy
- Effect on landscape character
- Design and Form
- Open Space Design
- Transport and Highway Matters
- Archaeology and Heritage Assets
- Flood Risk and Drainage Issues
- Biodiversity
- Trees and hedgerows
- Residential Amenity
- Contamination
- Impact on minerals
- Economic benefits
- Planning Obligations
- Planning Balance and Conclusion

6.1 Consideration 1 - Principle of Development - NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes); SG1 (Lancaster South Broad Location for Growth), SG3 (Infrastructure Delivery for Growth in South Lancaster) EN3 (The Open Countryside; Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs) and DM4 (Residential Development Outside Main Urban Areas)

6.1.1 In terms of the principle of the development the site lies within a "Broad Location for Growth" where Policy SG1 of the adopted Strategic Policies & Land Allocations Development Plan Document sets a broad location for growth in the South Lancaster area and a series of key growth principles for the future development. Policy SG1 does not set specific allocations of land for development or other purposes, nor does it provide a detailed planning framework through locally-specific planning policies. It does however set a commitment to prepare and deliver a new Area Action Plan DPD for growth in South Lancaster, including the delivery of Bailrigg Garden Village.

6.1.2 The Broad Location for Growth identified the delivery of least 3,500 new homes supported by a range of commercial and business opportunities, which includes the delivery of the aforementioned Lancaster University Health Innovation Campus. Policy SG1 sets out the parameters for growth whilst Policy SG3 provides the framework for a specific Lancaster South Area Action Plan DPD to be adopted by the Council.

- 6.1.3 There are 15 Key Growth Principles set out in SG1. These principles provide a basis for determining planning applications and set out the scope of issues which are to be tackled within the Area Action Plan. A summary of these principles is set out here:
- I. Pro-active community engagement.
 - II. Securing high-quality design and development with a sense of place.
 - III. Seeking modal shift (public transport and cycle infrastructure).
 - IV. Delivering market and affordable housing to meet evidenced housing needs and to secure cohesive and balanced communities.
 - V. Ensuring necessary infrastructure is delivered to support the strategic growth of South Lancaster.
 - VI. The delivery of high-quality open space and green corridors and securing distinct areas of separation between the BGV and the existing urban edge of Lancaster and Galgate.
 - VII. Development to take account of the Heritage Impact Assessment for the area.
 - VIII. Safe, accessible and well-serviced development to create healthy and cohesive communities.
 - IX. Master planning for growth of the University Campus and its wider estate.
 - X. Safeguarding the University Campus.
 - XI. Design new development to minimise its contribution to, and the impacts of, climate change and to be resilient and adaptable to the effects of climate change.
 - XII. Managing and reducing surface water and flood risk to existing and new residents and businesses.
 - XIII. Housebuilders to provide opportunities to work alongside local firms/suppliers during construction and the BGV to provide opportunities for self/custom build properties.
 - XIV. Promotion of innovative design and use of technology for buildings, transport and energy.
 - XV. Improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel.
- 6.1.4 To support the delivery of strategic growth in South Lancaster significant infrastructure will be required and is considered under SPLA DPD Policy SG3. This ranges from new highways, public transport networks, cycle infrastructure, education facilities, local centre(s) and valuable open space and green/blue corridors/networks. The mechanism for the delivery of this strategic growth area rests largely with the Council in the first instance with the requirement to prepare a subsequent DPD, entitled the Lancaster South Area Action Plan (AAP) DPD with the Framework set out under SPLA DPD Policy SG3.
- 6.1.5 In September 2023, the City Council resolved to commence a full and comprehensive review of the Local Plan in light of material changes in circumstances in South Lancaster since the original adoption of the Plan in 2020. Specifically, expectations around delivery in South Lancaster have changed in light of the suspension of the South Lancaster Growth Catalyst (SLGC) by Lancashire County Council. The SLGC was to include the delivery of new strategic transport infrastructure in South Lancaster to open up growth opportunities connected to the delivery of Bailrigg Garden Village. As part of the decision to commence a Full Review of the Local Plan, the City Council also decided to cease work on proposals for a new Garden Village and the Lancaster South Area Action Plan and will re-investigate options for growth in this area through the review process itself.
- 6.1.6 Whilst work on the Action Plan has now ceased, Policy SG1 does include an early release mechanism which provides an interim position which permits development in advance of the Lancaster South Area Action Plan provided a number of exceptional circumstances are met, these include:
- a) There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider Bailrigg Garden Village development;
 - b) That the development would conform with and further the Key Growth Principles described in Policy SG1; and,
 - c) That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.
- 6.1.7 Within the justification to Policy SG1 it makes clear that the Council would only permit development in advance of the Action Plan in *exceptional circumstances* (our emphasis). Given this it is critical that any application in this area can demonstrate, beyond any doubt, that these exceptional circumstances

have been met in full. This is particularly the case in relation to ensuring that infrastructure matters, as set out in Policy SG3 of the SPLA and the key growth principles are fully considered and addressed to the satisfaction of the LPA. Whilst the AAP is at an early stage of preparation, Policy SG1 makes clear the ambitions of the Council about development within the 'Broad Location for Growth' designation that it is seeking to achieve sustainable, high-quality development which is distinctly unique and separate to the surrounding settlements of Lancaster, Galgate and Bailrigg Village. Given the siting of this proposal, there are potential implications of achieving such separation should development be permitted in this location.

- 6.1.8 Most of the matters set out within the Key Growth Principles will be considered in detail in the separate sections below. However, there are concerns that a number of these principles have not been adequately addressed, in particularly relation to: high quality design; seeking a modal shift; minimising impacts on climate change; and addressing constraints and capacity issues in the strategic and local road network. The principle of the development cannot therefore be supported as the proposal would be contrary to the aims and objectives of Policies SG1 and SG3 with regards to the expectations of new housing development in this area.
- 6.1.9 In terms of the other matters of principle the remaining sections will consider community engagement (criteria 1 of SG1), the loss of agricultural land, demolition of Low Hill House, suitability for residential development and a local centre comprising retail space and a community hall.

Community engagement

- 6.1.10 In regard to the matters of principle SPLA Policy SG1 sets out that involving local communities in a pro-active consultation remains at its core. As such, the applicant has prepared and submitted a statement of community involvement to support the application which sets out the level of engagement which has taken place with interested parties. The consultation programme undertaken by the applicant comprises:
- Leaflet distribution on 24th May 2019 to over 1500 households & businesses within the proximity of the site outlining the development principles together with feedback cards and details of a dedicated website and how to make comments;
 - A press advert, advertising the public consultation of the proposed development, was published in the Lancaster Guardian on the 30th May 2019;
 - A dedicated website for the project which is informed by a number of consultation board. The address for the Bailrigg Lane, Lancaster website, is <http://www.your-views.co.uk/bailrigg> and was operational from 24th May 2019;
 - Direct contact and through consultants with stakeholders during the pre-application stage, namely, Scotforth Parish Council and Ellel Parish Council, Local Ward Members of Scotforth East Ward and University and Scotforth Rural Ward, Cat Smith MP (Lancaster & Fleetwood), Bailrigg Village Residents Association, Lancaster University, Morecambe Bay Clinical Commissioning Group & Lancashire County Council School Planning Team and South Lancaster Flood Action Group.
- 6.1.11 Meetings were held with the stakeholders and copies of correspondence are enclosed with the applicant's SCI.
- 6.1.12 It is considered the consultation is comprehensive and how the feedback has been addressed. Notwithstanding other matters in the recommendation of this application the applicant's consultation has been undertaken in a pro-active manner which satisfies criteria one of SPLA Policy SG1.

Loss of agricultural land

- 6.1.13 The proposed development would result in the loss of land for the purposes of agricultural. The NPPF under Paragraph 174 and within footnote 58 informs that decisions about the natural and local environment. The NPPF advocates that decisions should protect and enhance landscapes, biodiversity, geology and soils; recognise soils as a natural capital asset that provide important ecosystem services; consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land and prevent soil, air, water, or noise pollution, or land instability from new and existing development. Best and most versatile (BMV) land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a.

- 6.1.14 Paragraphs 001 and 002: Planning Practice Guidance for the Natural Environment explain why planning decisions should take account of the value of soils and agricultural land classification (ALC) to enable informed choices on the future use of agricultural land within the planning system.
- 6.1.15 The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b.
- 6.1.16 In respect of the Local Plan the strategic objective SO3 informs a number of DPD policies. The Local Plan identifies as an indicator of the take of Grades 1,2 and 3a agricultural land for development. A target is to reduce uptake of grade 1 agricultural land. Policy DM44 sets out that development should avoid use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable.
- 6.1.17 Using Natural England's Provisional Agricultural Land Classification (ALC) the site straddles grades 3 and 4. Grade 3 covers the majority of the southern of the site and comprises land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Grade 4 which is on the eastern side of the site adjacent to the M6 comprises land with severe limitations which significantly restrict the range of crops and/or level of yields.
- 6.1.18 The applicant has undertaken a soil resource and agricultural land classification survey of the site. The survey identifies that the land within the application site is under permanent pasture and 95% of the land comprises Grade 3b. The remaining 5% is non-agricultural which is woodland, scrub, a house and garden. The soils are identified as medium loamy topsoil with an upper subsoil being susceptible to compaction.
- 6.1.19 Protection will be given to agricultural land which is considered to be the best and most versatile. However, it is recognised that not all agricultural land can and should be protected from loss. Therefore, land that is of a low agricultural grade will not be considered necessary for protection from development. Taking into account the land within the application site is not grade 1 or 2, while the loss of agricultural land is regrettable, it would not conflict with the strategic objective and Policy DM44 of the Local Plan which aims to protect the higher quality agricultural land. Furthermore, the loss of 3b and grade 4 would align with the NPPF as the areas of poorer quality land have been used instead of higher quality land.
- 6.1.20 As such it is considered the loss of agricultural land is considered to be acceptable.

Demolition of Low Hill House

- 6.1.21 Low Hill House is situated in the central western part of the site with access taken from Bailrigg Lane. The property is two storey, detached, rendered with a pitched slate roof and finished with clay ridge tiles. The property is situated towards the north of the plot with a detached garage to its side. The majority of the garden space is between the property and Bailrigg Lane along its southern boundary.
- 6.1.22 Given the property is currently vacant it was included in the ecological surveys carried out over the site. The findings will be discussed in more detail later in this report; however, it was found that the property held no evidence of bats was found internally or externally during its inspection. Although the property is proposed to be demolished to facilitate access to the wider proposed development it is considered there to be sufficient socio and economic benefits to outweigh its subsequent loss.
- 6.1.23 As such, subject to the detailed ecological findings it is considered the demolition of Low Hill House in terms of the principle is acceptable.

Proposed Dwellings

- 6.1.24 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. It is acknowledged that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most up to date housing land supply position for the council is contained within the Housing Land Supply Statement (October 2023) which identifies a 2.4-year supply of housing land. The Council's lack of a five-year housing land supply is a material consideration in the determination of this application and also requires

the application of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. This means applying a planning balance in favour of proposals for housing development.

- 6.1.25 It is acknowledged that opportunities to address this lack of a 5-year supply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process of which this site is expected to contribute as part of the Broad Location for Growth (under policy SG1 of the adopted Local Plan). It is acknowledged that the BLG is more of an area identified for growth and not an allocation. Whilst it does not seek to identify parcels of land for specific land uses it will facilitate the delivery of least 3,500 new homes and 1205 new homes anticipated within this plan period, including affordable housing. Which parcels of land within the BLG designation most suitable for residential development has not yet been determined, as this will be established through the preparation of the South Lancaster Area Action Plan.
- 6.1.26 The applicant contends their proposal would comply with the conditions for early release set out in policy SG1 and that in the absence of a five-year housing land supply position planning permission should be granted in accordance with the presumption in favour of sustainable development.
- 6.1.27 Notwithstanding the requirements of Policy SG1 and other development plan policies there is no doubt that the proposed development would make a meaningful contribution to the district's five-year land supply and would provide much needed market and affordable housing. However, taking on board the provisions of Paragraph 73 of the NPPF an underlying theme is that large scale housing can often be best achieved provided they are well located and supported by the necessary infrastructure and facilities. Notwithstanding the provision of housing will largely be governed by the requirements of SPLA DPD Policy SG1 (and other policies within the Development Plan) it is noted that the application site is positioned in a sustainable location on the southern edge of the existing built-up area of the city bordered by the M6 and Lancaster University. However, as will be discussed in more detail later in the report it is difficult to establish what infrastructure will actually be possible or brought forward in a meaningful way to support the housing.
- 6.1.28 Nevertheless, the site is close to a key public transport corridor and adjacent to the existing urban edge of Lancaster with the potential of connecting to the existing pedestrian/cycle network. The site is suitable, in principle, for residential development.
- 6.1.29 As this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of this report.

Local Centre and Community Hall

- 6.1.30 The Framework Masterplan sets out the general parameters of the local centre and community hall. Siting the two uses in the central part of the site adjacent to an existing public right of way it is anticipated it would be located on a 0.32 hectare site, comprising 280 square metres of retail floorspace and 150 square metres for the community use floor area. The building(s) would be a maximum height of two storey, reflecting the surrounding area with spaces for pedestrian movement, gathering and car parking.
- 6.1.31 Notwithstanding the detail it can be gleaned that the retail and community use would contribute towards a number of the overarching objectives of SG1 in promoting a sustainable, attractive place to live, defining a sense of place and creating a sense of community for its new residents.
- 6.1.32 DM DPD Policy 19 outside of a city, town or local centre supports main town centre proposals (such as retail) where the floorspace falls below 150 square metres, is located in an urban area, is easily and safely accessed by foot or cycle and is compatible with surrounding land uses. It is recognised that not all retail development takes places within defined centres and therefore the Council will support small-scale retail development that demonstrates a local benefit and its proposed use serves the community.
- 6.1.33 It is unknown at this stage if the retail floorspace would be sub-divided to form smaller units and would sit comfortably under DM DPD Policy 19. However, given the retail space would be associated with the wider proposed residential scheme it is considered there would be local benefit when combined with the creation of a community hub within the site which would weigh in its favour. Given the retail space will be brought forward in conjunction with and would serve the surrounding residential

development there are also sufficient benefits in being easily and safely accessed by foot and cycle. As such, it is considered that the proposed retail space is acceptable in principle terms.

- 6.1.34 DM DPD Policy 24 advocates that the creation of new cultural facilities (which includes community halls) will be supported subject to being demonstrated that it will deliver benefits to the wider economy, located in an accessible and sustainable location that can be accessed by a range of transport methods, including public transport and that it won't result in a negative impact to amenity particularly residential and highway safety.
- 6.1.35 The proposed community hall through its envisaged design to create a distinctive new landmark. The Framework Masterplan recognises the proposed hall to be a key community focal point and hub of activity. Like many community spaces this could be used for a number of activities but essentially it will be placed within the context of the proposed development in which it will principally serve. It can be construed that the community hall would deliver benefits to the wider economy and inevitably promote community cohesion. It is difficult to assess the impact on residential amenity or highway safety, however, a forthcoming scheme can be designed in a way to minimise an impact and to maintain a high standard of road and footway safety. It is therefore considered the proposed community hall would satisfy DM DPD Policy 24 and is acceptable in principle terms.

6.2 Consideration 2 - Infrastructure Requirements - Education and Health NPPF paragraphs: 93 and 95 (Services and School Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SG1 (Lancaster South Broad Location for Growth), SG3 (Infrastructure Delivery for Growth in South Lancaster); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)

- 6.2.1 This application for the proposed development has been submitted in advance of the Lancaster South Area Action Plan DPD. As discussed earlier in the report, SPLA DPD Policy SG1 does permit development in the BLG providing it would not prejudice the delivery and would not undermine the integrated and co-ordinated approach of the wider Bailrigg Garden Village including its infrastructure requirements. It is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, to ensure that development can be achieved in a sustainable manner for the benefit of new and existing residents and local businesses.
- 6.2.2 The Local Plan transport and accessibility policies seek to direct new development to sustainable locations and to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. Policy requires development to make positive contributions to the walking and cycle network.
- 6.2.3 The Council may permit development proposals that are in advance of the finalisation of the Lancaster South Area Action Plan DPD under SG1. The Council will not seek to support piecemeal development, however, where proposals are consistent with the key growth principles set out in Policy SG1 of this DPD and do not prejudice the wider delivery of Growth in the South Lancaster area (including the Bailrigg Garden Village) then development will be permitted. Policy SG3 also sets out the requirement for necessary strategic infrastructure to deliver growth in South Lancaster, including highway infrastructure. It sets out that the Council will not permit piecemeal development that does not seek to address matters of strategic importance.
- 6.2.4 DM DPD Policy 58 sets out a framework for planning contributions to ensure that growth within the district is supported, where necessary, by the provision of infrastructure, services and facilities. The Council will require planning contributions where they meet the tests set out in paragraph 57 of the Framework which are:
 - (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.

Education

- 6.2.5 The submitted parameter plan shows the quantum of development and does not include a school within the site. Instead, the applicant has advocated that a contribution for offsite provision would be made

to satisfy planning policy and contribute towards the delivery of educational infrastructure for the future occupiers of the development within the BLG.

6.2.6 Lancashire County Council Schools Planning Team have requested financial contributions for 148 primary school places and 97 secondary school places on lack of infrastructure provision grounds. They have advised in some circumstances, due to the scale, location or collective demand brought by housing developments in the area, it may not be feasible to expand any schools in an area to provide the places required to mitigate development impact. If expansion of an existing school or extending the age range is not possible or not appropriate, and a high number of additional school places are still required, a new school in the area would be required. As such they have therefore applied a 'New Build Cost Per Place' in line with LCC's Education Contribution Methodology and DfE guidance if provided as part of a new school. The figures given at present, although acknowledging that this is an outline application and the precise details of the proposed units is not fully known, equates to:

Contribution requirement	Contribution for Primary	Contribution for Secondary
Extension to existing school	£3,108,000.00	£2,591,549.00
New build	£3,710,720.00	£2,725,312.00

6.2.7 The above figures are based on 644 units comprising four bedrooms. The development impact would be reassessed on reserved matters approval, taking into account detailed bedroom mix information. A formula at the outline stage would be secured by Legal Agreement. It is noted that in reality if approved the scheme would include a mixtutre of dwelling sizes and therefore all 4 bedroom is worse case scenario.

6.2.8 In addition to the above, Policy SG3 sets out infrastructure that would be required to support development in this area, covered by Policy SG1. This includes the delivery of sufficient education places at both a primary and secondary school. The current position of the Schools Planning Team state they will be seeking a school site for the provision of new school places by establishing a new school or by expanding an existing school onto the proposed school site. However, an updated position will be reported to Members as a late item.

6.2.9 The Schools Planning Team have undertaken an initial scoping exercise of the local schools and it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at the new proposed primary school SG1/SG3 – Lancaster Land Northeast of Bailrigg Lane South broad location for growth including Bailrigg Garden Village and/or Ellet St John the Evangelist Church of England Primary School. It has also been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at the new secondary school at Lancaster South broad location for growth and/or Lancaster Central High School and/or Bay Leadership Academy. It should be noted that this would be subject to the following:

- willingness of school governing body to expand
- suitability of site
- planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.
- consultation with local schools and the community
- parental preference at the time that the places are required
- school standards at the time that the places are required
- availability of other funding streams

6.2.10 The Schools Planning Team have advised that, as planning applications have been submitted prior to the adoption of the AAP there needs to be a clear position on school land provision. There is currently no detail provided within the application regarding how either school site will be secured and provided. Without confirmation of the mechanism for the provision of the required school land it is not clear that this development is sustainable and the Schools planning team have objected to the proposal. Policy SG1 is clear that development would only be permitted in advance of the AAP if it would not prejudice the delivery of the wider Garden Village, including its infrastructure requirement.

6.2.11 Furthermore, it would be difficult to consider that the contribution option for either a new school or extension to an existing school would meet the tests of a planning obligation. As it currently stands

there are no details of a school within the Bailrigg Garden Village or the wider BLG where there is the certainty that would come forward (even more now given the uncertainty associated with the garden village). This current application must be determined with what is before the Local Planning Authority and as there is no certainty a new school would be forthcoming. The application must therefore be determined in accordance with the Act which emphasises the starting point is the Development Plan taking into account any material considerations. In terms of an extension to an existing school and in particular Ellet Primary school, given the above criteria and the comments from the Parish Council it is unclear if an extension is feasible. As such there remains doubt that there is no mechanism to secure a school site or contributions towards this. The current proposal would therefore fail to comply with the requirement of Policy SG1 as it would potentially undermine the delivery of the school infrastructure required to support development in this area, covered by policy SG3. Officers are discussing the position of whether a new school be it primary or secondary is required to make the development acceptable in planning terms, and whether there is the scope within the current schools to accommodate this development. Members will be updated verbally.

Health provision

- 6.2.12 The response from the NHS sets out that the proposal will generate approximately 1546 new patient registrations based on average household size of 2.4. The site falls within the catchment area of Lancaster Medical Practice and they have advised that this need can only be met through new infrastructure at Lancaster Medical Practice in order to ensure sustainable general practice. To account for the new infrastructure a contribution of **£356,106** has been requested. The response continues to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated. It is advocated that the general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. It is therefore recommended the trigger of any healthcare contribution to be available linked to commencement of development. The response also sets out that the physical constraints of the existing site means that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken.
- 6.2.13 It is not clear how the requested contribution would be used and, with a lack of evidence to support this request. It is considered that it fails to meet the requirements of the CIL regulation tests and could not therefore be requested at this time.

Transportation

- 6.2.14 Policy SG1 sets out a number of growth principles for the Broad Location for Growth which includes seeking a modal shift away from traditional forms of private car usage and addressing longstanding constraints and capacity issues in the strategic and local road network.
- 6.2.15 The delivery of significant development throughout the District will require extensive new highway changes and improvement to existing infrastructure. As such, it is anticipated that development of this scale would provide financial contributions to help fund the projects. In addition, both Policy SG1 and SG3 are clear that development in this area should contribute to infrastructure requirements.
- 6.2.16 In relation to highway infrastructure projects, the Highway Authority have set out that the key measures being developed include:

A6 Preston Lancaster Road, Scotforth Road and Slyne Road, A588 Corridor (South) and A588 Ashton Road (North)
Pedestrian Facility Upgrade - Hazelrigg Lane Intelligent Traffic Management (Linked MOVA or Similar) Scotforth Rd / Hala Rd Scheme (Signals, Kerblines, Lining, Bus stops and Ped provision) Barton Rd, Bowerham Rd and Bowerham Ln Scheme for Traffic Management, Traffic Calming and Road Safety Collingham Park to Whinfell Drive Traffic Calming

Pointer Roundabout

Additional highway capacity and network resilience. Improvements to enhance the reliability of journeys made by vehicles, cyclists, pedestrians and public transport which pass through the junction.

City Centre Gyratory

- Intelligent Traffic Management including Bus Priority Signals Work
- Market St Crossing
- Scheme for Damside St (Kerblines and Marking) and integrating provision for peds and cyclists
- Pedestrian Facility Upgrade - Around Town Hall / Dalton Square Ped Crossings

Technological improvements to enhance the reliability of journey time reliability through junctions and improvement of link capacity, for journeys made by vehicles, cyclists, pedestrians and public transport which pass through the corridors.

Improvement to support active travel and promote and encourage travel by sustainable modes, resulting in modal shift away from private vehicle usage.

Lancaster Area wide

- Red Routing
- Speed Car and Maintenance

TROs to introduce a route including clearways to enhance public transport reliability and prevent inappropriate stopping on the highway influencing delay and congestion. Limit temporary stopping of vehicles in key locations that obstruct traffic flow. Positively impact driver behaviour and better maintaining constant vehicle speeds. Help to ensure that poor driver behaviour does not impede network operation.

- 6.2.17 The total contribution to address the above is **£1,907,000**.
- 6.2.18 For a development of this scale LCC Highways would request a contribution of **£24,000** to enable LCC to provide a range of Travel Plan services.
- 6.2.19 Notwithstanding that the HIF funding for the J33 link road scheme has been returned, the Local Highway Authority have set out that the remaining elements of the infrastructure required will need to be delivered through contributions secured from development. Given the scale of the measures necessary to support the Local Plan, they have advised that it is appropriate that all development that comes forward should contribute in a fair and equitable manner towards the delivery of the infrastructure and associated measures. A wider strategy has been developed by the Highway Authority that incorporates the above, providing levels of contribution from all developments in Lancaster through a gravity model approach. The consultee response sets out a total contribution of **£1,907,000** and confirms the Applicant supports the approach, what it funds, the benefits it provides to mitigate against its impacts, and that this funding is necessary, relevant, and proportionate to the scale of development.
- 6.2.20 The Highway Authority have listed a number of potential options where the commuted sum would be spent. However, it is unclear that any of these projects would come forward within a reasonable timeframe, be deliverable and therefore cast doubt on their certainty that they would be appropriate and meet the obligation test of the NPPF. Furthermore, there are currently a number of concerns with the approach that has been developed to cover development across the District (although the latest county response helps provide the narrative on projects the City Council required). However, it is acknowledged that a level of contribution would be required to support the delivery of the wider allocation as set out in Policies SG1 and SG3 and the list of projects does include some relevant to this proposal. The recent highways response of November 2023 does allay some of the concerns with the City Council as they have provided both projects, and Section 278 works and this is a step in the right direction.
- 6.2.21 It is considered that the contributions would go some way to make the development acceptable in planning terms, but there are tensions between Highways England and County with their responses. If a scheme was to be supported it is considered a package of works could come forward to make the development acceptable in planning terms. It is worthy of note that whilst the County highlights some schemes, the City Council have their own thought process in terms of other improvements such as an attractive cycle/ped route along Burrow Beck which could assist in modal shift.

Open Space

- 6.2.22 SPLA Policy SG1 sets out specific criteria for development within the BVG area to contribute towards the provision of open space, namely:
- (a) The creation of sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. The delivery of such spaces and routes should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give potential to bring forward a new country park
 - (b) The creation of healthy and cohesive communities through the delivery of high-quality development and the correct levels of services, open space and infrastructure which is provided in safe and accessible locations.
 - (c) To support the delivery of growth in the South Lancaster area, including development of the Bailrigg Garden Village, there will be a requirement for a wide range of both locally important and strategically important infrastructure, including new highways, public transport network, education provision, new local centre(s), open spaces and green network. This is set out in Policy SG3 of the Local Plan DPD and will be addressed in more detail through the preparation of the Lancaster South Area Action Plan DPD.
- 6.2.23 Policy DM27 'Open Space, Sports and Recreational Facilities' states that proposals which seek to protect and enhance existing designated open spaces, sports and recreational facilities, that are provided for their important value, will be supported by the Council. The policy continues, that where a development proposal is located in an area that is recognised to be deficient in open space, sports and recreational facilities, there is a requirement to provide appropriate contributions towards these forms of open space provision, either through on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site.
- 6.2.24 Policy DM27 also refers to development that is proposed adjacent to designated open spaces, sports and recreational facilities, in that it will be required to incorporate design measures that ensure there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.
- 6.2.25 In accordance with Policy DM27, any provision made for open space, sports or recreation facilities should be fully accessible to the public without any restrictions and will be provided in addition to any private amenity space or landscaping. Proposals should not have an adverse impact on surrounding residential amenity in terms of light and noise-disturbance, with any potential impacts being appropriately mitigated against. Policy DM43 highlights that development proposals should incorporate new and/or enhanced amenity green spaces of an appropriate type, standard, size and reflects the needs/deficiencies for the area as set out within the Council's Open Space Assessment or successor documents.
- 6.2.26 In terms of quantity, it is calculated that 11,720.80 square metres of amenity space comprising mown space where young children could have a kick about is required on site to satisfy DM DPD Policies 27 and 43 with SG1 continuing by advocating the spaces should be safe and in accessible locations.
- 6.2.27 The application is supported by a Parameter Plan which sets out the quantum of development and the non-developable area i.e. open spaces. The plan shows that 17.70 ha has been set aside for natural and semi-natural greenspace, amenity greenspace, allotments, children's play areas. 1.69ha has been set aside for surface water attenuation basins and 0.66ha for an off-lead dog walking area. The open areas are shown to intersect the proposed built form and create buffers on its perimeters which enable the open spaces to be accessible by foot and cycle. In terms of the overall area the proposal satisfies DM DPD Policies 27 and 43.
- 6.2.28 The layout of the green spaces does lend itself to contributing to a network of green corridors which would have the potential of enhancing walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents.

- 6.2.29 Public Realm in their consultee response states an offsite contribution would be preferred towards Williamson Park and/or Greaves Park, particularly towards Williamson Park lighting and path works. They have cited that added footfall has caused paths to deteriorate, which the Council have had to start closing due to health and safety and some lights are now inoperative. The costs for repairs are for and the enjoyment of the park by the new residents. A new management plan is being drawn up for Williamson Park which will identify these key issues with a recommended plan of action and costings. This will be available in time if this application goes to reserved matters stage.
- 6.2.30 In relation to contribution towards playing pitches, Public Realms response was based on KKP Playing Pitch and Outdoor sport Strategy (PPOSS) 2018. This is currently being reviewed and there should be a new PPOSS Action Plan element in time if this application goes to reserved matters. Therefore, Galgate and Royal Albert are put forward for contribution, with the decision to be made at reserved matters when there is more evidence as to where a contribution would be most needed. There is still a need for a 3G pitch in South Lancaster, but this would need match funding.
- 6.2.31 Indeed, while the above amount of open space and the offsite contributions which would satisfy DM DPD Policy 27 and 43 it is unclear why open space enhancements cannot be located within the site as a preferred option. This matter is still in discussion with officers and the applicant. The outcome of the preferred option will be reported to Members as a late item.
- 6.2.32 It is noted that Sport England have raised an objection to scheme. Although there is a standing objection, this would be lifted once provision has either been secured on site either through planning condition or a Legal Agreement with the head of terms to also include how the open space within the site is maintained and managed.
- 6.2.33 The assessment of the quality of the open spaces within the site will be assessed under the design section of this report.

6.3 Consideration 3 - Affordable Housing and Housing mix - NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations (SPLA) DPD policy: SG1 (Lancaster South Broad Location for Growth) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

6.3.1 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. It requires that the tenure is split into 50/60% affordable/social rent and 50/40% intermediate tenure. However, since the plan was adopted, the Government has introduced a requirement for 25% of affordable homes to be provided as First Homes. These are homes are discounted by 30%, sold to first time buyers and secured by a S106 Agreement. Until such time the affordable housing tenure mix is amended in the local plan (DM DPD Policy DM3), the PPG provides a tenure split which will result as follows: 25% First Homes, 37.5% shared ownership and 37.5% social/affordable rented. The SHMA identifies the affordable housing need and table 4.1 of the DMDPD provides an indicative mix as follows:

Property Type	Affordable %
House (2 bed)	30
House (3 bed)	20
House (4+ bed)	5
Bungalow	10
Flat/apartment (may include 1 bedroom house)	35

- 6.3.2 This is an outline application and the 30% for the dwellings to be affordable units can be covered by a Section 106 Agreement, including the mix and tenure. 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). A condition could be added to any planning permission to ensure that the mix provided as part of a subsequent reserved matters application is in line with this.
- 6.3.3 The development will therefore provide an appropriate level of affordable houses on site. Conditions can be included to ensure that an appropriate mix and standard of accommodation is achieved. Any final layout would also need to ensure that the affordable housing was distributed throughout the site.

- 6.4 Consideration 4 - Housing Standards - SG1 (Lancaster South Broad Location for Growth) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards)**
- 6.4.1 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. Securing the policy compliant housing standards can be secured and access requirements can be controlled by planning condition.
- 6.5 Consideration 5 - Sustainable Design and Renewable Energy - NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Strategic Policies and Land Allocations (SPLA) DPD policies: SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation).**
- 6.5.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the Key Growth Principles, set out in Policy SG1, relates to taking proper account of the need to design new development to minimise its contribution to, and the impacts of, Climate Change and to ensure that new development is resilient and adaptable to the effects of Climate Change.
- 6.5.2 It is difficult to consider the proposal would be close to net zero for regulated energy associated CO₂e emissions or embodied carbon. The Health Impact Assessment which includes a section on healthy living discusses the focus of design of the proposed development and to limit energy consumption and CO₂ emissions. The section sets out design principles and its approach to achieving the principles to reduce energy requirements and consumption. However, whilst acknowledging the content of the HIA it is unclear how the proposal will facilitate the transition to net zero. It can be gleaned that the approach would still contribute to worsening of carbon emissions in the district not only at the point of build but also, given the content of the HIA, the buildings will continue to contribute to CO₂e emissions over the lifetime of the heating strategy for the buildings.
- 6.5.3 As such the homes as proposed in the HIA are significantly at odds with a net zero future-proofed design making these properties potentially out of date before even complete and will place a future retrofit burden on occupants. In relation to renewables and particularly Policy DM30, it is not clear from the submission how the development would incorporate any measures, if at all. The HIA almost takes a conventional fabric first approach but stops short of any measures that would move the proposal to a net zero position. Nevertheless, it is acknowledged that Policy DM30 only requires high standards of design to be encouraged and this fabric first approach is a positive start to addressing CO₂ savings which can be conditioned at this outline stage. This would ensure a future forthcoming design at the reserved matters stage would address Policy DM30. This would naturally change when the review of the Plan to account for climate change is adopted.
- 6.5.4 However, the proposal's sustainable design and renewable energy is also a key consideration of the Broad Location for Growth where DM Policy SG1 sets out that one of the development principles include being of innovative specific design of new buildings and where new appropriate new technologies for buildings are investigated. The fabric first approach is a positive start to addressing CO₂ savings, however, the HIA does not set out how the proposal would satisfy SG1 in incorporating new technologies to achieve net zero and ultimately address the factors which contribute to the climate change emergency declared by the Council.
- 6.5.5 It is acknowledged that the imposition of a planning condition would satisfy DM Policy 30. Nevertheless, the satisfaction of DM Policy 30 does not necessarily outweigh the high expectation bar of SG1 in respect of being innovative in the BLG of new buildings and/or technologies or indeed overcome the factors contributing to the climate change emergency declared by Council. It is therefore considered this matter can be given neutral/negative weight in the planning balance of DM Policy SG1.

- 6.6 Consideration 6 - Effect on landscape character** (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD Policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).)
- 6.6.1 In 2012 Woolerton Dodwell undertook a landscape assessment of 5 strategic sites which includes the application site (Whinney Carr, Bailrigg, Grab Lane, Heysham Energy Coast and Carnforth South), alongside a review of existing key urban landscape allocations (a local landscape designation). The purpose of the landscape assessment was to help inform the Council's consideration of the allocation of sites in the Land Allocations Development Plan Document (DPD) which forms part of the Local Development Framework (LDF) for Lancaster District. The site was considered to be a Key Urban Landscape ('KUL').
- 6.6.2 In 2018 Arcadis consultancy were commissioned to review of the Key Urban Landscape designation, and as part of which created a new designation 'Urban Setting Landscapes' which comprises "...Landscapes peripheral to the built form and located only on the edge of main urban area. They are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features either within the landscape or surrounding it...".
- 6.6.3 A further report by Arcadis Consultancy had been prepared on behalf of Lancaster City Council (LCC) which identified at a high level the likely landscape and visual implications which could result from the development of the Bailrigg site, including a number of other strategic sites, as identified by LCC. It was considered that development would be possible across the strategic site with careful consideration for key views and the protection of key landscape features to ensure effects on landscape character and visual amenity are minimised.
- 6.6.4 The site is not within a conservation area and is outside of the general countryside area designation (owing to the site being located within the Broad Location for Growth (BLG) designation). The South Lancaster Area Action Plan (AAP) is intended to address landscape effects (along with other considerations) when allocating futures uses within the wider BLG. In the absence of the AAP however, consideration should still be given to the visual and landscape effects of the proposal in accordance with DM46.
- 6.6.5 The criteria for assessing landscape impacts are provided under Policy DM46 of the Development Management document which recognises that, in addition to nationally and locally designated landscapes, the district also has a range of landscapes and townscapes which are valued, unique and provide a direct sense of place, which the Council seeks to protect and enhance. The policy goes on to state that outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping. The need to consider both the individual and cumulative impacts of a proposal are also noted.
- 6.6.6 There are a number of character assessments which range from the national Landscape Character assessment to a Lancashire wide assessment that includes the application site. However, it is considered appropriate to assess this application using the Woolerton Dodwell LCA and the 2018 Arcadis Consultancy Identified Sites Landscape & Visual Assessment as they have been informed by the wider character assessments and are site specific.
- 6.6.7 The landscape character assessments identify the western side of the site draws akin to low whaleback hills that rise to approximately 40m high. This landscape type extends over a wide area of the coastal lowlands to the west, interrupted in places by Open Coastal Marsh. The eastern side of the site is classified within the 'Drumlin Field' where drumlins are similar but rather higher. They are variable in height and form but typically have relatively steep sides and broad rounded tops and are roughly symmetrical about their long axis. The alignment of the drumlins gives the landscape a distinctive grain across the landscape.

- 6.6.8 The 2012 landscape assessment identifies that two further sub-areas are within the application site and comprise the Bailrigg drumlin and undulating land to the west of Bailrigg hamlet. The elevated form of the Bailrigg drumlin both obstructs and creates opportunities for views. Within the site, there are no views of the drumlin's western side slopes from the east, nor of the eastern side slopes from the west, and its southern face is hidden in views from the north (and vice versa). The Bailrigg site is also a component of views available from a variety of surrounding locations, including in reciprocal views of residents to the west and north in Scotforth including Collingham Park, and residents of Bailrigg hamlet. The eastern side of the Bailrigg drumlin including the Ou Beck valley and steeper slopes that rise up to the motorway embankment are overlooked in more elevated views from the M6, where they form an undeveloped green foreground in broader views over coastal lowlands towards Morecambe Bay in the west.
- 6.6.9 The application site is considered to be moderately sensitive to development. The landscape could appear as an urban extension to existing housing at Scotforth and as a result change fundamentally the open and undeveloped landscape character on the drumlin's upper slopes. Furthermore, the development would affect the broad top has which would be visually intrusive into the skyline particularly in views from the north and east. Steeper land, including the drumlin's western side slopes are also sensitive to development as, depending on design proposals, they may require significant modification of the landform. This reflects the conclusion of the 2018 'Key Urban Landscapes Review' in designating the site as an Urban Setting Landscape, however given the site is within the Broad Location for Growth no landscape protection is afforded.
- 6.6.10 The Environmental Statement submitted with this application reports on the findings of the Environmental Impact Assessment (EIA) carried out for the scheme and contains a chapter on the landscape and visual impact. The chapter considers the landscape character and features of the site, the local and wider landscape character and changes to views and visual impacts for those using routes where views towards the site are possible (e.g. motorists, walkers, local residents and visitors). The 2023 ES revision introduces an acoustic barrier into the consideration and recognises a change in the nature of the view experienced from the M6 motorway.
- 6.6.11 The assessment found that the nature of change during the construction phase of the project would be adverse because the construction period would incorporate a number of visually disruptive elements such as hoardings, plant and machinery, lighting and built features. However, these temporary effects would be reduced by complying with an approved Construction Environmental Management Plan ("CEMP") which will include protection of identified landscape features.
- 6.6.12 During the period before the growth of the planting has matured, the assessment found that there would be a range of negligible to moderate adverse effects on site features, landscape character areas, receptors, existing properties close to the site boundaries, recreational routes and transport routes. It also identified that for a limited number of existing residential properties which lie adjacent to the site's boundaries, there would be a substantial effect.
- 6.6.13 As the growth of the proposed tree, woodland and hedgerow planting on the boundaries and within the Proposed Development matures over a 15-year period, the assessment concludes, as a worst case that there would be some residual adverse effects on views. However, in most views there would be moderate to negligible adverse effects, as views would be filtered or screened by boundary and intervening vegetation, and by other buildings around the site.
- 6.6.14 The submitted D&A Statement reiterates the findings of the ES by advocating that the mitigation measures would respect the site's landscape features and topography. The measures comprise the uppermost part of the drumlins being kept free from development and that new structural landscaping is provided to the new areas of public space to bolster the landscaping which is retained on the site's boundaries. This is reflected on the submitted parameter plan showing the developable areas framing the uppermost parts of the drumlins and a buffer maintained adjacent to the eastern boundary with the M6. The built form within the site has been separated by green infrastructure with retention of the woodland blocks and new planting of woodland and hedgerows.
- 6.6.15 The proposed development of up to 644 dwellings and the associated access and earthworks will result in an inevitable change to the visual appearance and local character of the site. However, the proposed mitigation measures reflect the findings of the background assessment which precedes the adoption of the Local Plan and the site's aspirational allocation. The incorporation into the parameter plan of the

development parcels and areas that are free from development respect the higher parts of the site. With the amount of green infrastructure, it is considered the impact to the landscape is considered to not be significantly severe and views from the north to Lancaster, south to woodlands surrounding the University and west to Morecambe Bay and beyond are respected.

- 6.6.16 In respect of the introduction of an acoustic barrier this would inevitably change the views of the site experienced from the M6. In regard to the wider effect on the landscape character the proposed intervention into the landscape, whilst notably from short range views is considered to not harm the landscape character.
- 6.6.17 Consequently, and notwithstanding that design is discussed below it is considered that the quantum of development can be accommodated within the site, taking into account the proposed parameters without significantly adversely harming the landscape character.
- 6.7** **Consideration 7 - Design and Form** - (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), Policy EN4 (North Lancashire Green Belt), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); A Landscape Strategy for Lancashire (2000).
- 6.7.1 The NPPF states in paragraph 130 planning policies and decisions should ensure that developments: function well and add to the quality of the area; are visually attractive; are sympathetic to local character and history; establish/ maintain a sense of place; optimise development on the site; and create places that are safe, inclusive and accessible and which promote well-being. Paragraph 134 of the NPPF states that where a development is not well designed it should be refused, especially where it fails to reflect local design policies and guidance on design.
- 6.7.2 The National Design Guide and the National Model Design Code provide detailed advice and guidance to inform high quality new developments by detailing guidance and structure to help deliver good design which focuses on ten design characteristics across three themes (physical character, community and climate). It was the intention of the forthcoming AAP, through proper masterplanning, explore design across the whole of the strategic site to deliver the Garden Village in a well-planned and comprehensive way, for the reasons as noted above this will no longer be carried out. The Key Growth Principles in SG1 include the need to secure high-quality urban design which promotes sustainable, attractive places to live and creates a sense of community. It should provide high quality open space with a distinct sense of place and should deliver green corridors and contribute to walking and cycling routes. This is reflected in DM29 which also requires development to positively contribute to the identity and character of the area.
- 6.7.3 The consideration of design is two-fold. Firstly, detailed design matters such as the layout, appearance, scale and landscaping of the development are matters reserved for subsequent approval. The second aspect of design is that of master planning and place-making. It is acknowledged that this submission comes forward in advance of the AAP whereby the design aspirations and vision work for the future Garden Village have not yet been set. However, the question is whether or not this proposal would prejudice the wider design aspirations, masterplanning and place making aspirations for the future Garden Village on the basis of what has been submitted to support the application.
- 6.7.4 Unlike other sites in the BLG designation, this site is enclosed by existing development and existing transport corridors. The site is crossed by watercourses, drumlins, wooded areas and electric lines with supporting pylons. The applicant, to advocate the scheme delivers a high-quality development to accord with DM DPD Policy SG1, undertook a Design Panel review in 2022 (via the RIBA approved Places Matter! Design review panel), to assess the impact of the proposal. Although undertaken during the course of the application, taking into account Policy DM29, the views and recommendations of design panel will be given due consideration in the design assessment process.
- 6.7.5 The review acknowledged that the site had great landform, natural water courses and the potential for distinctive local views. However, its conclusion was that the approach and plan was “out of time” where things have overtaken the plan which does not talk to the distinctiveness and beauty reflecting the approach of the best new places that are emerging. As presented, there was no evidence of a single

clear idea of the proposal and what the new place was seeking to be, just a quantum of development and the technical means by which to achieve it. The proposal was considered to be more of precedents rather than a clear vision. It was acknowledged challenging with the site being between corridors of strategic infrastructure but the aim must be to make a settlement of distinction and not just another housing estate on leftover land. It was advocated that streets within this kind of landscape are an opportunity to set up long and short range views which emphasise the shape of the land. A much more contextual approach was advocated to be the driving force of the future development. The changing levels need to be seen as an opportunity to introduce more innovative typologies. The movement strategy lacked a legible street hierarchy, and it was difficult to see an organic form to the street layout. It was urged to develop a series of character areas, in which greater detail can emerge later on. A site of this size demands this kind of approach which also could consider different densities and levels of innovation between the North and South of the site.

- 6.7.6 The applicant has taken onboard the design panel comments and has subsequently submitted a document titled 'design code' to support the masterplan framework, parameter plan and the application. The applicant has not engaged the review panel to undertake a follow up review. As such, it is for this assessment to determine if there is a high level of confidence and certainty that the proposal would deliver a scheme that satisfies SG1 which serves a high bar of excellence in placemaking and urban design.
- 6.7.7 In terms of the general presentation, the design code does not contain many sketches and ideas which was an identified shortfall made by Places Matters! on what was originally presented. The design code still comprises a series of precedents comprising words and generic photos which are difficult to interpret and relate to the proposal. Although there is the inclusion of street views, many are still closed by buildings with and are mainly all based on a flat site, where the site does have a difference of topography which is fleetingly referenced.
- 6.7.8 The difference of levels was highlighted by the design panel where it was encouraged using the changing levels to introduce innovative typologies of housing and the driving force to the scheme in having a more contextual approach. The design code does not clearly set out how the typology of housing and the street layout is particularly innovative, there does not seem to be much variation to the density across the site in relation to height differentials. It is acknowledged that maximum heights have been set out on the parameter plan but it is difficult to see if there are height differences to enhance design and how these would translate into how the site developed across the topography.
- 6.7.9 In respect of character areas, the design code document does introduce three neighbourhood areas. Though topography is mentioned and is considered as a determinant for the neighbourhood quarters it is difficult to understand how the neighbourhood areas have been formed. The western drumlin forms a local highpoint and when on its western side the eastern side of the drumlin cannot be seen. The proposed north to south green route along the drumlin creates a definitive separation, however it is unclear why these areas would be considered the same character. Similarly, the eastern side of the drumlin has a more slightly sheltered, peaceful character (albeit the M6 motorway rising up to the east) compared to the openness of the western side. The arbitrary nature of the selected character areas does not really give me much confidence that the site is understood.
- 6.7.10 It is difficult to see how the design is enhanced through the proposed new neighbourhood areas. For example, visually the area NQ1: Drumlin would much better fit in the NQ2: OU Beck rather than the drumlin quarter taking the contemporary nature of the narrative of the character area into account and the resulting relationship between the existing housing to the north and the M6. The NQ2: OU Beck in the NQ1 area would relate more to the principles of the Garden Village and with the levels lend itself more to a formal frontage relationship of similar proportions.
- 6.7.11 The purpose of policy SG1 is to deliver housing in the Broad Location for Growth, which focuses on high quality development that carefully balances housing and employment requirements, whilst maintaining strong and embedded environmental and high-quality design objectives. It is therefore difficult to see how this proposal has moved significantly on from the design panel review and would achieve the objective of achieving high-quality urban design which promotes sustainable, attractive places to live, defining a sense of place and creates a sense of community for its new residents.
- 6.7.12 The 2023 revision does introduce an acoustic fence adjacent to the M6 which did not form part of the proposal which was considered by the design panel or indeed the Council's Urban Design Officer. The

revised ES notes that the precise extent and height of the barrier is to be confirmed at the detailed design stage of the development but what can be gleaned is the modelling suggests a barrier circa 3.5 metre in height along the eastern boundary of the site (ES paragraph 7.2.93 and in following sections of the ES when considering internal and external noise from road traffic). It is unclear though whether the proposed height accounts for level changes within the application site which may result in the fence being higher on the application side to achieve the overall 3.5 metres facing the M6. Notwithstanding the noise mitigation which is considered under a different section of this report this introduction does present design implications to the proposal given the length and potential overall height raising the question does this promote a sense of place and good design. In effect the eastern boundary of the site, whilst landscaped buffered could be terminated by a substantial solid feature that neither enhances the development within or short range views into the site (albeit from the M6). The Council had advocated from early on that acoustic fencing adjacent to the M6 would not be conducive to good design as given levels difference in some locations would be very visible within the site.

- 6.7.13 The Council's Urban Design Officer has considered the masterplan and reiterates the view of the review panel in considering the fundamental starting point would be the opportunities the two north-south drumlin landforms present, not just as a constraint but for the visual impact on the character of the development and to maximise opportunities for passive design, good levels of natural light and good views out. The place making possibilities these sweeping views would bring to the site are not considered in the design code. As such it is difficult to see how the unique topographical features of the site have been the key drivers in dictating the proposed layout, the future orientation of buildings and routes, drive sustainable water management and help establish a planting and an energy strategy.
- 6.7.14 Normally, applications for outline planning permission look to understand and establish whether the use and nature of a proposed development would be acceptable. Even if a number of matters are reserved, detailed consideration of the quantum of development within a prescribed set of parameters set out in an application would be fundamental to the decision-making process. Indeed, while this is an outline application, which only seeks permission for the access and not the layout, scale or appearance of the development the focus is also drawn to the purposes of SPLA DPD Policy SG1 which sets out the principal expectations for developments in the BLG area. In the absence of the APP, SPLA SG1 requires a very high standard of urban design to deliver new development in a holistic and comprehensive manner, creating an attractive environment and a distinct sense of place which provides a sense of identity.
- 6.7.15 This application has been extensively supported by documents and an indicative layout which helps to illustrate how a site could be developed that has been informed by a design and access statement. Carefully balancing the Places Matter review and the introduction of the acoustic fence it is difficult to categorically say that that the number of dwellings proposed and the constraints within the site would allow for a high-quality design and overall sense of place to be created. There are elements and good aspects contained within the documents, but it is not to say it achieves the high standard expected of SG1.
- 6.7.16 Given the difficulty in understanding if the site can accommodate the level of development to satisfy SG1 it also makes it difficult to use the CSA report as the basis of the planning condition to require the submission of separate design codes on submission of REMs.
- 6.8 Consideration 8 - Open Space Design - (NPPF: Chapter 12); Strategic Policies and Land Allocations (SPLA) DPD Policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).**
- 6.8.1 Turning to the open space, it has been established in this report that the quantity would satisfy Local Plan policies. Policy SG1, and in particular criteria 6, sets out that the Council will look to create sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. It goes on to state that the delivery of such spaces should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give the potential to bring forward a new country park.

- 6.8.2 It is acknowledged the site does provide open space which could be safe and acceptable. The parameter plan shows the creation of green corridors which reflect the relative linear nature of the built form creating buffers to the majority of site perimeter that would be to the benefit of ecology within the site and links with the central green spaces.
- 6.8.3 In the central part of the site adjacent to the bulk of the open space 0.24 ha has been put aside for the creation of an allotment with associated car park which would meet the identified need in respect of this open space typology. Although the details would be forthcoming in a reserved matters application the allotment would complement the open space sitting near to a play area and woodland that is north of Bailrigg village.
- 6.8.4 Three children's play equipped areas are located within the site, a dog walking area and a series of trim trail areas to enhance the areas of open space. The details and management of these spaces can be secured by a combination of a Legal Agreement and planning conditions to ensure they are high quality and managed in an appropriate manner. In terms of this application it has been shown that these spaces to enhance the open space offering can be accommodated within the site.
- 6.8.5 The parameter plan shows the site area narrows and encloses the north, east and southern side of Bailrigg. The proposal does however show a band of open space, allotments and wooded areas which follow the western central boundary of the site which encloses the sides of Bailrigg, providing a degree of separation from the village itself.
- 6.8.6 It is noted the presence of the electricity pylons that cross the middle section of the site and there is a degree of separation with the proposed built form. The lines would cross the open spaces; however, it is considered it would not significantly detract from the area anticipated to be the dog walking area. Given the placement of the enhancement features e.g. play equipped areas it is considered it would be significantly harm the overall quality of the open spaces.
- 6.8.7 Nevertheless, it would be difficult to say the proposed open spaces provides a distinct area of separation between the new development and the urban edge of Lancaster. The band adjacent to Burrow Beck mirrors the existing buffer that is already present, however this is not continued along the northern perimeter where the built form would be seen more as an urban extension due to the closeness of the proposed built form to the existing southern edge of Lancaster. Whilst there is a strip of green space adjacent Ou Beck given its scale it would be difficult to consider this as a distinct area of separation as it does not extend around to the rear of Shireshead Crescent and Dunkenshaw Crescent. The reserved matters application may introduce an element of landscaping along the northerly boundary but not to the extent that it serves as a separation advocated by DM Policy SG1.
- 6.8.8 Given the scale of the proposed development there will always be an element of weighing the individual factors of a scheme as they may not always sit comfortably in a particular policy. As such a judgement has to be made on the design of open space. In quantitative terms the proposal provides a sufficient level of open space which is integrated throughout the site serving to separate the built form. Open space is provided at the top of the drumlins enhancing the existing PROW with separation around Bailrigg village and the north-western side of the site. A buffer separates the built form from the M6 on the eastern side. Indeed, whilst a narrow area of open space is provided to the rear of Knowe Hill Crescent this is not reflected on the south side of Shireshead Crescent and Dunkenshaw Crescent/Winmarleigh Road.
- 6.8.9 It is noted that SG1 does require a distinct area of separation to be created between the new development and the urban edge of Lancaster which applies to the application site and the wider BLG area. Taking into account the Landscape Character Assessments and migration measures within, the open space has provided a buffer to the M6, top parts of the drumlins, along Burrow Beck and around Bailrigg village. A separation with the existing streets along the northerly section of the site has not been identified, however, taking the LCA into account it is considered it would not be untoward to the wider character of the area. The thrust of SG1 is in the context of delivering the Garden Village and as such it is considered this proposal to close up separation spaces is not part of the Garden Village – rather a small-scale extension to the built-up area. The development would instead result in the potential area of separation within the BLG to the perimeter around Bailrigg Chase. Whilst this may weigh against the proposal given it would integrate with the open space within the site it is considered it would not be severe to warrant a refusal of the application as having a harmful effect on the character of the area and the design of open space within the site.

6.9 Consideration 9 - Transport and Highway Matters - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD Policy SG1 Lancaster South Broad Area of Growth T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan;

- 6.9.1 In relation to transport considerations, both national and local planning policy strive to ensure development is:
- Located in areas that are or could be made sustainable;
 - Safe and accessible for all users;
 - Promotes sustainable transport modes;
 - Minimises the need to travel by private car by prioritising pedestrian and cycle movements;
 - Ensure the highway safety and efficient of the highway network is maintained;
 - Create safe, accessible, well-connected and attractive places.

These key requirements are collectively reflected in the Key Growth Principles set out in policy SG1.

- 6.9.2 Given the scale of the development, the anticipated traffic to be generated from the development and given the known local constraints on the local highway network, the application has been supported by Transport Assessment, a Travel Plan and a detailed access proposal. Following initial consultation with the local highway authority (LHA) and Highways England (HE), the applicant has undertaken further surveys and assessment set out in the applicant's Updated VISSIM Modelling Report (for the Galgate junction).

- 6.9.3 Transport infrastructure has been considered earlier in this report. As such the main transport considerations for this section are as follows:
- The access strategy
 - Impact on the Strategic Road Network
 - Impact on the surrounding highway network
 - Sustainable travel

The Access Strategy

- 6.9.4 This is an outline application but also seeks full permission for access into the site. A southern access (primary) is proposed connecting to Bailrigg Lane and the Health Innovation Campus (HIC) spine road through to the A6, and a northern access (secondary) is proposed off Hala Hill. An emergency access is proposed off Winmarleigh Road.

Southern Vehicular Access

- 6.9.5 The access is a continuation of the Health Innovation Campus (HIC) road, recently constructed to serve the HIC. The short section of road connecting the site with the Health Innovation Campus Road is subject to a separate, full planning application (PA Ref: 19/01137/FUL). As the Health Innovation Campus Road is extended into the site, it will cross and include connection with Bailrigg Lane. The proposed alterations to Bailrigg Lane comprise changes to the western section of Bailrigg Lane from the A6. The drawings propose to change the priority at Bailrigg Lane and downgrade the western section of Bailrigg Lane to better support sustainable users. It is likely that the western section of Bailrigg Lane will still support some vehicular movements, and therefore, adequate visibility splays are still required which can be secured by planning condition.

- 6.9.6 The access plans for the existing Bailrigg Lane are considered acceptable in principle, subject to detailed design and safety audit which can be secured by planning condition. It is acknowledged that there have been discussions between the Highway Authority and the applicant in regard to the proposals and the necessary treatment of Bailrigg Lane to ensure the character of the lane and impact to Bailrigg Village is minimised.

Northern Vehicular Access

- 6.9.7 The layout for the secondary access on Hala Hill has taken account of the visibility splays at the junction and swept path analysis for a refuse vehicle. It is considered the access plans for the secondary access on Hala hill are acceptable in principle, subject to detailed design and protection of the visibility splays by planning conditions to maintain the level of highway safety.
- 6.9.8 The topography falls steeply from Hala Road into the site, and as such, the gradient of the site access for both vehicular and pedestrian cycle movements has had suitable consideration to overcome previous Highway Authority concerns and now satisfy design standards. It is shown there to be a maximum gradient of 5%, which, given the topography of the site, can be made acceptable. The gradient of the access can be secured by planning condition.
- 6.9.9 The applicant has confirmed to the Highway Authority that all areas beyond the limit of the adopted highway (and outside of plot boundaries) will be managed and maintained by a Management Company. This will include the embankment and its drainage as it will not form part of the highway to be adopted.

Pedestrian Access and Cycle Access

- 6.9.10 From the proposed southern access, it is proposed to lay a 3m footway/cycleway on the western side of the new road, and a 2m footway on the eastern side taking into account of gradient changes. This is a continuation of the provision of the existing HIC road and provides pedestrian and cycle access from the A6 through the site to Hala Hill. The proposed access is in line with the desired gradients as suggested in LTN 1/20 and includes the use of intermediate (level) sections, along the path.
- 6.9.11 The proposed northern access shows a 3m footway/cycleway on both sides of the internal spine road. There is an existing footpath on the south side of Hala Hill that is constructed to just east of No. 24. The proposed development will deliver a continuation of this footway, with a 3m width, up to the new site access and into the site. Further pedestrian provision is proposed with a 2m footway running to the east of the site access, with a new pedestrian refuge proposed at the junction with Bowerham Lane.
- 6.9.12 It is considered the footway/cycleway accesses are acceptable in principle, subject to detailed design that can be secured by planning condition.
- 6.9.13 It is noted that there is limited provision within the applicant's control that improves connectivity to the university (from the south-eastern section of the site). The Highway Technical Note states that discussions are ongoing with the University regarding improved pedestrian and cycle connectivity to/from the University campus. Although an outcome has not been achieved to deliver opportunities which would shorten walk/cycle between the site to/from the University the applicant has confirmed that they will deliver a cycle/pedestrian link up to their site boundary. This can be secured by planning condition to secure a future link whilst dialogue is ongoing.
- 6.9.14 Discussions are also ongoing with the Council in regard a cycle connection crossing the Burrow Beck to Collingham Park. Although not finalised it can be reported that the Council do not have an objection to such a crossing. Therefore, the details of a connection can be secured by a planning condition to improve connectivity with the surrounding area which will engage active modes of transport and encourage active travel, helping to improve people's health and wellbeing.

Pedestrian Access and Cycle use of PROW within the site

- 6.9.15 The line of the existing PROW 1-1-FP 54 follows the top of one of the drumlins within the site. The PROW exits the site on Winmarleigh Drive into the Hala estate to the north, and housing along Bailrigg Lane to the south. The illustrative masterplan suggests that the existing PROW through the site is to be retained.
- 6.9.16 It is expected that the PROW is suitably enhanced to account for the greater use and for all times of the day and throughout the year. Appropriate lighting (such as low-level lighting) and appropriate surfacing to accommodate pedestrians and cyclists can be secured by planning condition.

Emergency Access

- 6.9.17 It is considered the proposed emergency access off Winmarleigh Road, on the line of the existing PRoW with collapsible bollards is acceptable.

Impact on the Strategic Road Network and surrounding highway network

- 6.9.18 The local highway network in the vicinity of the application site and along the A6 corridor is highly constrained. At peak times through its primary junctions, the network experiences significant traffic and congestion. This is a locally significant concern but is also a significant constraint to future development in South Lancaster as set out early in this report. The Local Plan (mainly policy SG1 and SG3) sets strategic objectives and ambitions to tackle the highway constraints along the A6 corridor, which will require significant intervention including the reconfiguration of Junction 33 of the M6 and modal shift, in order to improve operational capacity between the motorway and the city centre to support significant growth. Policy SG1, however, recognises some development could come forward ahead of the AAP (and plans to secure the transport-related infrastructure) provided the residual impacts upon the network are not severe (in terms of safety and efficiency). This is the primary test in this case.

Strategic Road Network

- 6.9.19 Over the duration of this application the applicant has been in dialogue with the Highway Authority and National Highways regarding the Transport Assessment (TA) and how the impact on the road network is measured. This has culminated in a VISSIM modelling of the A6 corridor between Galgate and M6 Junction 33. This form of modelling provides a more accurate picture of the complex interactions at the junction. It can take account of driver behaviour, slow-moving traffic and the effects of obstructions on the highway, such as parked vehicles and bus stops. It allows the traffic impacts of development in south Lancaster to be understood properly given that the network experiences significant congestion at the A6 Galgate crossroads that can regularly extend south towards the A6 / M6 Junction 33 Hampson Green roundabout. Consequently, this, coupled with future growth in the area has the potential to extend this queuing further and interact with the operation of the motorway junction itself. Inadvertently it is primarily for this reason that LCC has looked to progress delivery of the South Lancaster to M6 Link Road scheme. This scheme if brought forward would involve the bypassing of Galgate itself and is to be aimed at addressing not only this existing traffic problem at the junction but also supporting future growth in the area identified within the adopted Lancaster Local Plan.
- 6.9.20 However, it must be noted at this time, the Link Road scheme has no certainty of delivery given that it does not yet have planning approval. It should be noted that given the HIF monies have been returned to central government certainly within the next 5-10 years it is hard to see a road being constructed. Consequently, development coming forward at this time must therefore be assessed against the existing road network (and not what may theoretically happen).
- 6.9.21 A 2018 base year VISSIM microsimulation model was prepared by the applicant and was based on 2018 traffic data and had been developed to cover the single junction of the A6 Main Road / Stoney Lane / Salford Road junction. The base model had been agreed with National Highways and is consistent with that used in the assessment of Lancaster application reference 19/00332/OUT (95 dwellings at Lawsons Bridge). The area for modelling was subsequently increased to cover the A6 roundabout and M6 Junction 33. This cumulatively enabled an effective comparison to be made in terms of both committed and cumulative development traffic impact.
- 6.9.22 The VISSIM modelling represents the best level of assessment of traffic impacts on this network from development in south Lancaster that exists currently and is therefore the only robust evidence on which decisions can be made at this time and so represent a minimum standard of approach that is acceptable. The modelling has shown that the full development quantum traffic impact on the strategic road network would increase highway safety concerns posed from queueing traffic. Slip road queuing, even occasionally along the majority of the length of the slip road may be likely to remove the amount of carriageway available for vehicles to decelerate using the slip road and so instead vehicles would then decelerate within Lane 1 of the motorway mainline. It is likely that the addition of the development traffic would therefore impact on the motorway mainline, which would then present safety concerns caused by braking vehicles on the mainline in advance of very slow moving / stationary vehicles ahead on the slip road. This creates a likelihood of shunt-type incidents. The creation of the level of queuing on the motorway slip road is likely to increase over time with background growth and any further development.

6.9.23 It is acknowledged that National Highways have not raised an objection to the proposal, subject to the imposition of planning conditions to make the development acceptable in planning terms. However, the proposed mitigation will be discussed at the concluding section following assessing the effect on the surrounding highway network.

Surrounding highway network

6.9.24 Turning to the local highway network the scope of the Transport Assessment has been the subject of pre-application and ongoing discussions over the duration of the application with the Highway Authority. The applicant has committed to a scenario of working with LHA and LPA to fully support the wider assessment analysis/scheme identification, initial design, costings and level of contribution. This is where all matters are understood and agreed between the HA and applicant to a level that demonstrates the application could come forward in line, supporting the Local Plan and associated necessary measures. In doing so a simplified approach has been progressed in respect of the TA. The technical wider modelling will be undertaken by the HA, in line with its strategy and initiatives.

6.9.25 Despite being sustainably located with good and improved access to public transport and the pedestrian network, the proposed development will inevitably generate traffic. The applicant's Transport Assessment indicates that the proposed development is anticipated to generate a total of 377 two-way vehicle movements during the morning and 427 evening peak hour period movements. The Highway Authority is satisfied with the assumptions made in respect of trip generation and distribution arising from the development.

6.9.26 It is noted that the HA agrees with the committed developments that have been considered in the operational assessments and that they are added to the 2029 growth flows to produce the 2029 base flows. Indeed, while the approach is not contested it should be noted the date which the original Transport Assessment was drafted and the committed sites identified. Following publication of the TA there have been a number of further developments that have been granted approval by the LPA which have not been included which as a result cast doubt on the projected based flows which the assessment has been based upon. Given the proximity of some of these sites it would require to be fed into the assessment to ensure the TA is robust in how it has considered the impact to the local highway network.

6.9.27 Given that sites have not been included into the baseline figure this could skew how the effects of additional traffic on the network have been robustly assessed to ensure the proposal does not have significant adverse impacts on the safe and efficient operation of the local highway network. The junction capacity assessments without a full updated committed development only potentially considers part of the traffic generated by the proposed development and traffic generated by committed development, accounting for estimated background traffic growth.

6.9.28 With the exception of the Galgate junction, the LINSIG and PICADY Model has been used to undertake the analysis of the operational capacity of the proposed accesses. Galgate junction VISSIM modelling is discussed in detail above but is included here for completeness as it crosses between the HA and NH. Notwithstanding the inclusion of updated committed developments the findings of the effect on the main junctions assessed in the Transport Assessment are as follows:

Analysis software	Location	Within capacity in the '2029 With Development' scenario
LinSig	Southern access	Yes
PICADY	Northern access	Yes
VISSIM	Galgate Signals	Some development (spanning a number of years for this proposal) can be accommodated prior to completion of M6 J33 works. Linked with SRN section above.
Junctions within the Wider Network*		Not formally assessed as a number of junctions are already known to operate at or beyond capacity during peaks and off peak. The proposed Gravity Model approach includes these locations.
* Junctions listed under paragraph 6.4.19 of this report which discusses the gravity model proposed by the HA.		

6.9.29 It can be gleaned that the modelling can conclude that the northern and southern accesses could operate within capacity. Due to the approach advocated by NH in respect of the mitigation proposed (i.e. by planning condition) the Galgate signals can be concluded that a level of development (but what

this amounts to is entirely unclear) can take place without significantly affecting the junction, prior to junction 33 link road being brought into use (which NH are advocating).

- 6.9.30 It is noted the theory of a gravity model is for specific interventions, to promote modal shift or implement traffic regulation orders as and when required. Inadvertently this would improve accessibility and safety for unsustainable users along the A6 which is noted of having a number of collisions (mainly cyclists). Given the difficulty in how committed developments have been considered and equally important that this is an EIA application it is unclear if there is a sound and robust baseline for the gravity model to be developed. While the gravity model advocates a proportionate contribution to a number of junctions it is unclear if this is sufficient on the basis of the information presented for the junctions to operate safely and efficiently without adverse effects on the local highway network. Taking into account the comments from the Highway Authority it cannot be discounted that the traffic impacts from the proposal (even with mitigation) would not be severe (given the stance of National Highways) and the development could be accommodated at the quantum proposed. That said the County do not object to the development assuming monies are paid to them for works along their highway.

Sustainable travel

- 6.9.31 In terms of the site's accessibility to schools, employment, the City Centre, local services and amenities the TA considers the distances from the centre of the site to local facilities. With regard to the location of services, schools, and amenities, the main desire lines are considered north and south of the site. Located to the north of the site are a number of primary schools, off Bowerham Road, as well as Secondary Schools towards the city centre. The closest primary school is Moorside, which could be circa 2km for the dwellings furthest away on this site. This is at the preferred maximum walk distances by the Institution of Highways and Transportation (IHT). To the southwest of the site is the adjoining HIC and slightly further to the south is the University and related leisure facilities, both within easy reach.
- 6.9.32 Indeed, while the TA suggests that amenities are at a reasonable walk distance from the site, there is a need for quality infrastructure. Subject to agreement with adjoining landowners, there is potential for a number of pedestrians/cyclist accesses to the site, such as Bailrigg Lane, HIC Road, University link to the south, Burrow Beck crossing to the west, and the PROW, and site access with Hala Hill to the north. These would provide a number of opportunities to better access amenities and could be achieved by planning condition to ensure a reserved matters layout provided those opportunities of linkages webbed into the future design.
- 6.9.33 The Lancaster City district cannot just create more vehicle capacity at junctions and links to overcome barriers to development. Where appropriate, highway space needs to be reallocated to sustainable modes to increase the levels of overall capacity for users of the public highway. This is fundamental, underpinning the approach taken in the Lancaster Infrastructure Strategy and lying at the heart of SPLA SG1 for the south Lancaster BLG.
- 6.9.34 Cycle routes form part of a wider package of measures comprising initiatives along the A588, A6, through the proposed Garden Village, and in the city centre. This is to improve active travel connection (South Lancaster Cycleway) to encourage modal shift away from private vehicles, supporting a sustainable approach to growth in South Lancaster. Notwithstanding the certainty matter on being deliverable measures introduced through Galgate, in tandem with J33 reconfiguration, are required to mitigate the impact of growth in South Lancaster on an already congested part of the network.
- 6.9.35 The LCC Infrastructure Strategy cycle route, east of the A6 is proposed along Lentworth Drive and Whinell Drive, is complemented by traffic reduction measures. These improve convenience for other road users by restricting/delaying certain traffic types, typically the private car, and seek to provide connections towards Lancaster University's Health Innovation Campus and the university itself. Its implementation will improve accessibility and creating better capacity for sustainable modes, and also complements to overcome issues with A6 Main Rd / Stoney Ln / Salford Rd – A6 (S) Corridor (Galgate), A6 Preston Lancaster Road/Hazelrigg Lane Signals, and A6 Scotforth Rd / Hala Rd / Ashford Rd - A6 (S). Modelling undertaken by the County Council suggests that, in 2033, all of these junctions are expected to operate significantly higher than theoretical capacity which places significant pressure on a modal shift to work in tandem with development.
- 6.9.36 In respect of bus travel the A6 corridor is well served by public transport, with up to 12 services an hour in peak periods, to destinations including Lancaster city centre, Morecambe, and Heysham. This is an

excellent level of service but walk distances from large parts of the site are excessive and as such, in isolation, will not be attractive to encourage residents to travel to and from the site by bus.

- 6.9.37 The closest bus stop from the proposed northern access is on Hala Hill, approx. 200m from the access, and the closest bus stop from proposed southern access is on A6, approx. 450m from the nearest dwellings on the proposed site. The Hala Hill stop provides 2 services, and the A6 stop provides 9 (non-school) services, which include the 2 services of the Hala Hill stop. This suggests that the A6 stop would be the more attractive stop but is approximately 1.5km from the furthest proposed properties on this site. Walk distances from large parts of the site to frequent services would be an outstanding issue if stops were not provided on site.
- 6.9.38 Paragraph 5.4.11 of the TA states, 'As such, there is potential for existing provision to be improved further by the provision of a penetrative bus service through the site, thus ensuring that all properties are within a short walk of a bus stop. This offer is supported, for the avoidance of doubt, internal provision will be of quality bus standard, and a number of the stops will include shelters. This to be protected by a suitably worded planning condition.
- 6.9.39 The Highway Authority would the access road to provide a 6.5m carriageway to allow bus routing through the site. In addition, it would be expected that bus stops are to be provided by the developer within the site at appropriate locations. Bus stop locations can be agreed with LCC Highways at the Reserve Matters stage taking into account site penetration, routing during different phases of the development, satisfying need and site sustainability including timing for completion of the through access road.
- 6.9.40 The rail station is located circa 3.3km from the centre of the site and can be accessed by a frequent bus service which is served by stops on the A6. The 16-min bus journey to the rail station should be an attractive mode of travel for residents. This is in line with the measures delivered as part of the wider infrastructure strategy.

Conclusion and assessment of proposed mitigation

- 6.9.41 In respect of the two site accesses into the site, they are considered, subject to the imposition of conditions, acceptable.
- 6.9.42 In regard to the strategic road network, it has been demonstrated that the full quantum of development cannot be achieved without significantly affecting queue lengths on the M6 motorway slip road at junction 33 to the detriment of moving traffic on the carriageway (therefore introducing a safety concern). The VISSIM modelling, has shown there still to be problems associated with the A6 north of Galgate Crossroads in the PM peak and the A6 south of Hampson Green roundabout in the AM peak forecasting queues of multiple kilometres in either direction. Therefore, it would be reasonable to conclude that the full 644 dwellings would not be deliverable without intervention. With no certainty here the LPA cannot conclude this is acceptable in highway terms as it may create a safety and severe impact.
- 6.9.43 Turning to the surrounding road network, it cannot be determined that the proposed development would not have an adverse effect on the local road network due to a number of committed developments not being considered in the Transport Assessment. Given the applicant has chosen a scenario where a simplified approach is progressed and agreed in respect of the TA, detailed impacts on junctions have not been provided by the HA. However, it is stressed by the Highway Authority that there are junctions that are already known to operate at or beyond capacity during peaks and off peak. The locations are identified under the transport infrastructure section of this report and forms the backcloth to establish the level of mitigation required to improve highway safety and if it is appropriate.
- 6.9.44 The mitigation advocated by the Highway Authority is for a gravity model type of contribution. This is discussed at the transport infrastructure section of the report.
- 6.9.45 In respect of the SRN it is accepted that the modelling does not include the mitigation of the future link road. Instead to facilitate development, NH has requested that a condition be attached which requires amongst other highway improvement works, a report based on modelling work setting out the number of dwellings that can be constructed in advance of the South Lancaster to M6 link road (referred to as the Acceptable Dwelling Limit).

- 6.9.46 The proposed condition although closely associating with, does not explicitly tie the commencement of development to the M6 link road which removes the ambiguity should it not progress, as a form of development could still be implemented. The proposed condition would nevertheless still be ultra-vires as we need to understand what is the current limitation in terms of capacity. NH in expressing the full quantum of development cannot be achieved without the link road, reports that the applicant has not provided information to assess if a lower threshold of development could be acceptable in queue length safety terms at Jct 33. This presents a conflict between the proposed condition and if it is appropriate given the nature of the application. It is unclear why further work has not been undertaken in this regard to establish the capacity of the highway network. Given the information available to the LPA it can only be assumed that the full quantum is incapable of coming forward in a safe manner.
- 6.9.47 Notwithstanding the uncertainty around the link road the imposition of a condition for an acceptable dwelling limit could potentially inhibit the level of development on the site. The imposition of such a condition would fail on reasonableness as it could make the development permitted substantially different from that comprised in the application.
- 6.9.48 Given the unknown level of development that could be implemented prior to the link road being brought into use this could further significantly affect how the development is implemented. The application submitted has set out the general parameters and the quantum of development but has not gone as far to set out the sequence of development and over a timeframe including if it is phased in a particular manner given the constraints of the site. In the absence of a sequence of development which is based on or indicatively based on an acceptable dwelling limit there is not the confidence that supports how the general principles of developing the site can be achieved and at the level proposed to reflect the description of the application and the parameter plan. In short it maybe that 100 units are acceptable or 643 however no evidence has been supported to show this. In the absence of such and the concerns raised by NH in their response the LPA cannot look at the application positively.
- 6.9.49 It has been established that the full quantum of development cannot be achieved without a form of mitigation. Although differing in approach the mitigation suggested by the HA and NH is either based on uncertainty of a link road being deliverable or would significantly affect the general principles of how the site could be developed. This presents serious concerns as the two forms of mitigation would not be appropriate in planning terms and / or fail the tests of a planning condition.
- 6.9.50 Turning back to SPLA Policy SG1 as the starting point, development within the BLG would be permitted forward of the South Lancaster AAP provided the development confirms to the key growth principles, namely (No.15):
- “...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. This will involve the re-configuration of Junction 33 of the M6 to afford direct motorway access into the South Lancaster area and remove traffic from Galgate which is currently designated as an Air Quality Management Area (AQMA)...”
- 6.9.51 It is clear with what is before the LPA that it has not been identified how the effect to the SRN and local highway network will be impacted by the quantum of development either with or without mitigation. Furthermore, there are constraints and capacity issues where the mitigation proposed is not appropriate in planning terms and may make the development permitted substantially different from that comprised in the application.
- 6.9.52 The NPPF advocates that the Development Plan is to be taken as a whole and to a certain degree undertake a planning balance to reach a recommendation. However, given the level of impact from the development on the SRN and the surrounding road network without appropriate mitigation there is no certainty that the development could come forward in its current form or indeed at a lower quantum. It is unclear whether the residual cumulative impacts on the road network for a form of residential development up to 644 units could be severe which is either at or beyond capacity at key junctions. It is therefore recommended this is a contributing factor for a reason for refusal as the application would be contrary to SPLA Policy SG1.
- 6.10 Condition 10 - Archaeology and Heritage Assets - NPPF: Section 12, Section 16; SPLA DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage); DM DPD Policy DM37 (Development Affecting Listed Buildings), DM39 (The Setting of Designated Heritage Assets) and DM42 (Archaeology).**

6.10.1 An Archaeology and Heritage Desk-Based Assessment has been prepared and submitted in support of this planning application. The Assessment considers the archaeological potential of the Site and the potential impact of the development proposals on any designated or non-designated heritage assets.

6.10.2 Identified Heritage Assets

- Potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site
- The Grade II Listed Bailrigg House is a large former house, which is now converted into Lancaster University offices, located approximately 90 metres from the southern extent of the Site.
- Bailrigg Farmhouse dating from the early 18th century which is a two storey with attic facing onto Bailrigg Chase. The property rear faces towards the central part of the application site.

Level of Significance

6.10.3 In terms of archaeological resources, the Desk Based Assessment and Geophysical Survey finds that the Site has a low amount potential for prehistoric, Romano-British and medieval remains.

6.10.4 The proposed development would not have a direct impact on the listed buildings but would be within its setting. It is considered the level of significance would be set to medium with the archaeological potential at a medium.

Impact on Heritage Assets

6.10.5 In terms of the site's relationship with the Grade II listed Bailrigg Farmhouse, the building at the closest point is located 20 metres from the southern section of the site's western boundary. The Assessment finds that there is a documented former historical functional link between much of the site and Bailrigg Farmhouse, although this has now been severed. It also finds that modern residential development and planting to the north and east of Bailrigg Farmhouse contribute to natural screens to obscure intervisibility between the site and the former farmhouse. The Assessment concludes that development within the southern part of the Site would cause a very minor amount of harm that is clearly less than substantial to the significance of Bailrigg Farmhouse.

6.10.6 The Assessment finds that there is no intervisibility between the site and Bailrigg House due to screening from structures and historic planting. Its principal views are to the west over its former parkland which now forms part of the extensive grounds of Lancaster University. The Assessment concludes that the historic links between the house and the site is no longer considered to be appreciable and therefore the site does not contribute towards the heritage significance of the asset.

6.10.7 It is acknowledged that layout is reserved for a later submission, however, given the heights, scale and the developable area the proposal could be planned in a manner which would maintain the setting of the adjacent listed buildings. The development in terms of heights of buildings and how they are arranged would need to minimise the impact. However, if appropriately laid out using a combination of separation as a buffer, the built form and soft landscaping could enhance key views of the listed buildings from within the site, which would positively affect the setting. Therefore, development within the site is not anticipated to result in significant harm to the heritage significance of Bailrigg House and Bailrigg Farmhouse.

6.10.8 Turning to the impact on archaeology it is noted that the site was identified through the Local Plan adoption process and during the screening opinion as having a potential high as yet unknown buried archaeological remains. As such the application was accompanied with an Archaeology and Heritage Desk-Based Assessment. Initially the assessment was considered to fall short of suggesting if the low or low-moderate archaeological potential of the site might warrant further pre-determination or post-permission archaeological investigation. This was to better understand the nature and extent of any below-ground remains, and how the impact of the development might be mitigated; whether by preservation in situ (use of open-space, non-destructive foundation designs such as piles or ring beams) or through their archaeological excavation and recording.

6.10.9 Further pre-determination information in the form of the results of a geophysical survey was submitted to support the desk-based assessment. The survey was taken over 2.3 ha of the 38ha site and

detected a range of different types of anomalies of agricultural, natural and undetermined origins. Natural variations have been identified across the survey area, relating to changes in the superficial geology and soil properties. Magnetic disturbance is limited to ferrous anomalies relating to boundary fencing at the survey perimeter, as well as multiple buried services, an overhead cable bisecting the survey area and an infilled pond. No anomalies suggested significant archaeological features were identified, however, anomalies of undetermined origin were detected. These were considered likely to relate to natural processes and/or to modern and agricultural activity; however, an archaeological explanation cannot be entirely ruled out from the outcome of the survey. A strong circular anomaly has been identified in the south of the survey area, that has the appearance of a circular, possibly tracked, feature of unknown origin. The anomaly is partly visible on satellite imagery, nonetheless, its origin is uncertain.

- 6.10.10 Lancashire Historic Team have considered the findings of the survey and although noting the limitations of this type of survey advocate that it would be unreasonable not to at least draw conclusion that the site, based on the current results has a lesser archaeological potential than before the geophysical survey was carried out.
- 6.10.11 As the site might now be characterised as having a lower archaeological potential it is considered that there would not be the need for such 'ground truthing' to be undertaken pre-determination. There still remains however that the only sure means of validating the results of the geophysical survey is by a further phase of intrusive archaeological excavation such as trial trenching. This would ensure that the development remains acceptable against SPLA DPD Policy SP7; DM DPD Policy DM37, DM38, DM39 and DM42 and the provisions of the NPPF in respect of archaeology.
- 6.10.12 Therefore, given the potential of archaeological is relatively low risk it is considered expedient a planning condition which would require a phased programme of archaeological work in accordance with a written scheme of Investigation would satisfy planning policy. This would ultimately ensure the full investigation, recording and secure any mitigation against any identified impact.
- 6.10.13 In conclusion, it is considered the proposed development would have an effect on the setting of the adjacent listed building, however, through careful design can minimise the impact, which could also be enhanced using the built form and soft landscaping to create spaces and framing key views through the development. The attachment of appropriate archaeological conditions would enable the protection of artefacts. It is therefore considered the development would not have a significant adverse impact on heritage assets. Any harm which may arise, having due regard to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is weighed against the delivery of affordable residential as being a significant public benefit in the balancing of this application as per Paragraph 202 of the NPPF. Overall, the proposed development is considered to meet Policy SP7, DM42.
- 6.11 Consideration 11 - Flood Risk and Drainage Issues - (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 159-169 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth, SG3 (Infrastructure Delivery for Growth in South Lancaster) and SP8 (Protecting the Natural Environment); Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018).**
- 6.11.1 Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the highest risk (whether existing or future). Paragraph 162 of the Framework goes on to state that development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas at a lower risk of flooding through the application of the sequential test. Local planning policy DM33 reinforces the requirements of the Framework by advocating that development proposals should minimise the risk of flooding by taking a sequential approach directing development to the areas of lower risk of flooding. The Key Growth Principles set out in policy SG1 equally reinforce the need to sustainably manage surface water and reduce the risk of flooding with a general expectation that the development within the Broad Location for Growth (BLG) will provide betterment through the delivery of green networks. Fundamentally, it was for the Area Action Plan (AAP) to address the wider allocation of uses within the BLG, including where green networks and open space would be located.

- 6.11.2 The Environment Agency Flood Zone map indicates that most of the Site lies within Flood Zone 1, the lowest risk of flooding, categorised as 'Low Probability' (less than 1 in 1000 (0.1%) annual probability of fluvial or tidal flooding). The underlying bedrock is classified as capable of supporting water supplies at a local scale, but there are no source protection zones within 1km. The soil in this location is made up of slowly permeable seasonally wet acid loamy and clayey soils and the land is classified as being of Moderate agricultural quality (ALC Grade 3b).
- 6.11.3 A Flood Risk Assessment accompanies the planning application and has been prepared using desktop studies of online and acquired mapping, meetings and written consultation with key stakeholders, the issues and concerns raised by the South Lancashire Flood Action Group with observations of current land use, topography, and drainage features (i.e. watercourses and culverts) from Site walkovers. The FRA is to be considered in conjunction with the relevant sections of the Environment Statement in respect of flood risk.
- 6.11.4 The FRA has identified that the 39.36-hectare (ha) site comprises over a dozen land parcels, with most of the land parcels comprised agricultural (grazing) land, with some small, wooded areas. The soils and underlying superficial deposits have low infiltration potential, with shallow groundwater present. The topography of the site has been grouped into four areas, namely a northern parcel adjacent to Hala Hill and Ou Beck, a central area split into a western and eastern parcel and a southern parcel which is between Bailrigg Chase and the north of Lancaster University.
- 6.11.5 The northern parcel falls towards the southwest and Ou Beck which then allows flows to the south along its western boundary. There is a level difference from 76 metres AoD to 60 metres AoD. The central east parcel (adjacent to the M6) falls from the west (63 metres AoD) and east (77 metres AoD) towards Ou Beck and its floodplain which forms the low topographical point of the parcel (circa 54 metres AoD). The central east is more undulating but still falls towards Burrow Beck, from 64 metres AoD. There is a high point of 50 metres AoD in the southwest corner of the site parcel which slopes back into the site. The southern parcel falls from the M6 and the south towards the west and north approximately 77 metres AOD to 58 metres AoD (westerly point) and 54 metres AOD (north towards the central east parcel).
- 6.11.6 The proposed development and submitted FRA will now be considered if it meets the sequential and exception test in addition to ensuring future users are protected from the risk of flooding.

Sequential and Exception Test

- 6.11.7 This is an EIA application and given its scale would represent a significant form of development. Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Within the Strategic Flood Risk Assessment (SFRA), which has informed the Local Plan, the proposed site was considered (Land North and East of Bailrigg Lane ref: 334). The SFRA concluded the site was suitable for housing development subject to the site layout being considered and designed around identified flood risks to pass the sequential test. As the Local Plan does not allocate the site (or any other site/parcel of land within the BLG) for any specific land uses the proposal should still be subject to the sequential test. The South Lancaster BLG is a designation of land in principle whose detailed land use allocations are intended to be set by the subsequent AAP.
- 6.11.8 The applicant's FRA identifies the following within the site:

Flooding Source	Potential Flood Risk at Application Site	Potential Source
Fluvial	Yes - area within the western boundary (adjacent to Burrow Beck) is in Flood Zones 2 and 3	Burrow Beck, Ou Beck, Watercourse 1 and Drainage Ditch 1.
Tidal	No	River Lune and Morecambe Bay
Ground water	Yes - medium risk below ground where Alluvium superficial deposits are present	Secondary (undifferentiated) Aquifer - superficial deposits and Secondary A Aquifer - bedrock designation.
Surface water	Yes, following areas within site: 1:30 year event	Poor permeability and Site topography.

	1:100 year event 1:1000 year event	
Sewers/Mains	Yes - Any flood water from leaking mains would shed overland as shallow (<150mm) flows and would following the localised topography	Public sewers and mains
Infrastructure failure	Yes - an area within the middle extent of the Site along Watercourse 1 located within the mapped extent of flooding from reservoir failure of Blea Tarn.	Reservoir failure and highway flooding.

6.11.9 NPPF Paragraph 162 advocates:

“...the aim of the sequential test is to steer new development to areas with the lowest risk of flooding *from any source*. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding...”

6.11.10 Planning Guidance (NPPG) at Paragraph: 023 Reference ID: 7-023-20220825 states:

“...The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding...”

6.11.11 Taking into account paragraphs 6.11.8 - 6.11.10 above it has been identified that there are other sources of flooding within the site. Therefore, to accord with National guidance in respect of flooding a sequential test should be undertaken to demonstrate if there are other reasonable available sites appropriate for the proposed development.

6.11.12 The onus is on the applicant to assemble the evidence to allow the Council to consider whether the development passes the sequential test. As such, taking into account the parameters of the application the applicant has not identified alternative reasonably available sites at a lower flood risk that could accommodate the development. It is therefore considered that the application has not demonstrated that it can be accommodated in areas of a lower flood risk and as such failed to guide development to those areas at less risk of flooding.

6.11.13 The proposal would fail to satisfy Policy DM33 of the Development Management DPD, particularly in relation to the application of the sequential test in terms of flood risk.

6.11.14 It is recognised the remit of the Environment Agency only extends to whether or not the proposals satisfy the requirements of the second part of the Exception Test. It is for the Local Planning Authority to determine whether or not the proposal satisfies the Sequential Test as defined in paragraph 161 and 162 and, where necessary, the requirements of the first part of the Exception Test as set out in paragraph 163.

6.11.15 In conclusion it is considered given there to be other sources of to the risk of flooding within the site a sequential test is required. In the absence of such a test to support this application it is considered the development has not demonstrated that it is sequentially acceptable to accord with the NPPF, Development Management (DM) DPD policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1. As a result of not satisfying the sequential test the exception test has not been applied to the application.

6.11.16 The implications of failing the Sequential Test extend to the presumption in favour of sustainable development for decision-making. In this case footnote 6 of paragraph 11 of the NPPF is applicable because the failure to pass the Sequential Test is such that would provide a clear reasons for refusing the development. This consequently disengages the tilted balance (paragraph 11 (d) i) when assessing the application against the NPPF as a whole. The failure of the Sequential Test is a matter of great weight that must be weighed in the overall planning balance (albeit not a tilted one).

Surface water runoff

- 6.11.17 Paragraph 169 of the NPPF and policy DM 34 of the DM DPD make it clear that major development proposals should incorporate sustainable drainage systems based on the surface water drainage hierarchy. Sustainable drainage schemes should, where possible, also provide multifunctional benefits.
- 6.11.18 A detailed topographic survey has been used to delineate five watershed catchments within the Site boundary. The proposed drainage strategy would replicate the existing overland flow pathways to ensure runoff from one catchment is not directed to another, to avoid an increased risk of flooding post-development.
- 6.11.19 Soakaway testing was undertaken to investigate the feasibility of the SuDs. Findings show that infiltration-based SuDS would not be feasible due to low infiltration and shallow groundwater. However, options such as detention basins, permeable paving, filter strips, swales and attenuation tanks were also considered appropriate for the site.
- 6.11.20 The surface water drainage strategy proposes rainwater runoff from the housing area and roads will be managed through attenuation basins, which will hold and return water at a controlled rate (site tests show that infiltration would not be feasible due to low rates of infiltration and shallow groundwater). Measures to control pollutants from entering the water environment will be incorporated into the drainage system. The basins will also be sized to allow for future changes in predicted rainfall intensity associated with climate change. At this outline stage, the precise details of the size, type and location of the attenuation facilities are not provided, although the Illustrative Masterplan has been submitted to evidence the strategy is feasible. It is anticipated that the attenuation may comprise a combination of storage facilities to take account of site constraints with the framework masterplan indicating that 1.69 hectares would be for attenuation basins. The precise details can be controlled by condition and accounted for at the reserved matters stage when layout is considered. Notwithstanding this, it is useful to set out at this stage that there is an expectation for the development to deliver predominately high quality, above ground storage facilities in order to conform to the Key Growth Principles of policy SG1 in relation to design and place making and to ensure the sustainable drainage scheme has multifunctional benefits.
- 6.11.21 The basins will be designed to create some permanently wet areas and other seasonally wet areas, which would be planted with vegetation that would benefit wildlife.
- 6.11.22 The LLFA and the EA have no objection to the proposal subject to the imposition of a suitable surface water drainage scheme and maintenance plan. The development sufficiently demonstrates that the development can be sustainably drained to accord with the requirements of the Development Plan and the NPPF.

Foul water

- 6.11.23 Waste water from the housing would be connected to the public foul sewerage network. It is anticipated that that two pumping stations will be constructed as part of this development. A main pumping station will need to be located roughly in the centre of the development area east of the public right of way (ridge), with a smaller pumping station in the south-east corner. It is likely that foul flows would be directed towards an 825mm diameter public sewer that runs alongside the Burrow Brook and into Scotforth Road, before heading west to the sewage treatment works.
- 6.11.24 The submission includes pre-application correspondence between the applicant and United Utilities who have indicated capacity is not an issue and foul sewerage can discharge at an unrestricted rate. The precise details of the foul drainage scheme can be controlled by planning condition. United Utilities has raised no objections to the proposals.
- 6.11.25 The application is accompanied by a Flood Risk Assessment (FRA), the finished floor levels for the site are above the anticipated 1000-year flood level allowing for climate change. The surface water run-off is maintained at a limit of no more than 5 l/s through the inclusion of attenuation within the proposed drainage system. The design proposed includes measures to minimise flood risk and reflect the risk of flooding such as below GF voids that would flood first and higher electrical points internally.

- 6.11.26 The Environment Agency and LLFA, raises no objection in terms of flood risk or surface water drainage subject to conditions The EA also raised an initial objection regarding access to the river wall. However, have now removed their objection as the matter has been addressed.
- 6.11.27 In terms of foul water drainage, United Utilities do not object subject to conditions and therefore the proposal is in line with policy DM35 of the DM DPD.
- 6.12 Consideration 12 - Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity).
- 6.12.1 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended under the Habitats Regulations 2019) requires that plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of a Special Protection Area (SPA), or a Special Area of Conservation (SAC), collectively termed Habitats Sites, unless there are imperative reasons of overriding public interests and no alternatives. Government policy is that Ramsar sites should be given the same protection as European sites (Habitats Sites), outlined in paragraph 181 of the National Planning Policy Framework (NPPF).
- 6.12.2 The Conservation of Habitats and Species Regulations 2017 (as amended) transposed the Land and Marine aspects of the Habitats Directive (Council Directive 92/43/EEC) into British Law. SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.
- 6.12.3 Regulation 63 of the Habitats Regulations require a Competent Authority (in this case the Lancaster City Council) to carry out an assessment under the Habitats Regulations Assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a designated site.
- 6.12.4 The Habitats Regulations require any person applying for such consent, permission or authorisation to provide such information as the Competent Authority may reasonably require for the purposes of the assessment. This information is commonly presented as Information to Inform a Habitats Regulations Assessment (IIHRA or Shadow HRA). However, it remains the responsibility of the Competent Authority to make an appropriate and reasoned decision.
- 6.12.5 The Site is not covered by any national statutory or non-statutory designations for ecology. Equally, there are no national or non-statutory designations located adjacent to the Site. There are five international statutory designations located within 10km of the Site namely Bowland Fells Special Protection Area (SPA), Calf Hill and Cragg Woods Special Areas of Conservation (SAC), Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA. There are two national statutory designations located within 4km of the Site namely the Lune Estuary SSSI which forms part of the Morecambe Bay SPA/SAC/Ramsar and Bowland Fells SSSI. A similar area is also noted as a Recommended Marine Conservation Zone (MCZ). There are no local statutory designations located within 3km of the Site.
- 6.12.6 A Habitat Regulations Assessment Appropriate Assessment has been prepared in support of this application to screen and consider potential adverse effects on the Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA, either alone or in combination with other plans or projects. Calf Hill and Cragg Woods SAC and the Bowland Fells SPA have been screened out given the degree of separation from the site (although mitigation measures proposed in respect of diffuse recreational pressures on designated sites would apply to the Bowland Fells SPA). This ensures the LPA has complied with the HRA Regulations as the 'Competent Authority'.
- 6.12.7 Morecambe Bay SAC/Ramsar and the Morecambe Bay and Duddon Estuary SPA situated 2.2km to the northwest of the site have been selected as they provide habitats for non and breeding wildlife populations comprising marine areas, sea inlets, tidal rivers, estuaries, mud flats, sand flats, lagoons and salt marshes with salt pastures.

- 6.12.8 In terms of direct impacts, it has been sufficiently demonstrated that the site and surrounding fields are unlikely to be used by a significant number of SPA/SSSI birds and therefore the proposal will not result in adverse effects on the integrity of the designated sites. It is concluded that, providing available mitigation measures are designed and implemented appropriately, the development proposal will not cause any harmful water pollution impacts on the designated sites.
- 6.12.9 The proposal does, however, have potential for indirect impacts in the form of recreational disturbance, construction activities and water pollution.
- 6.12.10 The former can be mitigated given the distance between the site and the designated sites, that there are credible, tried and tested methods available for avoiding water pollution during the construction and operation of the development and any development will be required to meet existing greenfield run-off rates. Foul water will be discharged to main sewers for treatment. During site clearance, groundworks and construction works, established construction practices are available to avoid any possibility of water pollution during construction operations.
- 6.12.11 There is no direct access to the designated sites (via public rights of ways or other recreational routes) despite a reasonably good network of paths in the immediate area however, a number of studies have shown that recreational disturbance is one of the most significant factors causing harm to the special interest of the designated sites. It would not be possible to conclude the development would not lead to any recreational pressure on the designated sites. To mitigate against this the provision of open space on the site and homeowner packs to be provided to each dwelling is required. This is considered with the HRA for the Local Plan and further complies with one of the Key Growth Principles of Policy SG1.
- 6.12.12 The homeowner packs would be expected to include details of the affected designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. The inclusion within the site of high-quality greenspace available for local recreation, which will avoid the need for people to travel to the coastline for recreation.
- 6.12.13 It is considered the proposed development will not result in cumulative effects with other plans and proposals on the special nature conservation interest of designated sites.
- 6.12.14 In conclusion, the proposed development will have no significant adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by conditions attached to any planning consent. Natural England raises no objections to the proposal and concur with the conclusions of the HRA.

Biodiversity net gain

- 6.12.15 In relation to biodiversity net gain, a calculation of the baseline Biodiversity Units using the Defra Metric has been provided to inform the application, along with some written analysis of the likely impacts of habitats. It is noted that such metrics are not compulsory, but they do provide an objective measure of whether a development can provide a net gain in biodiversity, as is strongly encouraged by the NPPF and by Local Policy. GMEU have asked for quantification in terms of Biodiversity Units that will be lost as a result of the development, even if this is caveated with the fact that the designs are at outline stage at the moment. Furthermore, a development of this scale and at this location should be providing at least a no net loss of biodiversity, and it is recommended to provide net gain for biodiversity, would be preferable on the site.
- 6.12.16 The Government's response to the 2018 consultation on net gain suggested there would be a two year implementation period for mandatory BNG once the Environment Bill received Royal Assent and became the Act (which happened on 9 November 2021). The Act includes provision for secondary legislation to set a date for the requirement to come into force. It is anticipated that the mandatory requirement to come into place in January 2024.
- 6.12.17 The applicant has submitted a BNG metric (Defra 4.0) and an Outline Biodiversity Net Gain Plan (Evelyn Ecology, September 2023). The BNG metric has been completed based on an updated UKHab survey and habitat condition assessment carried out in May 2023. GMEU has assessed the submission and

notes that a very small (2.11%) habitat net gain is predicted, and a 24.14% hedgerow net gain is predicted. However, 218m of hedgerow included in this metric has not been included in the plans submitted so far, but has been noted as an opportunity for enhancement by the ecologists. Even if this is removed from the metric, a net gain of over 10% of hedgerows is still achievable. It has been identified that there is an error in the metric table, with regards to tab A-3 – On-Site habitat enhancement. In Row 12 (Baseline Ref 3), Column R (Proposed habitat) the proposed habitat has been changed to mixed scrub rather than remaining as other woodland; mixed. When this is changed to the correct habitat, the overall gain for the site in the results table is lower- 1.56% (or 1.57 units).

- 6.12.18 GMEU conclude in respect of BNG by reporting that the small percentage habitat net gain (whether 2.11% or 1.56% is used), falls somewhat below the 10% net gain target for BNG. With a view expressed that it gives a low level of certainty as to whether biodiversity net gain (or indeed no net loss of biodiversity) can be delivered on site, should some of the assumptions made within the net gain plan not be correct.
- 6.12.19 Notwithstanding GMEU's comments it is recognised that Policy DM44 sets out that there should, as a principle, be a net gain of biodiversity assets wherever possible but does not set out an amount or a requirement to measure this. As such, given the Legislation is yet to come into force it would be difficult to require further information in respect of the biodiversity matrix calculation. Taking into account the habitats on-site are dominated by species-poor semi-improved grassland, with the exception of the linear features, and the opportunities to provide enhancements within the site, it is considered that the lack of a detailed assessment of net gain would not be a sufficient reason to refuse the application.
- 6.12.20 It is recognised that to be compliant with the relevant NPPF policies and Lancaster's Local Plan, sufficient information relating to BNG can be secured at Reserved Matters/Detailed Design stage. This can be achieved through appropriate conditions to update surveys and the BNG metric at the reserved matters stage. Given the uncertainty around the scheme to deliver net gain on site, a mechanism to secure off-site units can also be considered should it be required.

Protected species

- 6.12.21 The application has been supported by an Ecological Impact Assessment informed by protected species surveys with an accompanying habitat plan. These surveys focus on the application site with an addendum to include the most northerly area adjacent to Hala Hill to map the habitats to be impacted and review any protected species constraints. As the results of the previous survey work has not identified any significant constraints with regards to protected species, GMEU are satisfied that the update of all ecological surveys can be secured via condition, should planning permission be granted. These surveys would need to have been completed prior to reserved matters applications being submitted and any appropriate mitigation measures also incorporated into the proposal.
- 6.12.22 The Study Area comprises a network of semi-improved grassland fields with additional hedgerow, woodland and aquatic habitats. The area also includes buildings and associated habitats within the curtilage of the property Low Hill. The hedgerows, woodland pockets and aquatic habitats within the Study Area have intrinsic ecological value and provide green links to the wider landscape.
- 6.12.23 The surveys found potential protected species issues relating to bats, otter, birds and great crested newt. Precautionary measures are recommended for badgers and reptiles with the development of the site will also need to consider the presence of Himalayan balsam. Taking each protected species in turn.
- 6.12.24 **Bats** - A building is proposed for demolition to accommodate the access at Low Hill. No evidence of bats was found, but the house was judged to have moderate potential to support roosting bats, and the shed low potential, so 2 bat activity surveys were therefore undertaken in May and August 2019. No bats were seen emerging or entering the buildings. Sufficient survey work in relation to the building demolition has been submitted. There has however been a period of time since the surveys were undertaken. Taking into account the building may have become a newly formed habitat it is considered further survey(s) to ensure the building can be demolished can be secured by planning condition.
- 6.12.25 Turning to the wider site it is noted that the surveys recorded nine species including Soprano Pipistrelle, Common Pipistrelle, Myotis species and Nathusius Pipistrelle. Most activity was recorded along woodland strips and the boundary features. The initial bat survey identified 5 trees within groups that

have a high roost suitability (G10, G17, W1) and 2 trees with parts of groups (T1, T10, G2, G7, G16 and G21) having a moderate suitability.

- 6.12.26 To better understand potential constraints to development by roosting bats, 16 trees within three tree groups initially identified as having Moderate to High bat roosting potential during a preliminary ground-based assessment in February 2019, were subject to a detailed climbing inspection on 05 March 2020. Further survey work identified that 6 trees (G7b, G7e, G8a, G8f, G8g, G21b) are having moderate potential and two trees (G7c and G8b) as having high potential to support roosting bats, and no confirmed roosts were identified.
- 6.12.27 Although the survey work is considered to be acceptable the scheme should be designed to retain the trees identified with medium and high bat roosting potential. If this proves not to be possible as the detailed design is developed, then further survey work and adequate compensation of the loss of these trees will be required.
- 6.12.28 It is noted that the trees identified as having moderate to high bat activity potential are within category B and C in terms of the health of those trees. Therefore, the protection of those trees would have dual purpose in the interests of visual amenity and for biodiversity reasons. This can be secured by planning condition.
- 6.12.29 **Badgers** - The Environmental Statement chapter states that a badger survey was undertaken in February 2019 and although some large mammal holes were found along B13 and within W4 no other evidence of badger was found, so badgers were scoped out of further assessment. Given the potential of badgers and the passage of time in-between surveys and work commencing on site it is considered expedient to require a badger survey to be undertaken in the particular phase to establish if there is the presence of badgers.
- 6.12.30 **Birds** - The habitat on the site (buildings, trees, hedgerows, grassland etc) is suitable for nesting birds. The active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Additionally, species of conservation concern are also known to be present on the site. A desk top study and wintering bird survey was undertaken and included under the shadow Appropriate Assessment.
- 6.12.31 The wintering bird survey identified a total of 41 bird species on-site or flying over the Study Area. These comprised a range of common and widespread species associated with the hedgerows and trees. Three qualifying bird species of the SPA/Ramsar were recorded (including those designated as part of the waterbird assemblage), a Curlew, Herring gull and Lesser black-backed gull. It was concluded, amongst other none identified SPA/Ramsar bird populations that the species were not recorded in significant numbers. A condition is proposed to limit demolition, site and vegetation clearance to avoid the main nesting season (March to August inclusive). Although the study is relatively absent in providing a mitigation strategy a further technical note submitted by the applicant does suggest a series of species-specific bird boxes be installed. Whilst this is welcomed further work is required to establish if there are any other appropriate migration measures that can be employed within the site. As such it is considered the Construction Environmental Management Plan be further extended to include mitigation for the bird population.
- 6.12.32 **Otters** - The aquatic habitat on and adjacent to the site is suitable for otters. Given that otters were confirmed along Burrow Beck there would be a likelihood that Ou Beck may also have potential (although not surveyed). It is agreed with the Environmental Statement in its conclusion that due to the lack of resting sites there is not considered to be a legal constraint. No evidence of water vole was found and therefore it is considered a Construction Environmental Management Plan secured by planning conditions would afford suitable protection during the construction for otters.
- 6.12.33 In respect of GMEU's comments that the scheme should be revisited to ensure connectivity between Burrow Beck and the site it is noted this application is in outline form whereby layout is a future consideration. This could be attached as an advisory note that a reserved matters application need to take into account the connectivity for wildlife around the site close to existing habitat features.
- 6.12.34 **Great crested newts** - There are numerous ponds within the development site and within 500m from the site. A scoping exercise was undertaken to assess the ponds in relation to the site. Ponds were either scoped in or out of the further survey work based on distance from site, connectivity to site and

suitability for great crested nests (i.e. high fish impact). A number of ponds could be discounted from further study due to the presence of the M6 between them and the study site, and other waterbodies were not suitable for great crested newts, such as a raised stone trough present on the site. Three ponds in total were subject to eDNA survey in 2019, which returned negative results for great crested newts. There is limited potential for great crested newts to be present on the site.

- 6.12.35 **Reptiles** - There are records of slow worm within 1km of the study area, and some of the watercourses and field boundary habitat is suitable for grass snake. No specific reptile surveys were undertaken, however, the majority of the grassland is not optimal for reptiles, being closely grazed and lacking the structural diversity that reptiles require.
- 6.12.36 It is therefore considered the Construction Environmental Management Plan can be extended to include both great crested newts and reptiles to ensure all precautionary measures have been taken before any work commences on the site.
- 6.12.37 In regard to the **invasive species**, Himalayan Balsam and Rhododendron, it is considered expedient to attach a planning condition to require its treatment and prevention through an appropriate management plan.
- 6.12.38 The submitted information shows that subject to appropriate mitigation there is no conflict with planning policy in terms of nature conservation.
- 6.12.39 In summary, it is considered that there are no overriding constraints to the development of the site in terms of biodiversity, and that the proposed development could result in enhancements for biodiversity and nature conservation.
- 6.12.40 The proposed enhancement features can be designed in the layout of the residential estate and landscaping scheme which will be considered at reserved matters stage. It is recommended that planning conditions are imposed relating to landscaping and implementation for submission upon the reserved matters.
- 6.12.41 Overall, the proposed development accords with paragraphs 174 – 177 of the NPPF and policies DM44 and DM45 of the DM DPD.

6.13 Consideration 13 - Trees and hedgerows - (NPPF paragraphs: 131, 174 and 180; Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

- 6.13.1 The effect to tree and hedgerows within a development site is considered principally under DM DPD Policy 45. The policy is twofold whereas the Council will support the protection and incorporation of existing of trees and hedgerows and encourage appropriate opportunities to encourage new planting of new trees, hedgerows and woodlands. The protection of existing trees, woodland and hedgerows will be where they positively contribute either as individual specimens or as part of a wider group to the visual amenity, landscape character and / or environmental value of the location. It is stated that new development should positively incorporate exiting trees and hedgerows which is further echoed throughout the SPLA and DM DPDs.
- 6.13.2 The AIA has identified a total of 29 individual trees, 24 groups, a woodland and 24 hedges within the planning area. The trees, groups and hedgerows dividing the site contribute to the character of the area, and are visible from a range of public domains, including two public rights of way which cross the site, a popular cycle route connecting the University to Lancaster, Bailrigg Lane and the M6 motorway. There are three relevant TPOs on the boarder of the application site comprising:
- TPO 200 (1991) - Trees identified as G2 within AIA, boundary of site with Heversham Close
 - TPO 291 (1998) - Trees identified as T18 – T29 within AIA, sat either side of Bailrigg Lane
 - TPO 414 (2007) - Trees identified as T11 within the AIA, land to the north of Bailrigg Lane
- 6.13.3 The woodland identified within the AIA (Arboricultural Impact Assessment ref: W1, grid ref: SD48705786) sits outside of the proposed development site and forms part of a mature belt of woodland

which encompasses the university campus. Forming a strong boundary between the campus and the motorway. This woodland appears on the first edition OS Six inch map series published in 1848, 1895, 1914, 1933 and 1947 and is therefore of historical and ecological importance.

- 6.13.4 The Ecological technical Note further explores the likelihood if the woodland is considered ancient which follows the original comments from the Woodland Trust. Indeed, the woodland can be seen on the first edition of the Ordnance Survey map and the ecology note confirms that older sources of maps are not available. The applicant has also explored the associated apportionment register (associated with the Tithe Survey) and has identified that the woodland in question was named as plantation, explaining that its description suggested it was planted although it is unclear of time of when this may have been planted.
- 6.13.5 It can be confirmed that the woodland is a habitat of principal importance (under Natural Environment and Rural Communities Act (2006) Section 41), however, it cannot be established if it is likely to be an ancient woodland. On the basis of the information presented it is considered that sufficient investigative steps have been taken and that it is not an ancient woodland for the purposes of this application.
- 6.13.6 To facilitate the proposal, approximately 500 metres of mature hedgerow is to be removed. The AIA identifies three individual trees (T5 and T7-8) as requiring removal along with a small proportion of groups G1, G11 and G19. Given that the rises and falls of the site, there is likely to be a requirement to alter existing ground levels to accommodate the number of proposed dwellings.
- 6.13.7 It is noted that the determination of this outline application will not affect the TPOs identified above. Any work or activity that affects the TPOs will be subject to the protection of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 6.13.8 The Ecological Technical Note does acknowledge that there could be a greater impact on the trees due to the proposed change in levels to facilitate the development. A rise or reduction in soil level can have major implications on the longevity and health of the trees. Minor changes (up to 100mm) can be tolerated in some cases but is heavily dependent on tree species, condition and growing environment. At this stage it is not known what the proposed levels would be which has been acknowledged in the Ecology Technical Note. The description of the outline application does include re-grading but that is to help understand the works within the open space area. The parameter plan within the ES shows the maximum FFLs within development parcels, however, they are set at the highest point not reflecting the undulating nature of the site. It is considered in principle that the loss of hedgerows can be sufficiently compensated within the site and that the tree loss is limited. It is considered that a planning condition to require the submission of finished levels across the site and an updated AIA will ensure that the impact on trees can be considered to give the confidence that the trees, groups and hedgerows can be retained.
- 6.13.9 GMEU take a step further by raising cautious to securing adequate buffer zones at the reserved matters stage giving the Technical Note suggests that other factors which constrain the layout of the site such as drainage and topography have been considered but do not form part of the application.
- 6.13.10 The non-developable areas shown on the parameter plan does provide a degree of separation of the construction and siting of the proposed built form area. Taking into account the Woodland Trust and GMEU's comments under the current layout and in principle it is considered it would be possible to develop this site for residential use whilst introducing a buffer zone and retaining a significant number of trees given they are either near to the boundaries of the site or outside of the developable area. The imposition of a buffer zone as controlled by planning condition would ensure an appropriate area can be agreed when information relating to the change in land levels are known. The introduction of a buffer for the woodland to the south of the site even set at natural England's standing advice (15m) whilst encroaching would not significantly compromise the developable area and the total number of dwellings which could occupy the site.
- 6.13.11 There would be an inevitable removal of hedges and trees along the north boundary to facilitate access from Hala Hill. While regrettable it is considered the loss of the vegetation would not be of worthy retention to withhold the development's proposed access.
- 6.13.12 Clearly there would be more of a loss of hedgerows across the site than trees given their nature is to act as field delineation relating back to the agricultural use. However, the loss of trees and hedges

within the site and the planting of the buffer zone would be controlled by condition to be considered at the reserved stage. This would be in conjunction with new planting across the site to allow assessment of any compensatory planting that comes forward to be considered against the loss of trees or hedges within the site. Furthermore, this allows for compensatory planting to take into account any additional loss by any change in levels.

6.14 **Consideration 14 - Residential Amenity - NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policies EN9 (Air Quality Management Areas); Development Management (DM) DPD policies DM29 (Key Design Principles), DM Policy 31 (Air Quality Management and Pollution) and DM57 (Health and Well-Being).**

6.14.1 The key areas for the consideration with regard to the general design principles within Policy DM29 would be the impact upon the amenity of the occupants of neighbouring properties such as issues of overlooking, overshadowing and whether or not the dwellings will be overbearing. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.

6.14.2 A parameter plan has been submitted which shows the broad area of the developable area within the application site supported by further drawings showing the existing land levels and an indication of the maximum finished floor levels. Although no elevation plans have been submitted the supporting documentation suggests that the buildings would be two storey with a maximum height of 9.6 metres close to the site boundary with higher properties at 2 and a half storey (maximum height of 11.5 metres) being more within the site.

6.14.3 The perimeter of the application site is adjacent to a number of different properties and land uses. Taking into account that representations have been received from properties that are adjacent to the site and concerns raised regarding the potential impact to their amenity this part of the assessment has been guided by each section of the application site.

Effect on Dunkenshaw Crescent to the southern tip of Barnacre Close (Nos. 27/29)

6.14.4 This section covers the land adjacent to the site perimeter between Burrow Beck and Barnacre Close which includes Shirehead Crescent and Winmarleigh Road. The neighbouring properties are mainly two storey and with a couple of exceptions the rear of the properties and private gardens back onto the site. The information is limited but it can be gleaned that there is not a significant difference in ground level between the existing properties and the application site edge given the direction of the drumlins.

6.14.5 Moving into the site i.e. from the perimeter, it becomes less clear. A plan has been included in the ES which sets out the maximum finished floor level of dwellings. However, the development has been grouped into parcels giving the maximum FFL which may not reflect the actual FFL of dwellings in the northern parts of the parcels B, C and D which all are near to the north facing site boundary.

6.14.6 However, it is considered that the site is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively whilst adhering to the standards set out in Policy DM29.

Eastern side of Barnacre Close to 26 Knowe Hill Crescent

6.14.7 This part of the application narrows in width with neighbouring properties adjacent to the westerly side of the site and the M6 on the easterly side. There is a level drop from the M6 of 13 metres to the west boundary of the site with Ou Beck which runs to the foot of the neighbouring property gardens. Clearly this would present a challenge in designing this part of the site to respect different levelled separation distances and also maintain a neighbourly relationship with the existing properties. Nevertheless, the parameter plan does annotate an amended routing of Ou Beck and a linear band of landscaping which would push the developable area immediately away from the boundary of the site. Taking into account this separation, the imposition of planning condition requiring FFLs to be submitted and the scheme

could be designed to DM29 standards it is considered it would be difficult to recommend refusal on an impact to these neighbours given the nature of this application.

Heversham Close

- 6.14.8 The application site narrows further to the north where it meets Hala Hill with Heverhsam Close on the westerly side of the application site. The properties on Heversham Close comprise bungalows with variant lengths of rear gardens.
- 6.14.9 The parameter plan shows the northerly area of the application site to include an access road into the site with landscaping. Although the gradient would fall towards Heverhsam Close, given there are no developable areas indicated on the parameter plan the effect to the neighbouring properties would be from level changes of the land and the presence of the access road with the passing traffic.
- 6.14.10 The proposed landscaping acts as a green buffer would not significantly prejudice the amenity of the neighbouring properties. Although there would be a higher level of passing traffic by virtue of the access road against the background noise of the M6 it is considered it would not significantly harm the level of amenity of the neighbouring properties to warrant a refusal of the application. An enhancement of the landscaping in the intervening area with the rear of Heversham Close would reduce a light disturbance from passing traffic.

M6 Motorway

- 6.14.11 There is a linear band of open space providing separation form the edge of the motorway and as such the impact of the proposal on the motorway would not be of significance.

Lancaster University

- 6.14.12 The university is beyond the southern boundary of the site. There is a band of woodland separating the developable area from the university complex and taking the intervening distance into account it is considered the relationship to be acceptable.

Bailrigg House and buildings to east of site

- 6.14.13 There is a level of existing and space for proposed landscaping in the intervening space to minimise any likely amenity impacts to the neighbouring land uses.

Bailrigg Chase

- 6.14.14 There is a band of open space proposed to be planted woodland and ticket around the perimeter of the site to provide a degree of separation of the built form with Bailrigg Chase. The separation inadvertently mitigates any likely amenity impacts to an acceptable level.

Collingham Park and Hazelwood Gardens

- 6.14.15 It is unlikely a loss of amenity would occur given the distance of the existing properties from the application site boundary and the developable area.
- 6.14.16 In conclusion it is acknowledged that a full assessment of the impact upon the amenity of neighbouring properties cannot be fully undertaken at this stage. Although the application has been supported with information it will be the detailed design stage which will enable a full assessment to be undertaken.
- 6.14.17 There are, however, a number of boundaries which given the distance from the perimeter of the developable area may not result in a significantly loss of amenity. The more sensitive boundaries where existing properties are close the scheme would have to be considered against the standards set out in Policy DM29. Taking the developable area into account it is considered it is of sufficient size to ensure that appropriate measures can be designed into the scheme to ensure loss of privacy and loss of daylight is mitigated effectively.

- 6.14.18 The following sections will now consider the other impacts on amenity:

- Noise.

- Air Quality Matters;
- Shadow Flicker.

Noise

6.14.19 The Technical Note (Noise Appendices) written by Noise Consultants Ltd, has been revised (dated May 2023) and now forms the baseline in respect of the noise and vibration information contained within the 2023 Environmental Statement. The revised ES and Technical Note considers the likely noise effects upon proposed residential receptors from construction activities and impacts to both existing residential and non-residential receptors from construction noise through the development process and from road traffic (M6 and A6). There is also consideration of impacts associated with the proposed retail unit to existing closest residential receptors.

Associated with road traffic

6.14.20 Given the proximity of the M6 to the developable area on the eastern side of the site the level of noise from passing traffic at higher speed would be a material consideration for future occupiers. The Technical Note details modelled daytime and night-time sound exposure levels across the site (based upon 5 monitoring locations), both with and without development; and, provides information on indicative noise levels 'with' and 'without' development incorporating predictions of likely noise levels in 2029. Taking an overview of the soundscape at this location, it is clearly evident that noise levels associated with the M6 are significant during both day-time and night-time periods across a large proportion of this site.

6.14.21 There are no significant concerns with regard to minimising the impacts of road traffic noise internally within the proposed dwellings and there is confidence that the sound criteria recommended within BS8233:2014 (both day-time and night-time) would be achieved to ensure 'no observed effect levels' (NOELs) or 'Lowest Observed Adverse Effect Levels' (LOAELs) with an appropriate mitigation strategy in place. This would be determined with a more informed/detailed noise assessment with noise ingress calculations to determine what level of sound insulation/ façade insulation/ uprated glazing was required; and, whether alternative ventilation would be needed where windows need to remain closed to meet targets to ensure that acceptable and not desirable indoor ambient noise levels can be achieved.

6.14.22 Achieving recommended noise levels in external amenity areas could prove more challenging across the site and further information would assist in determining whether noise within external amenity areas will achieve recommended acceptable noise criteria, to achieve at least 'LOAELs'. Recommended 'guidelines' within BS8233:2014 are that noise levels should not be above the range 50-55dB LAeq,16hr. The Technical note contains Noise appendices which indicate the noise levels across the site without the inclusion of the acoustic effect of the specific scheme would result in 'Significant observed adverse effect levels' (SOAELs) indicating that noise levels at this site are unacceptable. Although there is not a significant difference, inevitably the nighttime is slightly more exposed, it should be noted that a significant proportion of the site is above 55db LAeq 16h.

6.14.23 Policy is guided by the principle that any amenity space must have an acoustic environment so that it can be enjoyed as intended. Where this is not achievable the development should be designed to achieve the lowest practicable levels.

6.14.24 The ES chapter discusses external amenity noise levels and advocates that dwellings are positioned in clusters around associated garden spaces to provide self-screening for rear gardens. The introduction of a 3.5 metre high noise barrier is to reduce noise levels from the M6 propagating across the site. Consideration should be given to the orientation of the dwellings so that external amenity areas are positioned to the rear of the property with respect to the dominant road traffic noise source. The combination of the acoustic fence and buildings would in effect deflect noise from external areas.

6.14.25 Sound waves travel in all directions and could effectively travel away initially from a source, only to be deflected back by buildings or through gaps in the built form further into the site which reduces the effectiveness of mitigation to private or public amenity spaces. However, the introduction of an acoustic fence would assist in providing a form of mitigation. The imposition of a planning condition would secure the information required which can be considered if SOAELs could be further avoided to public open areas and private outdoor spaces on the basis of an eventual fixed layout. The information would model the soundscape across the site (use of LiDAR and application in this context) and the

reliability/accuracy of the modelling procedure. Although through condition, it would not necessarily be taken in isolation as any mitigation measures would naturally incorporate and be dependent on an eventual design and how the site is laid out.

- 6.14.26 Turning briefly to SPLA DPD Policy SG1 whilst the noise level could be considered through a planning condition it does however further question how the proposal could be innovative in its design approach. Indeed, it has been considered that an acoustic fence would not necessarily demonstrate how the scheme is particularly high quality and assists in placemaking. It is unclear of how innovative the approach is to just use buildings and the acoustic fence as a way of deflecting noise from the M6 as no other solutions either conventional or unique to this site have been presented or explored. Indeed, while using buildings could deflect noise, it is unclear how this would translate into the built form given the length of the eastern boundary of the site directly adjacent to the significant noise source. The suggestion that future occupiers would have access to POS that does have a lower external level of noise, whilst advocated by wider guidance does not give the confidence that the proposal would be a high-quality design to satisfy SG1 and may present a form of development which is poor in placemaking terms. In the absence of the exploration of how noise could be mitigated in different ways does not present itself as being particularly innovative in its approach.

Noise associated with construction

- 6.14.27 A condition can be imposed (aligned with mitigation measures described in section 7.5 of the Environmental Statement) to ensure that any impacts associated with construction noise remain reasonable. The condition would include the submission of the working hours to ensure they are acceptable to the Council.

Noise associated with proposed retail unit

- 6.14.28 Conditions can be imposed to control potential unreasonable noise impacts associated with deliveries/opening times and fixed plant to ensure LOAELs with provision of further information, specifically looking at impacts to proposed residential units, rather than the nearby 'existing' residential receptors.
- 6.14.29 In summary, it is anticipated that full sound mitigation measures can be secured by the imposition of planning condition to address internal and external noise associated with construction, the proposed retail unit and sources from outside of the application site. However, it is not clear how innovative the proposal is in its approach to mitigating noise so that the private and public spaces can be enjoyed as intended which contributes to purpose of promoting the high bar of design in SPLA DPD Policy SG1.

Air Quality Matters

- 6.14.30 The application site is outside of an Air Quality Management Area. However, the boundary of the AQMA is adjacent to the northern boundary of the application with a proposed access leading into the AQMA (on Hala Hill).
- 6.14.31 Policy EN9 and DM31 expect developments adjacent to AQMAs to not contribute to increasing levels of air pollutants within the locality and protect from the effects of poor air quality. DM31 takes a step further by requiring that a development demonstrate how either on site or off-site mitigation measures will be put into place to reduce the air quality impact. Proposals should contribute towards delivering the actions detailed within the Lancaster District Air Quality Action Plan, once in place.
- 6.14.32 The effects of traffic emissions arising from the development traffic on local roads has been assessed and the findings published in the Environmental Statement that accompanies the application. Concentrations have been modelled for 34 receptors representing existing properties where impacts are expected to be greatest. In addition, the impacts of traffic emissions from local roads on the air quality for future residents have been assessed at five locations considered to represent the 'worst case' within the new development itself.
- 6.14.33 In the case of nitrogen dioxide, a sensitivity test has also been carried out which considers the potential under-performance of emissions control technology on future diesel cars and vans. This assessment found that concentrations of particulates (PM10 and PM2.5) will remain below the health-based objectives set by the Government at all existing receptors between 2023 and 2029, with or without the

proposed development. This conclusion is consistent with the outcomes of the reviews and assessments prepared by Lancaster City Council, which show that exceedances of the PM10 objective are unlikely at any location.

- 6.14.34 In the case of nitrogen dioxide, the predicted concentrations using DEFRA's Emission Factor Toolkit (EFT) are below the nationally defined objective at all existing receptors in all years considered between 2023 and 2029, with or without the proposed development. For assessment years beyond 2020, the EFT (v9.0) makes additional assumptions regarding the expected improvement in performance of diesel cars and vans beyond this date. While there is currently no reason to disbelieve these assumptions, it is sensible to consider the possibility that this future-year technology might be less effective than has been assumed. A sensitivity test has thus been carried out which assumes that post-2020 technology does not deliver any benefits. Results from the sensitivity test are very much a worst-case assessment and show that the impacts of the scheme can be classified as negligible at most receptors, for all the considered years. This is with the exception of 2023 to 2025, where minor adverse impacts are predicted at two receptor locations along Thurnham Street, within the existing Lancaster Air Quality Management Area, when using 'official' emission factors. However, given the reduction in concentrations measured at diffusion tube monitoring on Thurnham Street between 2017 and 2018, it is considered unlikely that the objective would actually be exceeded here in 2023 or in subsequent years. It is likely that most of the impacts will in fact be negligible, or minor adverse at worst. Overall, it is considered that the proposed development would not have a significant effect on local air quality.
- 6.14.35 In support of the application and is considered against the impact on air quality the applicant has submitted a Health Impact Assessment. To quantify traffic movements further information can be gleaned from the applicant's Transport Assessment.
- 6.14.36 The submitted Transport Assessment, with reference to the trip rate information computer system (TRICS) database, estimates that the proposed development would generate a total of 398 two-way vehicle movements during the weekday peak AM period (0800 Hours – 0900 Hours) and 451 movements during the Peak PM period (1700 Hours – 1800 Hours). Given the quantum of development it can be gleaned that there would potentially be a significant effect on air quality as a result of the traffic movement.
- 6.14.37 The Transport Assessment purports a Travel Plan will be commissioned and implemented for the proposed development.
- 6.14.38 The applicant has taken a holistic approach by setting out the proposed development would:
- contribute towards a healthy public realm,
 - a layout which encourages pedestrian and cycle movement,
 - identifying key place making principles; and,
 - focus of the design of the proposed development will be to limit energy consumption and CO2 emissions under the heading of healthy living.
- 6.14.39 Concerns remain from the Council's Air Quality Officer about how pollutant concentrations have been adjusted incrementally over the course of the development and that there has no reference to the Low Emission and Air Quality PAN. However, failure to strictly follow the guidance of the PAN is not a substantive reason to resist the development. In respect of EV charging points the Building Regulations were amended in June last year to ensure that new residential buildings are provided with infrastructure for the charging of electric vehicles. As such, the Building Regulations have been brought into line with the NPPF and the Government's policy in respect of the increase in the use of electric or part powered electric vehicles. Taking into account the recent change to the Building Regulations the imposition of a planning condition to require an EV charging scheme would duplicate regulatory requirements. As such the imposition of a planning condition would fail the tests as set out in the NPPF and national planning guidance. Quantifying the effects of air quality mitigation, especially when mitigation is largely about encouraging modal shift, is challenging. However, the applicant has presented a robust assessment informed by the Transport Assessment and the Travel Plan measures that would reduce traffic over time, which in turn reduces anticipated emission levels from the development. Whilst there remains an objection from the Council's Environmental Health Officer, it is considered there to be sufficient mitigation proposed to demonstrate the effects on air quality would not be significant. Overall, it is considered that the proposal would not conflict with the Development Plan or the NPPF in respect of air quality.

6.14.40 Shadow flicker

6.14.41 A further material consideration to the amenity of future occupiers is the effect of the wind turbine which is located approximately 347 metres southeast of the application site. Whilst wind technology is becoming more common place, understanding its effect to surrounding land uses is still relatively in its infancy.

6.14.42 The comings and goings to the turbine would not have an effect on the application site. On a day which does not generate enough wind the stationary turbine would not significantly affect future occupiers. However, when the turbine is in operation, given its height and overall size an effect is created by the turning rotor blades. This effect is normally referred to as shadow flicker.

6.14.43 Shadow flicker is the flickering effect caused when rotating wind turbine blades periodically cast shadows in a constant quick succession through constrained openings such as the windows of neighbouring properties. Depending on how close to a turbine the flickering effect can also have an effect to outdoor spaces and within the built form within rooms, if they generally face towards a turbine with no obstruction in between.

6.14.44 There have been studies into this effect. In particular a report was published in 2011 for the then Department of Energy and Climate Change which consolidates the background literature at the time and provides a comprehensive assessment of shadow flicker. There have been subsequent reports and studies published since but the 2011 report sets out principal standards which have been used in assessing an impact in planning applications and appeals. From the 2011 report it can be gleaned that there are two main factors which determine the starting point of an assessment:

- Distance from the turbine – the radius of significant affect from a turbine is set at 10 times the rotor diameter
- The position in relation to the turbine - impacts occur within 130 degrees either side of north from a turbine

6.14.45 There are then multiple factors which influence an impact such as topography, intervening obstructions and meteorological conditions to name a few.

6.14.46 Planning permission was granted in 2011 under reference 10/01061/FUL for a 2 megawatt wind turbine which is operated by Lancaster University. The application considered the impact to nearby sensitive receptors (e.g. residential buildings) and in taking into account the effect and benefits of the proposal attached planning conditions to enable permission to be granted while ensuring the shadowing impact on residential properties remained in check should future complaints be received and within a general acceptable tolerance.

6.14.47 The approved wind turbine given its distance and position is a material consideration for this application. Although the majority of the site is outside of the rotor radius, the southeast part of the site falls within this area. As such, if this application is approved it would introduce a form of residential development within the area which is identified to being the most likely affected by shadow flicker.

6.14.48 This presents a potential impact to future occupiers if any impact is not mitigated and conversely place an undue future burden on the operation of the wind turbine given the introduction of new buildings being affected within the radius of significance.

6.14.49 The applicant has submitted a Shadow Flicker Technical Note (SFTN) which its purpose is to review the potential for shadow flicker from the Lancaster University operated turbine on the properties within the application site.

6.14.50 A further Shadow Flicker Impact Assessment (SFIA) has been submitted to support the technical note modelling an effect from the turbine to positions of dwellings within the site. It should be noted that the position of dwellings have been based on indicative positions within the site.

Shadow Flicker Technical Note (SFTN)

6.14.51 The SFTN introduces the context by outlining the size and position of the turbine in operation, identifying properties on Bailrigg Lane which are of significance and providing an overview of shadow flicker and how the effects are determined with factors such as:

- The presence of screening;
- The orientation of the property;
- The distance of the property from turbines;
- The presence of direct sunlight;
- The time of year and day;
- Wind speed;
- Direction of Wind; and,
- The presence of people.

6.14.52 The SFTN uses the assessment undertaken to support the approved turbine as the basis of the review. It can be gleaned that:

6.14.53 The vast majority of the properties within 'the site' lie outside the prescribed 10 rotor diameter distance to the turbine. They would be safeguarded by the same mitigation employed by the turbine developer for Bailrigg Farm 1 [property I in the ES] identified in the assessment.

6.14.54 The properties in the south-east corner of the site, have the potential to be affected by shadow flicker. However, it is anticipated that in addition to the safeguarding implemented for Bailrigg Farm as well as the retention of existing vegetation, the provision of new landscape mitigation and new built-form within the development itself will mitigate a large number of these properties, where they screen views towards the turbine.

6.14.55 The SFTN identifies that the turbine has the option of being turned off when the sun is shining and positioned in the sky as to then cast a shadow on the identified properties i.e. Bailrigg Farm facing south and facing east. This is considered to be the main safeguarding measure for the southeast part of application site with other measures advocated such as installation of window blinds and planting of additional trees and bushes.

Shadow Flicker Impact Assessment (SFIA)

6.14.56 All indicatively shown properties are within 10-rotor diameters of the wind turbine. The modelling has assumed standard values whereby that each property has a single window with a size of 1m x 1m with a centre that is 1.5m above ground. A minimum sun elevation of 2 degrees has been considered. The area in which visibility cannot be ruled out, despite partial screening, is the area of the site south of Bailrigg Chase. Based on the potential visibility of the wind turbine from dwellings within this area, the following is proposed as mitigation:

- A 3.5m tall acoustic fence will be implemented along the M6, which will significantly obstruct views of the wind turbine from the ground floor of the closest dwellings in the housing development.
- Existing vegetation along the M6 will be reinforced such that it provides further screening for the dwellings.
- Blinds will be installed on any remaining windows that have visibility of the wind turbine following construction of the housing development, if requested by the residents.

6.14.57 It is advocated by the applicant that views from the ground floor are predicted be significantly obstructed by the acoustic fence, retained vegetation, dwellings in front of them. Above ground floor blinds will be available on request by future residents.

Appraisal of SFTN and SFIA

6.14.58 It is considered the SFTN has not however sufficiently assessed shadow flicker to demonstrate that future occupiers would not experience an adverse effect to home or garden. Under an application to discharge planning condition No. 19 attached to 10/01061/FUL the applicant set out a scheme for the avoidance of shadow flicker for legally occupied buildings. The applicant identified further properties as receptors which would be considered under the mitigation scheme, namely properties due west of the southern part of the application site. The additionally identified properties are not featured in the SFTN.

- 6.14.59 The SFTN outlines an area within the southeast part of the site which is within the 10 rotor radius of the turbine and also shows using an indicative layout how much of the area is screened by vegetation and built form. However, in the absence of data the SFTN does explain how any buildings or gardens would be affected which are not on the same alignment to the turbine than Bailrigg Farm and Bailrigg Lane receptors. Similarly, the SFTN is not clear in differentiating an impact depending on the point of the year and how for example how the sun would sit in the sky with a changing pattern of shadow effect as a result e.g. a shadow cast would differ between the equinox and British Summer Time/British Winter Time.
- 6.14.60 It is noted that the SFIA does acknowledge that the southern part of the site would be subject to a shadow flicker effect. However, whilst this application is considered on the quantum of development it is difficult to conclude that the proposed mitigation is sufficient to reduce the adverse impact resulting from shadow flicker on the amenity of future occupiers and the turbine's ongoing operation/generation of power. The proposed mitigation is based on an indicative scheme where the layout is not fixed. Notwithstanding the proposed acoustic fence discussed in other parts of this report there potentially would still be a number of dwellings that would be within the 10-rotor radius. The SFIA does not provide sufficient certainty to demonstrate that the safeguarding measures would be adequate to protect future occupiers in the south east parcel of land taking into account position and casting shadow. Given the layout and distance between buildings could be depending on an eventual design there is no certainty that the dwellings could be positioned in a manner to either naturally restrict a shadow flicker effect or if the proposed mitigation could be implemented in a manner to reduce the effect.
- 6.14.61 The other mitigation measure such as the installation of blinds is considered to not be reasonable to overcome an adverse shadow flicker effect for a residential property. This would likely injure further harm to the amenity of a property meaning future occupiers would have to close blinds to overcome flickering which inadvertently imposes onerous requirements which would harm their enjoyment of their home e.g. at times when curtains/blinds want to be kept open to enjoy natural day/sunlight and outlook.
- 6.14.62 Given the increased potential of an effect on the proposed dwellings in the southern part of the application site the SFTN and SFIA does not take into account the future operation of the turbine and how it might be affected by the intermittent switching off to address any future complaints which may arise. There is insufficient information to demonstrate the turbine will be able to operate during the majority of optimum times given the frequency of potential periods of inactivity to overcome any potential future complaints. As the turbine's purpose contributes to a lower carbon environment the effect on the operation would at times be at odds with the principles of the Council's Climate Emergency.
- 6.15 Consideration 15 - Contamination - Development Management (DM) DPD policies DM32 (Contaminated Land) and DM57 (Health and Well-Being).**
- 6.15.1 Policy DM32 requires, where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the works (including investigation and recording the nature of any contamination) can be undertaken without the escape of contaminants that could cause unacceptable risk to health or to the environment, suitable methods of remediation are proposed and it is demonstrated that the development site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment, including the apparatus of statutory providers. Policy DM 57 requires development does not have an adverse impact on the environment such as remediation of contaminated land.
- 6.15.2 Paragraph 183 of the NPPF advocates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and risk arising from contamination.
- 6.15.3 The applicant has provided a Phase I Geo-Environmental Report which screens if there would be significant risk to public health from the development of the site. Using historical mapping no significant risk have been identified with respect to soil contamination. No industrial types uses have been identified near to the site. No radon risk is identified, however, there is a potential risk from ground gas associated with the infilled ponds. There is no identified geological impacts and the site is not subject to a level of coal mining activity as it is outside of the Coal Authority reporting area. A non-coal mining activity has been noted within the site, however, it is considered to not present a material risk.

- 6.15.4 Similarly, no significant risks are reported in respect of groundwater flows and hydrology. Although the watercourse Ou Beck has been identified the impact is covered under the submitted Flood Risk Assessment.
- 6.15.5 The Phase I survey has identified there to be a negligible to low risk contamination risk associated with the current land use and infilled ponds. Although the findings suggest that soakaway drainage would be unsuitable it concludes that a Phase II ground investigation be undertaken to provide the design information for future development works which would identify geotechnical and environmental constraints.
- 6.15.6 Taking into account the past use of the site it is unlikely that contamination will be present in the ground. It is noted that the Council's Environmental Health section and the Environment Agency raise no objection in principle to the proposal.
- 6.15.7 Paragraph 188 of the NPPF states that planning decisions should be on whether a proposed development is an acceptable use of land, rather than the control of processes or emissions. To ensure the safe development of the site it is considered expedient to recommend planning conditions for an investigation to be undertaken and if any contaminants are found to secure the remediation of the site to the satisfaction of the Council's Environmental Quality section who would appraise the detailed information.
- 6.15.8 It is considered the ground conditions can be adequately assessed and remediated by way of condition which would make the development acceptable in respect of Policy DM32.
- 6.16 Consideration 16 - Impact on minerals - NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)**
- 6.16.1 There are two Mineral Safeguarding Areas as identified by Lancashire County Council and considered in the Joint Lancashire Minerals and Waste Local Plan within the site. The first area is relatively linear in shape and runs north to south near to the southern end of Barnacre Close and Bailrigg Chase. The second area is a spur connecting to a larger area to the west and follows the route of Burrow Beck along the north-western boundary of the site.
- 6.16.2 Policy M2 of the Joint Lancashire Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:
- The mineral concerned is no longer of any value or has been fully extracted.
 - The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
 - The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
 - There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
 - That prior extraction of minerals is not feasible due to the depth of the deposit.
 - Extraction would lead to land stability problems.
- 6.16.3 The emerging Policy "MW7 – Safeguarding Minerals", states that planning permission will be supported only where the applicant can demonstrate to the satisfaction of the local planning authority that either:
1. The mineral resource is not likely to be subject to commercial extraction due to pre-existing sterilisation or the quality or quantity of the mineral resource; or
 2. The development will not prejudice the working of the mineral resource; or
 3. The need for the development outweighs the need to avoid the sterilisation of the mineral resource.
- 6.16.4 The submission includes a mineral assessment report. This sets out that the site is located within a MSA that has glacial till with a small area of alluvium that contains some sand and gravel, which is the safeguarded mineral resource. A desk study has considered the value of extraction reaching the view that given the strip of alluvium is approximately 2.5ha and contains silt and clay as well as sand and gravel, the quantity of sand and gravel within it is likely to be a few thousand tonnes which is well below what would be needed for a commercially viable deposit.

6.17.5 Consequently, it is agreed that the mineral has no value, so the proposed development is compatible with the adopted and emerging mineral safeguarding policy.

6.18 Consideration 18 - Economic benefits - Development Management (DM) DPD Policy 28 (Employment and Skills Plans)

6.18.1 Policy DM28 of the DM DPD requires the applicant to undertake and implement an 'Employment and Skills Plan' that will set out opportunities for, and enable access to, employment and the up skilling of local people through the construction phase of the development proposal.

6.18.2 A socio-economic statement has been submitted to accompany the application. The statement sets out an estimated construction spend of the development with benefits to residents and to the Local Authority of the proposed new homes. It is anticipated that the development would bring 653 FTE construction jobs and 12 indirect jobs associated with the construction phase of the development. It has been identified that there were approximately 20 people within Lancaster district claiming Job-seeker's Allowance and who were actively searching for employment in the construction and building trades.

6.18.3 Clearly given the quantum of development it has the potential to draw upon a pool of local labour both within current employment and those seeking. A significant benefit of the scheme would inevitably help reduce unemployment in the industry during the construction phase and further retain and increase trickling expenditure within the local economy.

7.0 PLANNING BALANCE AND CONCLUSION

7.0.1 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for the Lancaster District comprises:

- i. Part One: Strategic Policies and Land Allocations DPD
- ii. Part Two: Review of the Development Management DPD

7.0.2 The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

7.0.3 In respect of how the planning application is balanced with regard to the NPPF the proposal is considered to represent an inappropriate form of development in an area which is subject to fluvial, ground water, surface water, from sewer/mains and infrastructure failure as sources of flooding and is therefore unsustainable and contrary to a key tenet of Government policy and guidance. The fundamental aim of the sequential test is part of a wider policy of avoiding development in areas at risk of flooding by ensuring that development is steered to areas at lower risk. The sequential test requires that applicants consider the availability of sites that are in a lower flood risk category that are capable of accommodating the development, and only when it is not possible to deliver the development on sites at lower risk, is the sequential test passed. The appellant has failed to demonstrate that there are no sequentially acceptable sites which are not subject to a risk of flooding to enable the Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As a result, in line with national and local policy, the proposal should be refused due to failure of the sequential test. There is subsequently no requirement to progress to consider the exceptions test.

7.0.4 It is recognised that the Council are unable to currently demonstrate a 5-year housing land supply, however, this is not relevant to the consideration of the sequential test as confirmed by the Planning Practice Guidance (PPG). Therefore, the 'tilted balance' is not engaged in this case, given the location of the site in an area at risk of flooding and the failure of the applicant to pass the sequential and exceptions tests. This is a clear reason for refusal as per NPPF paragraph 11 and footnote 7 and as such dis-engages the presumption in favour of sustainable development.

7.0.5 As identified in this report the site is located within the Broad Area of Growth which includes the Bailrigg Garden Village within the Local Plan. The site is not allocated for housing and formal land allocations would have only been known once the Area Action Plan for Lancaster South had been adopted. In the

absence of the AAP Policy SG1 envisages the submission of planning applications for residential development prior to the Area Action Plan and this is reflected in the three exceptions to the mechanism for delivery of growth in South Lancaster.

- 7.0.6 In order to represent a form of development that can be supported forward of any AAP the 15 key growth principles have to be satisfied which inadvertently is the second part of the exception criteria. To result in full accordance a development should not prejudice the delivery or undermine the integrated and co-ordinated approach to the wider Bailrigg Garden village. Furthermore, the development should present opportunities for a shift to sustainable transportation modes and that the residential impacts on the transport network will not be severe.
- 7.0.7 Achieving full accordance with SG1 is no mean feat and is reflected by the 'high bar' that is needed to be satisfied if development is to be considered favourably. Nevertheless, in coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the council's housing land supply position and the weight to be afforded to development plan and its relevant policies.
- 7.0.8 There have been a number of objections to the scheme as detailed within previous sections of this report by local residents and these objections have been given due consideration and weight in the overall planning balance.
- 7.0.9 Using the three dimensions under Paragraph 8 of the NPPF the following sections will undertake a planning balance.

An economic role

- 7.0.10 NPPF Paragraph 8 refers to the economic objective for planning to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 7.0.11 During the construction phase of the development, the scheme would deliver economic benefits through both direct and indirect employment opportunities. The applicant indicates that the development will generate an indicative construction expenditure of approximately £76 million over a 10-year period. The construction phase of development would create approximately 653 jobs (net). An additional 712 indirect jobs would be supported locally from suppliers of construction materials and equipment. The applicant estimates that the development has the potential to generate up to £23m of direct gross value over the build period.
- 7.0.12 The development would also result in wider economic benefits through the provision of high quality, family housing. It is considered that the proposed dwellings would help to diversify the type of housing that is available within the city and would support the continued economic growth of the BLG and the city.
- 7.0.13 The economic benefits of the development are considered to be tangible and weigh in the favour of the application.
- 7.0.14 It is acknowledged that the application is advance of the Lancaster South Area Action Plan DPD, and that the Council and in particular SG1 does allow development in the BLG. This is providing though the resulting development does not result in a piecemeal approach where it would not conform with the growth principles of SG1 and that it would not prejudice the wider BGV and its infrastructure requirements. Notwithstanding the other growth principles, it has not been possible to identify that there is sufficient infrastructure in place or to be brought forward that could support the level of housing proposed. There is no clear mechanism for education provision or indeed highway infrastructure that can be with a realistic prospect that can be delivered to meet the shortfall in provision in the BLG. This weights significantly against the proposal.

A social role

- 7.0.15 NPPF Paragraph 8 advocates the social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 7.0.16 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 (October 2023) identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Taking into account the difficulties in delivering the required infrastructure weight is still applied to the means of boosting housing supply.
- 7.0.17 The proposed retail and community space would be a contributing factor towards the community's wellbeing which should be afforded at least moderate favourable weight.
- 7.0.18 The quantity of accessible open space within the site, providing green amenity areas, corridors and separation to heritage assets should be afforded some weight.
- 7.0.19 The applicant's consultation has been undertaken in a pro-active manner which satisfies criteria one of SPLA Policy SG1 and should be afforded some weight.
- 7.0.20 The resulting positive impact on pedestrian and cycle access and Travel Plan Services promoting other sustainable modes of travel should be afforded some weight.
- 7.0.21 It remains a significant consideration that the application fails to demonstrate how the current proposal could deliver a high-quality design and sense of place, the bar set by SPLA Policy SG1. Although the applicant has engaged with appropriate bodies it is still difficult to see how for example the unique topographical features of the site have been the key drivers in dictating the proposed layout, the future orientation of buildings and routes. Furthermore, while using buildings to deflect noise it is unclear how this would translate into the built form given the length of the eastern boundary of the site directly adjacent to the significant noise source. There is insufficient information to give the certainty that the proposal fosters being well designed to create beautiful places that reflect current and future needs. As such adverse weight is attached.
- 7.0.22 The absence of a clear mechanism to identify and secure infrastructure to support the housing would harm communities', social and cultural well-being attract significant adverse weight.

An environmental role

- 7.0.23 NPPF Paragraph 8 advocates the environmental objective is to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.0.24 It is considered the impact to the landscape is considered to not be significantly severe and views from the north to Lancaster, south to woodlands surrounding the University and west to Morecambe Bay and beyond are respected. As such given the scheme would not enhance neutral weight is attached.
- 7.0.25 Similarly, the loss of agricultural land is considered to not be severe, however, given the proposal has not passed the sequential test due to the sources of flooding within the site significant negative is attributed.
- 7.0.26 The proposed development will have no significant adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Measures can be put into place to manage an effect on protected species and on trees and hedges. Again, the scheme attracts neutral weight in respect of these matters.
- 7.0.27 The impact on heritage assets through appropriate conditions and submission of the reserved matters will ensure that the settings are respected.

7.0.28 In respect of the effect on climate change although the scheme satisfies DM30 it does not necessarily outweigh the high expectation bar of SG1 in respect of being innovative in the BLG of new buildings and/or technologies. Furthermore, given the adverse impact on future occupiers from the existing wind turbine (due to shadow flicker) this exacerbates the impact on their amenity and the future operation in the generation of a clean source of electricity (due to agent of change principles). As such significant adverse weight is applied as it is unclear how the scheme overcomes the factors contributing to the climate change emergency declared by Council.

7.0.29 Given the absence of highway infrastructure it has been established though detailed modelling that without mitigation the proposal would affect the Strategic Road Network. Although it hasn't been confirmed by the Highway Authority the local highway network would be significantly affected it can be gleaned that a number of key junctions are known to be capacity and the level of housing proposed would place greater pressure on the local highway. The proposed condition to establish an acceptable dwelling limit would fail the tests of a planning condition, It has not been established that the residential impacts upon the highway network would not be severe. As such the impact on the highway network would weight significantly against the proposal.

Overall conclusions

7.0.30 The role of the LPA is to objectively determine a planning application in accordance with the Development Plan unless material consideration suggest otherwise and with what is before them. There are a number of benefits with the scheme with the delivery of a large quantum of market and affordable housing this is offered a significant amount of weight in the decision making process.

7.0.31 The site is constrained; however, the technical issues which constrain the site, have been considered and subsequently, there are some developable solutions to realise the benefits of this scheme.

7.0.32 The adverse impacts of the proposed development have been considered, assessed and weighed. Ultimately it is considered the impacts outweigh the benefits of the scheme. It is considered that while some of the impacts associated with the proposed development can be mitigated through the use of planning conditions and obligations the overall balance is tipped against the proposed development.

7.0.33 Indeed, while the Council may permit development proposals that are in advance of the finalisation of the Lancaster South Area Action Plan DPD as allowed for by SG1, as previously discussed, the Council will not seek to support piecemeal development, which are not consistent with the key growth principles set out in Policy SG1 of this DPD. Fundamentally it is considered the scheme cannot be supported by the infrastructure to result in a sustainable development for south Lancaster.

7.0.34 Overall, for the reasons above the application is on balance not consistent with the Local Plan and on the basis there are no material considerations to suggest otherwise, it is recommended to Members that the development is refused.

8.0 RECOMMENDATION

8.0.1 That Outline Planning Permission BE REFUSED for the following reasons:

Refusal No.	Refusal Reason
1	The site is located within the Broad Area of Growth within the Local Plan in relation to the Garden Village. The proposal would undermine the integrated and co-ordinated approach in providing the infrastructure requirement to support the level of development proposed. Given it is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, there is no certainty that education or transport infrastructure would come forward to support the level of housing sought. The imposition of planning conditions to secure such provision is considered to be inappropriate, and as such the application would fail to comply with the relevant Growth Principles in SG1 and furthermore likely to undermine delivery of the wider Garden Village. The proposal therefore fails to satisfy the criteria which allows for development to be brought forward at this time and thereby would be contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 8 and 9, Policies SP9, SP10, SG1 and SG3 of the Strategic Policies and Land Allocations Development

	Plan Document and Policies, DM57, DM58, DM60, DM61 and DM63 of the Review of the Development Management Development Plan Document.
2	The purpose of policy SG1 is to deliver housing in the Broad Location for Growth, which focuses on high quality development that carefully balances housing and employment requirements, whilst maintaining strong and embedded environmental and high-quality design objectives. This is an outline application, which only seeks full permission for the access and not the layout, scale or appearance of the development. However, it is difficult to categorically conclude that that the number of dwellings proposed and the constraints within the site would allow for a high-quality design and overall sense of place to be created. The unique topographical features of the site are the key drivers in dictating how a site would be laid out, the future orientation of buildings and routes, drive sustainable water management and help establish a planting and an energy and noise mitigation strategy. The application does not talk of the distinctiveness and innovation which does not give confidence that the high bar of design of SG1 would be achieved. Whilst there are factors that weigh in favour of the development, they do not outweigh the failure to meet the Key Growth Principles in SG1 to secure high-quality urban design. As a result, the proposed development would be contrary to Lancaster Strategic Policies and Land Allocations DPD Policy SG1, Lancaster Review of the Development Management DPD Policy 29, aims and objectives of the NPPF in particular Section 12.
3	The southeast area of the application site is 700 metres of a commercial wind turbine. The proposal would introduce a form of residential development within the area which is identified to being the most likely affected by shadow flicker. The Shadow Flicker Technical Note (SFTN) and Shadow Flicker Impact Assessment (SFIA) accompanying the application identifies that the turbine has the option of being turned off and advocates that layout design, installation of window blinds and planting of additional trees and bushes are the main safeguarding measures to protect the amenity of future occupiers. This is considered to be inadequate to demonstrate that the safeguarding measures would be sufficient to protect future occupiers in the southeast parcel of land taking into account position and casting shadows. Furthermore, the SFTN and SFIA does not take into account the future operation of the turbine and how it might be affected by the intermittent switching off to address any future complaints which may arise. There is insufficient information to demonstrate the turbine will be able to operate during the majority of optimum times given the frequency of periods of inactivity to overcome any potential future complaints. Given the turbine's purpose contributes to a lower carbon environment the effect on the operation would at times be at odds with the principles of the Council's Climate Emergency. As such, the proposal is contrary to Policy SG1 of the Strategic Policies and Land Allocations Development Plan Document and Policy DM29 of the Review of the Development Management Development Plan Document the aims and objectives of the National Planning Policy Framework, in particular Section 15.
4	The application site is within Flood zones 1, 2 and 3. The applicant has submitted a Flood Risk Assessment which identifies that the site is subject to other forms of flood risk, namely fluvial, ground water, surface water, from sewer/mains and infrastructure failure. The applicant has failed to demonstrate within the application that there to be sequentially acceptable sites which are not subject to a risk of flooding to enable the Local Planning Authority to reach a view if there are no areas with the lowest risk of flooding in which to steer new development towards. As such the proposed development would be contrary to the National Planning Policy Framework, Development Management (DM) DPD Policy DM33 and Strategic Policies and Land Allocations (SPLA) DPD Policy SG1.

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

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

Background Papers

Agenda Item	A6
Application Number	19/01137/FUL
Proposal	Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road
Application site	Land North East Of Bailrigg Lane Lancaster Lancashire
Applicant	Gladman Developments Ltd
Agent	Mr Adam Key
Case Officer	Richard J Byrne
Departure	No
Summary of Recommendation	Refuse

(i) **Procedural Matters**

This application is intrinsically linked with 19/01135/OUT and is expedient to present this case to planning committee in the public interest.

1.0 Application Site and Setting

1.1 The application site is located on the south side of Bailrigg Lane opposite the property, Low Hill. The site trapezoid in shape is adjacent to Bailrigg Lane's edge currently planted with a hedge comprising a mix of sycamore, common beech, elder, common hawthorn with flat grass to its rear.

2.0 Proposal

2.1 Planning permission is sought for the creation of a new access link road onto the southern side of Bailrigg Lane which would facilitate a road connection between the HIC access road and the proposed access to serve the application site for outline consent for up to 644 dwellings to the north.

2.2 A 30 metre section of the hedge along Bailrigg Lane is proposed for removal to facilitate the proposed access.

2.3 The proposed works creates a new point of access/egress onto Bailrigg Lane from the existing HIC spine road. It is intrinsically linked with the application for outline planning permission (with means of access to be considered) for residential development to the north, If this application and the outline consent is approved it would result in a continuous means of travel on the spine road linking the A6, the HIC and Bailrigg Lane. It is shown indicatively in the outline application that the internal main road would link with the spine road to the south. It is envisaged that should the reserved matters then be approved for the residential development the spine road from the A6 would lead through the residential development to eventually link to Hala Hill at its most northerly tip.

2.4 The following works fall outside of the remit of this application but are noted as they are intrinsically linked:

- The southern and northern approach to the proposed junction would be road marked with red bars and slow lettering to inform drivers to reduce speed. The junction would be hatched painted with an alternative road surface applied on the approach from the east i.e. from Bailrigg Village.
- Bailrigg Lane would be restricted to vehicular traffic (except for access purposes) with removable bollards installed across the carriageway near to the A6 junction and adjacent to the proposed junction. The western side of Bailrigg Lane will still remain as a highway but for non-motorised means of transport e.g. pedestrians, cyclist and horses.

2.5 Subsequent travel to and from Bailrigg Village from the eastern side of Bailrigg Lane would be taken from the southern HIC road or the proposed spine road to the north.

3.0 Site History

3.1 The relevant application(s) relating to this site have previously been received by the Local Planning Authority include:

Application Number	Proposal	Decision
To the north of the application site		
19/01135/OUT	Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North	Pending
To the south of the application site (Health Innovation Campus Site)		
19/01238/NMA	Nonmaterial amendment to planning permission 16/01308/REM to amend width and surface of shared pedestrian/cycle route, amend tree species to eastern boundary, relocation of cycle shelter, amend seating specifications, reduction of car parking capacity in order to accommodate services route and revised tree layout to accommodate underground services routes.	Permitted
19/00942/FUL	Partially retrospective application for the re-grading and re-profiling of land to facilitate the retention of spoil within the site excavated in association with the Health Innovation Park.	Permitted
18/01066/NMA	Non material amendment to planning permission 16/01308/REM to accommodate revised site level.	Permitted
16/01308/REM	Reserved Matters application for the erection of a 5 storey research and development building (B1) with ancillary facilities, new internal road, car parking and landscaping.	Permitted
16/00117/VCN	Renewal of application 09/00330/DPA for the outline application for a science park (approx 34,000 sq.m of B1 use floorspace) and full application for a new access off the A6, construction of an internal spine road and provision of landscaping (pursuant to the variation and removal of conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 21, 22, 23, 24 and 27 on the full planning permission 12/00626/RENU to enable phased implementation and remove duplicated requirements)	Permitted
12/00626/RENU	Renewal of application 09/00330/DPA for the outline	Permitted

	application for a science park (approx 34,000 sq.m of B1 use floorspace) and full application for a new access off the A6, construction of an internal spine road and provision of landscaping	
09/00330/DPA	Outline application for a Science Park (approx 34,000 sq.m of B1 use floorspace) and full application for a new access off the A6, construction of an internal spine road and provision of landscaping Permitted	Permitted

4.0 Consultation Responses

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

Consultee	Response
Arboricultural Officer	<p>No objection in principle</p> <ul style="list-style-type: none"> Recommendation subject to confirmation of levels, their impact on retained trees/hedgerows and revised landscaping proposals. To develop the proposals, approximately 500 metres of mature hedgerow is to be removed. Whilst the hedgerows limited in terms of species, they are important due to their history and scale. Every effort should be made to retain and improve the existing hedgerows. If removal is justified, translocation should be explored and compensation hedge planting in excess of 500 metres delivered on site. The greatest impact on trees appears to be due to the construction of the proposed new road and cycle network. However, tree losses appear to be limited, with the majority retained. The AIA identifies three individual trees (T5 and T7-8) as requiring removal along with a small proportion of groups G1, G11 and G19. The level of compensation planting within the site, illustrated on the masterplan appears to be extensive and will in part compensate for the loss of habitat across the site. The plan appears to show existing trees and hedgerows buffered to prevent conflict both during and post development, this is in line with the AIA.
Bailrigg Village Residents Association	<p>OBJECTION</p> <ul style="list-style-type: none"> Bailrigg Village Residents Association fully support the detailed Objection agreed with and submitted by Scotforth Parish Council. This Planning Application should only proceed if there is a condition that a Traffic Regulation Order is imposed that re-configures the use of the section of Bailrigg Lane between the A6 and the entry of the HIC spine road to ensure the safety of all road users, and the retention of the distinctive rural heritage approach to Bailrigg Village.
Highway Authority	<p>NO OBJECTION</p> <ul style="list-style-type: none"> The access, have remained unchanged, and therefore are covered by the previous LCC Highways statutory response (below). The proposed primary access, extending from the existing HIC spine road and crossing Bailrigg Lane, is shown on drawing 2446-F03 (Rev H). Although falling outside of the remit of this application the proposed alterations to Bailrigg Lane in connection with the wider development are shown on drawings 2446-F03 (Rev H) and 2446-F07 (Rev -). These indicate the proposed changes to the western section of Bailrigg Lane from the A6. The drawings propose to change the priority at Bailrigg Lane and downgrade the western section of Bailrigg Lane to better support sustainable users. It is likely that the western section of Bailrigg Lane will still support some vehicular movements, and therefore, adequate visibility splays are still required. The access plans for the existing Bailrigg Lane are acceptable in principle, subject to detailed design and safety audit. There has been extended

	discussions with the applicant in regard to the current proposals and the necessary treatment of Bailrigg Lane to ensure the character of the lane and impact to Bailrigg village is minimised.
Scotforth Parish Council	<p>OBJECTION</p> <p>The Parish Council would support this application if certain conditions outlined below are met, irrespective of the outcome of the planning application (19/01135/OUT) for housing that this is essential to facilitate. The conditions are a Traffic Regulation Order must be enacted that ensures:</p> <ul style="list-style-type: none"> • Bailrigg Lane becomes a one-way road from the A6 to the new spine road crossing/junction in the Bailrigg Village direction with no right or left turn permitted at the junction. • A contraflow cycle lane is provided for cyclists from the spine road crossing to the cycle path towards Collingham Park Road. • The speed limit is designated as 20mph for the entire length of Bailrigg Lane. • In addition, the Parish Council recommend that the cycle path at the adjacent hammerhead be straightened and consideration be given to road crossing traffic lights for the junction of Bailrigg Lane and the new spine road to aid cyclists and pedestrians and that the footpath on the east side of the spine road be 3m wide to accommodate cyclists.
United Utilities	<p>COMMENTS</p> <ul style="list-style-type: none"> • Requests the attachment of a surface water drainage scheme; • United Utilities' Property, Assets and Infrastructure - Pressurized water mains are situated within Bailrigg Lane. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which has been attached to the comments; • According to our records there is an easement crossing adjacent to the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 26/04/1979 UU Ref: N699 has restrictive covenants that must be adhered to.

4.2 **Six** representations have been received objecting to the scheme and raise the following comments:

- Agreement with the points made by Bailrigg Village resident's Association and Scotforth Parish Council
- planning application should only proceed if there is a condition that a Traffic Regulation Order is imposed that re-configures the use of the section of Bailrigg Lane between the A6 and the entry of the Health Innovation Campus spine road to ensure the safety of all road users, and the retention of the distinctive rural heritage approach to Bailrigg Village.
- Lack of detailed consultation with residents affected by surface water flooding or the presentation of suitable plans to mitigate any increased risk of flash flooding due to the massive increase in impermeable surfaces directing water flow towards the properties in lower Bailrigg Lane in conjunction with data readily available from the Environment Agency is fundamentally flawed
- observations concerns arise around, health need requirements ie Doctors surgery, traffic congestion from a large housing site and Schools. All of these do not appear to have been addressed within the proposal. The support infrastructure for such a large development is clearly lacking.

5.0 Analysis

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

- Matters of Principle
- Highway safety
- Impact on hedgerow

- 5.2 **Consideration 1 – Matters of Principle - NPPF paragraphs: 7 – 12 (Achieving Sustainable Development); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development); SG1 (Lancaster South Broad Location for Growth).**
- 5.2.1 In terms of the principle of the development the site lies within a “Broad Location for Growth” (referred to as BLG) where Policy SG1 sets a broad location for growth in the South Lancaster area and a series of key growth principles for the future development. Policy SG1 does not set specific allocations of land for development or other purposes, nor does it provide a detailed planning framework through locally-specific planning policies. It does however set a commitment to prepare and deliver a new Area Action Plan DPD for growth in South Lancaster, including the delivery of Bailrigg Garden Village.
- 5.2.2 There are 15 Key Growth Principles set out in SG1. However, these should be read in a strategic context and it would be difficult applying them to this application, essentially as the works relate more to an engineering operation. However, taking into account the context and position of the application site it can be construed to be intrinsic to the link between the Health Innovation Campus development site and the residential development site to the north which fall within the BLG area where it is advocated to improve the connectivity in south Lancaster.
- 5.2.3 Evidence of the intention of a future link can be gleaned from the approved HIC plans and how the central spine road has been laid within the site (the spine road has been named Sir John Fisher Drive). From the north a planning application is currently before the Council and appearing on the same agenda for outline permission of residential development with full permission for the means of access. The proposed means of access is taken from Bailrigg Lane (involving the demolition of the property Low Hill) opposite the proposed link under considering of this application. The plans for the outline application have been considered concurrently by the Highway Authority and show the link with Sir John Fisher Drive by means of the facilitating link section proposed under this application.
- 5.2.4 However as can be read elsewhere on the agenda the application for the outline permission has been recommended for refusal. Although the reasons for refusal do not relate to the proposed access, if minded for refusal, this would effectively remove the justification and purpose for this application as the link road as it would no longer facilitate the desired connectivity between the HIC and the land to the north.
- 5.2.5 The implications for removal of the justification for the link road will be further discussed in the following sections to then establish the acceptability of the proposal and if it can be recommended for support.
- 5.3 **Consideration 2 – Highway Safety - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD Policy SG1 Lancaster South Broad Area of Growth T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling.**
- 5.3.1 It is noted that the Highway Authority have considered the proposed link road in conjunction with the proposed highway works associated with the application for outline planning permission (19/01135/OUT) and not in isolation.
- 5.3.2 On the north and south approach to the revised junction with Bailrigg Lane a 3 metre and 2 metre footway straddles the carriageway providing safe movement for non-motorised traffic, which incorporates the link section for this application. The restriction to access only on the western side of Bailrigg Lane provides safe movement for pedestrians, cyclists and other non-motorised highway users from and to the A6 along Bailrigg Lane.
- 5.3.3 The application of road markings will draw driver attention to the oncoming junction and for vehicles exiting Bailrigg Village with north and south visibility splays. Road signage is proposed, however, this would fall under the regulatory control of the Highway Authority.
- 5.3.4 The proposed link section in conjunction with the proposed junction alteration would result in a continuation of the provision of the existing HIC road and provides pedestrian and cycle access from the A6 through the site to Hala Hill should the outline consent be minded for approval followed by subsequent approval of a future reserved matters application.

- 5.3.5 However, taking into account the circumstances this may well not be the case, if for example, the outline consent is refused as per Officer recommendation. The refusal of the outline consent would affect remove the spine road to the north leaving the link section to be considered in isolation under this application.
- 5.3.6 The link section taken in isolation would result in a convoluted means of access for Bailrigg village, if for example, the highway restriction is put into place on the western side of Bailrigg Lane connecting to the A6. Subsequently by introducing an access to be formed onto Bailrigg Lane from Sir John Fisher Drive it is considered this would significantly harm the level of highway safety.
- 5.3.7 Should no restriction be put into place on Bailrigg Lane (which would be at the discretion of the Highway Authority under separate regulatory control) the proposed link would create a means of access/egress into the HIC site from the north along the lane which connects to the A6. Although the HIC is served by a junction on the A6 to the south there is a high probability that the proposed link would create a higher flow of vehicular traffic using Bailrigg Lane, especially at peak times and as means of avoidance to using the existing junction with the A6. Given the limited width of the lane, the higher flow of traffic (that being cars, vans and lorries) would be in conflict with the available space on the highway with non-motorised traffic. As there are no footways on Bailrigg Lane, in conjunction with the uncertain maximum speed of the road with limited visibility this presents a significant highway safety concern for all users of Bailrigg Lane.
- 5.3.8 It is therefore considered that given the uncertainty of the outcome of the outline consent the highway improvement works cannot be relied upon and would be inappropriate to secure by planning condition to make the development acceptable. As such, the link in isolation would result in an unacceptable significant impact on highway safety. Therefore, the proposal would be contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Policy DM29: Key Design Principles.
- 5.4 **Consideration 3 - Hedgerow Impact - NPPF paragraphs: 131, 174 and 180; Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies, DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**
- 5.4.1 The effect to hedgerows within a development site is considered principally under DM DPD Policy 45. The policy is twofold whereas the Council will support the protection and incorporation of existing of trees and hedgerows and encourage appropriate opportunities to encourage new planting of new trees, hedgerows and woodlands. The protection of existing trees, woodland and hedgerows will be where they positively contribute either as individual specimens or as part of a wider group to the visual amenity, landscape character and / or environmental value of the location. It is stated that new development should positively incorporate existing trees and hedgerows which is further echoed throughout the SPLA and DM DPDs.
- 5.4.2 The applicant has submitted an Arborocultural Impact Assessment. Although the document covers the land to the north it includes the application site and has been tailored to assess the removal of the hedgerow to facilitate the proposed link road section. The AIA identifies that circa 30 metres of what is considered to be moderate quality hedgerow is to be removed to facilitate the proposed access road. It is acknowledged that it is not possible to mitigate the loss within the application site, however, it is advocated that the wider area i.e. the development site to the north, would deliver suitable mitigation planting.
- 5.4.3 It has been identified that this application is intrinsically linked with the application for outline consent. The view is further strengthened by the AIA in acknowledging that mitigation for the loss of the hedgerow would come from planting in the wider site, rather than from within the site.
- 5.4.4 It is accepted that the site would not provide opportunities for mitigation taking into account the area and that a significant proportion is required for works associated with the proposed highway. Furthermore, it is noted that any material considerations which can be used in the planning balance to outweigh a loss largely relies on the merits of the outline consent.
- 5.4.5 Given the application for outline consent is recommended for refusal any mitigation measures would not be forthcoming to support this application and the subsequent loss of the hedgerow. However,

should the application be minded for approval there are sufficient factors to warrant and outweigh the loss of the short section of hedgerow along Bailrigg Lane.

5.4.6 In the absence of a favourable decision in isolation there are no mitigation measures or reasons to warrant the removal of the hedgerow which would adversely affect visual amenity and remove a habitat for wildlife. The loss of the hedgerow cannot be supported and the application would be contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD DM29: Key Design Principles and DM45: Protection of Trees, Hedgerows and Woodland.

6.0 Conclusion and Planning Balance

6.1 It can be gleaned from the application and the supporting plans and documents that it is intrinsically linked to the application for outline consent for residential development to the north of Bailrigg Lane.

6.2 Without prejudice to the outcome of the outline application the proposal for the link road would by reason of enabling access to the HIC site adversely affect the level of highway safety and would result in a loss of hedgerow without sufficient mitigation to outweigh the removal.

6.3 Should the outline application be determined before this application and is minded for approval the link road would be an enabling factor in a new junction with Bailrigg which has sufficient highway measures in place to mitigate safety concerns. Similarly, the loss of the hedgerow could be justified using the merits and compensatory planting on the residential site to the north.

6.4 However, this application must be determined in accordance with the Local Plan as intrusted by Planning Legislation and the NPPF against the plans and documents submitted. Therefore, in the absence of a favourable decision made on the application for outline consent this application is unacceptable for the reasons above and is recommended accordingly.

7.0 Recommendation

7.1 That Planning Permission BE REFUSED for the following reason:

Refusal No.	
1	This application is for enabling purposes to form a link between the existing Health Innovation Campus Road (Sir John Fisher Drive) and the proposed residential development to the north which would result in a continuous means of connectivity from the A6 to Hala Hill in the Broad Location for Growth designation supported by the strategic Local Plan Policy SG1. In the absence of a favourable decision for the proposed residential development north of Bailrigg Lane, the proposed link road in isolation, would result in a significant adverse impact on highway safety and no justification and mitigation measures to compensate for the loss of the Bailrigg Lane hedgerow. The development is therefore contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD DM29: Key Design Principles and DM45: Protection of Trees, Hedgerows and Woodland.

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

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

Background Papers

Agenda Item	A7
Application Number	23/00802/REM
Proposal	Reserved matters application for the erection of 70 dwellings
Application site	Land To The South Of Lawsons Bridge Site Scotforth Road Lancaster Lancashire
Applicant	Northstone Development Ltd
Agent	Miss Rachel Glover-White, NJL Consulting
Case Officer	Mr Richard J Byrne
Departure	NO
Summary of Recommendation	Approval, subject to conditions

(i) Procedural Matters

This application is presented to the planning committee at the request of the Head of Planning Services, in the public interest given the scale of the proposal.

1.0 APPLICATION SITE AND SETTING

1.0.1 The application site comprises of approximately 12.55 acres (5.08ha) of greenfield land located to the west of Scotforth Road in the ward of Scotforth West, Lancaster. The site is located on the edge of the existing built-up area of South Lancaster and lies within the defined urban boundary of the district. Then site is equidistant between the city centre (circa 2.8km north of the site) and Galgate village (circa 3km south of the site) with local facilities and services available in Scotforth. The Lancaster University campus is located around 1.5km to the southeast of the site. North of the campus (and closer to the proposed site) is the recently constructed Bailrigg Health Innovation Campus.

1.0.2 Within the sites' immediate context, land north of the site (known as 'Lawson's Bridge') comprises agricultural land and areas of woodland. A planning application has been lodged and is being considered by the Council for the erection of a food store on this land with associated infrastructure, land regrading, car parking facilities (Ref: 21/00987/FUL). . To the south, a small undeveloped field separates the site from Burrow Beck, which runs in an east-west direction. Beyond Burrow Beck, the former Filter House site is currently being developed for student accommodation.

1.0.3 In terms of topography, the site is undulating in character, with the highest elevations experienced in the northern part. It is bordered at its perimeter by trees and

hedgerows and there are several individual and small groups of trees within the site that are protected by Tree Preservation Orders (287/01(2013) and 287(1998)).

- 1.0.4 The greater part of the application site is covered by the 'Mineral Safeguarding Area', but the site is not constrained by any further statutory designations such as open countryside, green belt, and conservation areas.
- 1.0.5 A line of overhead electricity lines supported by 34m high pylons run between the proposed site and the Filter House in an east-west direction. The site boundaries to the north and the south form artificial boundaries through existing fields.
- 1.0.6 Given the site's proximity to Burrow Beck (and the variation in site levels), the site straddles flood zones 1, 2 and 3. The southern tip is located within flood zone 3b. Flood zone 2 covers all of the southern half of the site and along the western edge of the site with the north-eastern half of the site situated within flood zone 1. As such, a flood risk assessment was undertaken as part of the Outline Planning Permission which confirmed the principle of residential development at the site.
- 1.0.7 Aside from the protected trees and flood risk areas, the site is largely unconstrained by cultural heritage designations. The ecological surveys undertaken identified Great Crested Newts at the site. The submitted information outlines how the development will mitigate against these.
- 1.0.8 There are no public rights of way (PRoW) within or immediately adjacent to the site. The closest PRoW routes are footpath 55 (a route to the east of the recent Aikengill development) and footpath (bridleway) 52 (located to the north at Lawson's Bridge).

2.0 PROPOSAL

- 2.0.1 The proposed development has been submitted as a reserved matters application for the land to the west of Scotforth Road. It follows the granting of the Outline Planning Permission (Ref: 22/00423/VCN). This application was permitted by the Council in July 2022 and which itself is a permission granted under Section 73 having varied approved details of a previous Outline planning permission 19/00332/OUT.
- 2.0.2 This application is for the approval of the reserved matters for the construction of 70 dwellings with associated infrastructure. The matters to be considered under this application for the dwellings, associated infrastructure and the open spaces relate to the landscaping, appearance, layout and scale of the proposal. For clarification purposes, this application does not include access from the A6 as this was a matter which was considered under the outline consent.
- 2.0.3 The proposed development comprises of the following:
 - Creation of 70 new homes comprising a range of types and tenures;
 - Provision of 30% affordable housing;
 - A mix of homes from 1 bed apartments to 5 bedroom houses;
 - All homes to have private amenity space and designated parking provision;
 - All homes to meet Nationally Described Space Standards;
 - A development which incorporates cycle and walking infrastructure into the design of the scheme;
 - Provision of 11,890sqm of amenity space across the Site;
 - A development that exceeds current Building Regulations by over 10%;

- Sustainable urban drainage features through the use of soakaways and rain gardens;
- Retention of, and limited impact to trees and hedgerows on site with planting of trees which proposes to exceed the required 3:1 replacement ratio;
- A biodiversity net gain in excess of 10% on-site, with additional units being provided for future sale;
- Safeguarded land to facilitate a future link over the West Coast Main Line;
- New access points for vehicles, pedestrians and cycles through and within the site

- 2.0.4 The northern parcel of the site is delineated by the access road leading from the A6 and the site's perimeter on the western, eastern and northern side. Within the northerly area the housing mainly comprises terraced and detached properties with two apartments in a coach house style building that has parking at the ground floor.
- 2.0.5 Within the northern section houses outwardly face the A6 and the access road leading into the site. The outwardly facing properties are buffered from the access road from the A6 by soft landscaping and tree planting. The built form has been set in from the northeast corner to create a rain garden that would align with the boundary adjacent to the neighbouring food store site, which is still at planning consent stage. Interlinking footpaths from the A6 and access road lead to the rear of the houses (and access road) with provision made on the northern boundary for a future means of access to be created to the neighbouring food store site.
- 2.0.6 The coach house apartments, a short terraced row and two detached properties are to the rear of the outwardly facing properties, adjacent to the northern boundary of the site. Parking to serve the properties in the northern section are mainly set to the rear and side with access taken from the western side of the interior access road. The properties benefit from private enclosed garden spaces and a mixture of curtilage and courtyard style parking arrangement.
- 2.0.7 Turning to the central section the proposed access road turns within the site to a staggered junction with a kinked central spine road that runs on a north/south direction towards the area of open space to the south. The properties within the central part of the site comprise a blend of detached properties, bungalows and apartments. Except for the bungalows, the buildings are mainly two storeys. All properties benefit with private garden space and curtilage parking. On the eastern side of the internal spine road the houses mainly outwardly face the A6 with an intervening linear parcel of open space. A shared pedestrian and cycleway runs in between the eastern side of the properties and the open space which connects to the A6 to the north and meanders through the open space to the south before joining the A6.
- 2.0.8 The western side of the kinked spine road the houses are orientated to face short service roads with dual aspect properties positioned on the key corners. A further two dwellings lead off the second service road facing out onto the open space which follows the built form of the parameters plan.
- 2.0.9 The southern area is characterised by public open space which is occupied by children's play space on the eastern side and a SuDs basin in the south. The area on the western side is informal open play space with intervening landscaping and tree planting. The open space area is linked to the housing and shared cycle/pedestrian way by interconnecting footpaths.

- 2.0.10 With the exception of the houses that directly face onto the A6 and the bungalows all the buildings are two storey within the site. The dwellings have pitched roofs taking a vertical emphasis to the fenestration and brick detailing to create visual interest to the elevation. The material palette comprises two types of buff brick, anthracite roof tiles, and an agate grey (light in colour). The bungalows feature a black treated timber cladding with the properties facing the A6 having an Ashlar facing stone on the front elevation. The proposed mix of the 70 dwellings comprise the following:

Affordable dwellings:	
1 Bedroomed Apartment:	4 no.
2 Bedroomed Bungalow:	2 no.
2 Bedroomed Apartment:	--
2 Bedroomed House:	8 no.
3 Bedroomed House:	7 no.
Sub-Total:	21 no.

Open Market dwellings:	
2 bedroomed apartment	2 no.
2 Bedroomed Bungalow:	3 no.
3 Bedroomed House:	11 no.
4 Bedroomed House:	20 no.
5 Bedroomed House:	13 no.
Sub-Total:	49 no.

3.0 SITE HISTORY

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

Application Number	Proposal	Decision
22/01073/REM	Reserved matters application for the erection of 74 dwellings	Refused Appeal lodged under reference: APP/A2335/W/23/3321406 Decision Pending
23/00234/NMA	Non-material amendment to planning permission 22/00423/VCN to amend the development parameters plan.	Approved
22/00491/NMA	Non-material amendment to planning permission 19/00332/OUT to alter the wording of condition 24 to change a 3.5m pedestrian/cycle link into a minimum 3m pedestrian/cycle link.	Approved
22/00470/NMA	Non-material amendment to planning permission 19/00332/OUT to amend condition 10 to remove the requirement for the development to be carried out in accordance with the submitted and approved Arboricultural Implications	Refused

	Assessment (AIA) and for a new AIA to be provided with any subsequent full planning application or application for reserved matters approval.	
22/00423/VCN	Outline application for the erection of up to 95 residential dwellings with associated access (pursuant to the variation of conditions 2, 6 and 10 on planning permission 19/00332/OUT for changes to the approved site access arrangements, the proposed great crested newt mitigation strategy and the provision to allow the flexibility for an updated AIA to be prepared and submitted at the time of a reserved matters application).	Approved
22/00059/NMA	Non-material amendment to planning permission 19/00332/OUT to alter the wording of conditions 5, 6, 8, 9, 11 and 18 to change the trigger for conditions 5, 8, 11 and 18, change the method for providing details for condition 6 and to allow the discharge of conditions 5 and 9 to be phased.	
19/00332/OUT	Erection of up to 95 residential dwellings and the approval of access for future development	Approved
19/00333/EIR	Screening opinion for residential development for up to 95 dwellings	Not EIA Development
10/00366/OUT	Outline application for the erection of new food store (A1), hotel/pub/restaurant (C1, A4 and A3) and petrol filling station, new roundabout access from Scotforth Road, internal roads, car parks, landscaping and other associated works.	Refused and Dismissed at Appeal (APP/A2335/A/11/215529) This relates to application site.
10/00251/FUL (and subsequent Section 73 approval 14/00633/VCN)	Erection of a new supermarket, construction of new access, servicing and parking areas, footways, cycle facilities and landscaping. The Section 73 approval allowed for the variation and removal of conditions to allow phased implementation of the development and removal of unnecessary duplication.	Approved This relates to the land immediately north of the application site.
21/00987/FUL	Erection of a 1920 sqm food store (Class E) with land regrading, access, cycle route, landscaping and swales and the provision of associated infrastructure, including car and cycle parking facilities, vehicle charging spaces, pedestrian access routes and servicing.	Pending consideration. This relates to the land immediately north of the application site.

3.0.2 Members are made aware of the recent refusal of reserved matters under reference 22/01073/REM which is subject to a planning appeal currently pending a decision. Whilst it should be noted this is a separate application there are key differences when compared with this application which are namely:

- A reduction of four units within the scheme;
- A change to the overall housing mix with a greater number of smaller units;
- Changes to the layout in the northern and central areas of the site;
- Road layout within central section changed to introduce kink to the spine road and changes to connecting service roads

4.0 RELEVANT DEVELOPMENT PLAN AND NATIONAL POLICY

4.0.1 Lancaster District Local Plan 2011 – 2031 | Part One: Strategic Policies and Land Allocations DPD

SP1:	Presumption in Favour of Sustainable Development
SP8:	Protecting the Natural Environment
SP9:	Maintaining Strong and Vibrant Communities
SP10:	Improving Transport Connectivity
SG1:	Lancaster South Broad Location for Growth
EN9:	Air Quality Management Areas
T2:	Cycling and Walking Network
T4:	Public Transport Corridors

4.0.2 Lancaster District Local Plan 2011 – 2031 | Part Two: Review of the Development Management DPD

DM1:	New Residential Development and Meeting Housing Needs
DM2:	Housing Standards
DM3:	The Delivery of Affordable Housing
DM4:	Residential Development Outside Main Urban Areas
DM26:	Public Realm and Civic Space
DM27:	Open Space, Sports and Recreational Facilities
DM29:	Key Design Principles
DM30:	Sustainable Design
DM31:	Air Quality Management and Pollution
DM32:	Contaminated Land
DM33:	Development and Flood Risk
DM34:	Surface Water Run-Off and Sustainable Drainage
DM35:	Water Supply and Wastewater
DM43:	Green Infrastructure
DM44:	The Protection and Enhancement of Biodiversity
DM45:	Protection of Trees, Hedgerows and Woodland
DM46:	Development and Landscape Impact
DM57:	Health and Well-Being
DM60:	Enhancing Accessibility and Transport Linkages
DM61:	Walking and Cycling
DM62:	Vehicle Parking Provision
Appendix D:	Open Space Standards and Requirements
Appendix E:	Car Parking Standards

4.0.3 Other Lancaster Planning Advisory Notes and Documents

Energy Efficiency PAN
 Strategic Flood Risk Assessment (October 2017);
 Surface Water Drainage, Flood Risk Management and Watercourses Planning
 Advisory Note (PAN) (2015)
 Meeting Housing Need Supplementary Planning Document (2022)

4.0.4 National Planning Policy Framework (NPPF)

Chapter two: Achieving sustainable development
 Chapter four: Decision-making
 Chapter twelve: Achieving well-designed places

4.0.5 National Design Guide

5.0 CONSULTATION RESPONSES AND PUBLICITY REPONSES

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

Consultee	Response
Dynamo Cycle Campaign	Objection <ul style="list-style-type: none"> There is no commitment to a cycle connection between the development and the existing cycle network on Ashford Road to enable people to cycle safely to/from the centre of Lancaster.
Environment Agency	No objection <ul style="list-style-type: none"> As the reserved matters application is compliant with the flood risk matters resolved at outline stage, then we have no flood risk objections to the reserved matters application as proposed.
Lancashire County Council – Highway Authority	No objection <ul style="list-style-type: none"> Requests that all waste bin collection points are designed and constructed to an adequate size to accommodate the number of bins required. Remove rumble strips and replace with road humps. road humps to be provided throughout the scheme Recommend condition for maintenance of the road until section 38 has been entered into by developer.
Lancashire County Council - LLFA	No objection
Lancashire County Council – School Planning Team	Comment <ul style="list-style-type: none"> The developer should inform the County Council within 5 days of the grant of RM consent so that we can calculate the final Secondary Education Contribution.
Lancashire Fire and Rescue	Comment <ul style="list-style-type: none"> Provides advice to satisfy a building Regulation application
Lancaster City Council - Arboricultural Officer	Comment <ul style="list-style-type: none"> The trees and hedgerows which form the site boundaries, especially those forming the boundary with Scotforth Road are of high landscape/amenity value and must be retained and enhanced. I have concerns about the level changes

	<p>(highlighted blue) within the RPA of important roadside trees. We have always emphasised the importance of these trees, so the fact that the AIA states (multiple times) that due to level changes these trees will need monitoring is of concern. It also states that, any trees which show a serious decline in condition will be removed and replaced accordingly. As stated in BS5837:2012, the default position should be that development occurs outside of the RPA of trees to be retained. Whilst landscaping looks substantial, further detail is required to assess the scheme fully. No detail has been provided which shows the specific species/size of species to be planted, density of hedgerow planting etc. Whilst the majority of tree planting is outside the domestic curtilage, trees lining the road should be positioned outside of the small green space to the front of properties, providing space into which the trees can establish and reach maturity, allowing larger growing, longer living species to be planted.</p> <ul style="list-style-type: none"> • The trees/hedgerows in question have the potential to provide habitat and foraging opportunities for wildlife, including protected species. The Wildlife and Countryside Act (1981) and Countryside and Rights of Way Act (2000) give statutory protection to bats, birds and other wild animals including their habitats. Trees must be assessed for the presence of protected species prior to undertaking agreed works. Where there is evidence that bats, birds or other protected species are present, the statutory nature conservation organisation must be consulted prior to commencement of any tree work operations.
Lancaster City Council – Policy (Housing)	<p>Comment</p> <ul style="list-style-type: none"> • Policy DM1 seeks to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council’s latest SHMA. The inclusion of some smaller 1 or 2 bed open market homes does go some way towards meeting local need. The proposal does however rely on a greater provision of the larger homes than the identified need.
Lancaster City Council – Waste Management	<p>Comment</p> <ul style="list-style-type: none"> • Ask that parts of the layout are revisited to ensure waste collections are sustainable from both our perspective and for residents.
Lancaster Civic Vision	<p>Comment</p> <ul style="list-style-type: none"> • Should be a new null application since they include a significant reduction in the size of the development, changes to the layout and a reduction in the proportion of “affordable” units; • Welcome the overall reduction from 95 to 70 units but greatly regret that only 10% of these will be “affordable” (well below the 30% required in the Local Plan) and that they will be clustered together in the NE corner of the estate; • 70 homes will add to road congestion and put extra demands on schools (most of the nearby primaries are already at capacity) and over-stretched health services; • Note with approval that this development does offer a variety of accommodation (including 5 bungalows). The developer

	<p>also promises Passivhaus building standards with solar panels on all properties, air source heat pumps, high insulation, triple glazing and electric car charging points etc</p> <ul style="list-style-type: none"> • reasonable amount of public open space. Materials will mainly comprise brick with stone on "feature corners". Greater use of stone might have been more appropriate on this strategic site. We are concerned about the proposed use of timber cladding (to add diversity) which tends to weather badly. • Particularly pleased to note that, as we recommended, the row of houses adjacent to Scotforth Road have been re-orientated so that they no longer present views of their back gardens
National Highways	<p>No comment</p> <ul style="list-style-type: none"> • This is because these aspects are not relevant to the strategic road network given the location of the development.
Natural England	<p>No comment to make on this reserved matters application</p>
NHS	<p>Comment</p> <ul style="list-style-type: none"> • Provides detailed justification for requiring a financial contribution for local health facilities
Scotforth Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Does not provide sufficient affordable housing to comply with DM3 • We have considered the materials palette in section 11 of the Design and Access Statement and object to the Wienerberger Trinity cream gilt stock as bland and not in keeping with the rural character. We suggest that the proposed brick finish for plots 50-57 should be the same stone finish as plots 1-7 in keeping with the 'gateway' location of this development • wish to be assured that any railway crossing would not involve the destruction of the veteran trees on the west side of the railway. Therefore, the applicant must indicate the probable route from their spine road to a bridge position that protects these trees and also does not prejudice the plots 14 and 15. • The applicant has not provided evidence of how they meet the SG1 principle XIII - Offering opportunities for national housebuilders to work alongside local construction firms and encourage training opportunities for local people. • The site requires levelling including substantial importation of material to raise the land to above the flood risk 2 and 3 levels. This is a grossly unsustainable approach. The houses in flood zone 2 ought to be removed from the plan and the current seasonal pond at this site should be preserved with all of its associated biodiversity benefits. • Continues to be concerned at the number of new access points (HIC, Filterhouse, Aldi and Northstone), and associated traffic, on this stretch of the A6 which cumulatively will increase congestion and pollution.

United Utilities	<p>No Objection</p> <ul style="list-style-type: none"> • Further to our review of the submitted Preliminary Drainage Layout, Drawing 30526/100, Rev P - Dated 24/05/23, we can confirm the proposals are acceptable in principle, subject to conditions 17, 18 and 23 of the outline application 22/00423/VCN being discharged. • According to our records there is an easement crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. • A large diameter trunk main crosses the site. It must not be built over, or our access to the • pipeline compromised in any way. We are aware that it is the applicant's intention to divert the water main. Therefore, we request a planning condition relating to the means of laying the water main is attached to any subsequent approval.
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5.0.2 Overall, the LPA has received 27 public representations where 19 offered support and 8 raised an objection under the following matters:

In support

- There is a shortage of housing in the Lancaster area so there should be support for opportunities such as this;
- Love to see more affordable, energy efficient homes in the area to meet demand for new homes
- Need more affordable housing for people
- Need more homes for families and to support growth in our area
- Help first time buyers
- Much needed development of different varieties of housing express interest in bungalow
- Promotes local employment opportunities

In objection

- Raises concerns over how affordable the houses will be
- Highly unlikely this developer will be delivering family sized homes for £108k or less. Therefore, this begs the question who are they affordable for
- Increased risk of flooding
- Raises concerns with scheme achieving bet zero
- Loss of a local habitat would significantly reduce the biodiversity of the area
- Unacceptable risk to road safety and congestion
- Existing space serves as de facto green belt preventing a contiguous development all the way to the university and the new conversion on the A6
- 3 storey houses at the front entrance to the site, appear to be excessive in height
- existing houses on Scotforth Road being overlooked
- Cumulative impact from increase of traffic onto the A6
- Due to level of traffic on A6 it can be dangerous for pedestrians and cyclists
- Housing density of the proposed development is not in keeping with the local area
- Some of the inferences/conclusions in the document summarising the consultation of the local community (Statement of Community Involvement) are methodologically flawed. In particular, the comments about the numbers of

people expressing an interest in a new house are overplayed whilst the objections to new housing on a green field site (etc.) are underplayed.

- Inadequate notification period
- Questions the infrastructure to support the houses
- Object to green fields being taken up by housing
- Concerns about maintaining the peaceful ambience of our community
- Doubtful that surface water can be disposed of by soakaways giving the current land conditions;
- Reiterated concerns from a consultation on a draft document People, Homes and Jobs relating to flood risk, growth of the area, household type and size, jobs for future occupiers, pressure on existing facilities and impact on local roads.

6.0 PLANNING ASSESSMENT

6.0.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The principle of residential development on this site has been established by the extant outline approval. As such, the issues to be considered with regard to this application are set out below.

- Relationship with Outline Consent;
- Housing Mix and Affordable Housing;
- Housing Quality;
- Design and Form;
- Impact on Amenity;
- Highway matters;
- Open Space provision;
- Ecology and trees;
- Flood Risk, Surface Water and Foul Drainage
- Other Matters.

6.1 Relationship with Outline Consent

6.1.1 The principle of development and the access arrangements to serve this site have already been established through the approval of 19/00332/OUT which was later varied by 22/00423/VCN. The application 22/00423/VCN was determined by committee on 20 June 2022.

6.1.2 Therefore, any engagement on the scheme should focus on the matter of detail. In regard to the relationship with the Outline Consent, however, SPLA Policy SG1 sets out that involving local communities in a pro-active consultation remains at its core. As such, the applicant has prepared and submitted a statement of community involvement to support the application which sets out the level of engagement which has taken place with interested parties. The consultation programme undertaken by the applicant comprises:

- Letters sent to key stakeholders;
- Leaflet distribution to 502 homes and businesses close to the site, which outlined an overview of the plans and inform residents how they might provide their feedback;
- Establishment of a consultation website to provide further information on the proposals and a facility to submit feedback via an online form;

- Circulation of social media adverts to all residents living within the surrounding area to reach a wider audience. The adverts disseminated details about the plans and direct social media users to the consultation website;
- The setting up of a community information telephone line and a consultation email address available throughout the consultation period for those wanting to speak or correspond with a member of the development team; and
- Issue of a press release to local and industry media outlets to inform readers about the scheme and how feedback could be submitted.

6.1.3 It is considered the consultation is comprehensive and how the feedback has been addressed. Notwithstanding other matters in the recommendation of this application the applicant's consultation has been undertaken in a pro-active manner which satisfies criteria one of SPLA Policy SG1.

6.1.4 Turning to other matters it is noted the Section 106 Agreement was signed and sealed on 30 April 2021 with a Deed of Variation completed on 17 August 2022. There were no time limit conditions attached to the outline consent for a timed completion of the legal agreement. The permission in this respect therefore remains extant.

6.1.5 The outline consent included conditions which covered:

- Time limit
- Approved plans (as amended and drafted above)
- Scheme for Infrastructure and Enabling Works Pre-commencement
- Phasing Plan
- Employment Skills Plan
- Biodiversity and Landscape Mitigation and Management Plan
- Invasive Species Survey and mitigation (if required)
- Construction Environment Management Plan (CEMP)
- Contaminated Land Pre-commencement
- AIA and Tree Works Schedule, Arboricultural Method Statement and tree Protection Scheme
- Housing Mix and 20% M4(2) provision
- Scheme for Safeguarding Land Save for Advance Infrastructure and Enabling Works
- Finished Flood Levels and Site Levels
- Full access construction details
- Scheme for off-site highway works
- Scheme for Surface Water Drainage
- Foul Drainage Scheme Save for Advance Infrastructure and Enabling Works pre-commencement Noise Mitigation Scheme
- Scheme for EV Charging and Cycle Storage provision
- Scheme for achieving 10% betterment above Building Regulations
- Travel Plan
- Management and Maintenance scheme for Drainage
- In accordance with FRA
- A shared cycle/pedestrian link between access and crossing point to south (Collingham Park) to be incorporated into the layout of the development.
- All dwellings to meet NDSS

6.1.6 A Section 106 Agreement secured the following:

- An education contribution for offsite provision;

- An off-site public open space contribution;
- A young person's open space contribution;
- Submission of a POS Management Scheme;
- An affordable housing scheme; and,
- A transport contribution.

6.1.7 Taking into account the above, the approval of 23/00234/NMA and with the site identified for broad growth under SPLA Policy SG1, this application for the reserved matters can be considered against the Local Plan, including Policy SG1 where pursuant to this application.

6.2 **Housing Mix and Affordable Housing** - NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations (SPLA) DPD policy: SG1 (Lancaster South Broad Location for Growth) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

6.2.1 An underlying theme of SPLA Policy SG1 is to deliver a wide range of market and affordable housing, in terms of type and tenure to ensure that opportunities to live in the Garden Village (and the wider growth area) are available to all sections of the community and contribute significantly to the creation of cohesive, balanced communities. This would assist the district in meeting its evidenced housing needs within the Local Plan period.

6.2.2 DM DPD Policy DM1 support the strategic policy by reiterating that proposals should seek to promote balanced communities and meet the evidenced housing needs that accord with the Council's latest Strategic Housing Market Assessment (SHLAA). An indicative housing mix to meet the identified need is included in the DMDPD Policy 1 at table 4.1. Policy DM1 does set out the criteria where it may not be appropriate to provide a full range of housing needs namely for smaller sites (10 or less), where lower densities are sought or larger homes may not be appropriate, the effect on a heritage asset or in rural locations where an up-to-date village or parish housing needs assessment is more appropriate in the indication of housing need.

6.2.3 In this instance it is considered DM1 exemption criteria does not apply in this case.

6.2.4 In respect of affordable housing, it is acknowledged that the outline consent and accompanying Section 106 Agreement secured the full amount of the number of units to satisfy DM DPD Policy 3. The size and type of the units were however required to be secured by Planning Condition (Number 12) of the Outline consent (22/00423/VCN) which also required the details of open market housing.

6.2.5 Although the size and type of open market and affordable housing would be considered under the discharge of condition process, the resulting mix would have a material effect on the scheme submitted under this application.

6.2.6 Taking DM DPD Policy 1 into account it can be gleaned from the latest SHMA (2018) findings for South Lancaster that there is a shortfall of 1-2 bed detached houses / cottages and 1, 2, 3 and 4 bed roomed semi-detached houses in respect of the aspirational and expectations of households (3 bed not aspirational). This would suggest that there is a lower than expected number of smaller units in the Lancaster South area. To achieve a cohesive and balanced community it can be construed that

new developments should include more smaller units as part of their housing mix to introduce units into the area to meet the current need.

- 6.2.7 It is considered the proposed affordable housing mix, reflects the need identified in the SHMA and the increased demand for family homes through the council's Choice Based Lettings and is considered acceptable in so far as the consideration of the reserved matters relating to layout.
- 6.2.8 In terms of the layout and position of the different size units within the development it can be seen that the smaller units and all the affordable units have been situated in the northern and central section of the site. The Meeting Housing Need SPD provides additional guidance on explaining that affordable housing should be well distributed, or 'pepper potted' throughout the scheme.
- 6.2.9 Taking into account distribution of housing it is noted that the dwellings are designed to be tenure blind and as such it would be difficult to distinguish between open market and affordable units.
- 6.2.10 It is acknowledged there is a balance to be struck in regard to housing mix across a site. Nevertheless, the development does result in a mix that would generally accord with meeting housing need. Given the design is tenure blind and there to be equal access to the open spaces and permeability potential within the site it is considered to be sufficient factors to outweigh further distribution of affordable units across the site.
- 6.2.11 It is therefore considered the housing mix and the way they have been incorporated into the scheme does represent a form of development that would contribute towards being cohesive and balanced in which would satisfy DM DPD Policy 1, Policy 3 and would weigh in favour of SPLA Policy SG1 in the planning balance.

Housing quality

- 6.2.12 Policy DM2 sets out expectations in terms of housing standards to ensure high quality housing. The policy sets out that new applications will be supported where all new dwellings meet the National Described Space Standards (NDSS) and at least 20% of the dwellings will be expected to meet Building Regulation Requirement M4(2).
 - 6.2.13 The proposed dwellings all meet the Nationally Described Space Standard and that 25% or better would achieve M4(2). The proposed development therefore satisfies DM DPD Policy DM2.
- 6.3 Design and Form - (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth, Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); A Landscape Strategy for Lancashire (2000).**
- 6.3.1 National and local planning policy and guidance place increasingly greater focus on design which is taken through to the underlying aspiration of SPLA DPD SG1.
 - 6.3.2 The NPPF states in paragraph 130 planning policies and decisions should ensure that developments: function well and add to the quality of the area; are visually attractive; are sympathetic to local character and history; establish/ maintain a sense of place; optimise development on the site; and create places that are safe, inclusive

and accessible and which promote well-being. Paragraph 134 of the NPPF states that where a development is not well designed it should be refused, especially where it fails to reflect local design policies and guidance on design.

- 6.3.3 The National Design Guide and the National Model Design Code provide detailed advice and guidance to inform high quality new developments by detailing guidance and structure to help deliver good design which focuses on ten design characteristics across three themes (physical character, community and climate). Although in its infancy the forthcoming AAP will, through proper masterplanning, explore design across the whole of the strategic site to deliver the Garden Village in a well-planned and comprehensive way. The Key Growth Principles in SG1 include the need to secure high-quality urban design which promotes sustainable, attractive places to live and creates a sense of community. It should provide high quality open space with a distinct sense of place and should deliver green corridors and contribute to walking and cycling routes. This is reflected in DM29 which also requires development to positively contribute to the identity and character of the area.
- 6.3.4 The outline application set out the context of design and how a scheme should be taken forward through to the reserved matters stage. It was identified that given the site's gateway position into the city and its position within the Broad Location for Growth (BLG), the design expectations are set high. It was advocated that a landscape approach should be taken and after considering all the matters which can interplay with one another can only be achieved through well-planned high-quality design.
- 6.3.5 This application, similar to the situation at the outline stage comes forward in advance of the AAP whereby the design aspirations and vision work for the future Garden Village have not yet been set. In this regard, the question is whether or not the proposal would prejudice the wider place making design aspirations and masterplanning for the BLG area within the consideration relating to the reserved matters. Drawing back to Policy SG1, although it is strategic led in the absence of the APP it allows the scheme to be considered as a whole. Using the criteria of SG1 as the baseline with relevant DPD policies the question asked is of high design and if the scheme would achieve such a bar. Indeed, while design is highly subjective how this application has been considered is through three key questions derived from SG1:
1. Is the proposal of such of high-quality urban design which promotes sustainable, attractive places to live, defining a sense of place and creates a sense of community for its new residents?
 2. Does the scheme create areas of high-quality open space to provide a distinct sense of place
 3. Can the scheme be considered as innovative urban design in terms of layout, density and design of new buildings?
- 6.3.6 The proposal has undergone an appraisal using a traffic light scoring system under a Building for a Healthy Life design tool to assess of the originally submitted plans and documents with further consideration of the additional explanation provided by the applicant and iteration of the scheme.

Consideration of Question 1

- 6.3.7 The Applicant's response and supporting documentation has satisfied officer comments regarding defining features for the proposed character areas. The applicant proposes three-character areas which define the northern, central and

southern areas of the site, encapsulating the built form and areas of open space which contributes to the streetscene. The applicant demonstrates that factors such as the application of dual pitched roofs, window proportions and patterns, modern detailing and material application have been considered to establish principles of coherent rhythm and structure across the site and character areas. In recognition of this, the proposed design and appearance of house types provides sufficient variation to help establish the three Character Areas. The Applicant has given explanation to the rationale behind the use of timber cladding in certain locations across the site.

- 6.3.8 The proposed pocket orchard and village green are areas of POS that are additional provision over and above the policy requirement. This type of spaces would contribute towards developing a sense of community. They are more central and open, viewable and almost equidistant to all parts of the development. There is a degree of spaciousness surrounding the POSs and are not considered to be overly onerous on the amenity of the neighbouring properties.
- 6.3.9 It is considered the proposed design and further explanation provides comfort that the attributes towards the expectations that contribute towards the sustainability of the space and would create a sense of community can be achieved. By attaching planning conditions relating to materials that would help highlight the route from the central axis, wayfinding measures across the site and details of the treatment of the open spaces it will strive towards developing a sense of place.

Consideration of Question 2

- 6.3.10 In terms of the quantum and configuration of open space these matters are discussed later in this report. It is considered a contributing factor to establishing a sense of place is the quality of the open space and how it interplays with the development and the wider area.
- 6.3.11 It is acknowledged that the footpaths and informal routes that can be used by future occupiers and/or visitors to the area which improves the use of the western open space and particularly the southern parcel of open space by creating circular trails when joined with the shared cycleway and footway. On the eastern side of the site the shared cycleway/footpath deviates from the direct route of the A6, later joining back up with the trunk road. Nevertheless, the altered route when traveling north and south along the A6 provides pedestrian and cycle users with an enhanced section, where given the outwardly facing units, contributes to improving the gateway setting into the city. It is acknowledged the retention of trees and that there is potential of further planting enhancement to green the route and soften the edge of the development from short and long ranges views.
- 6.3.12 A play space has been incorporated into the southern open space area between the shared cycleway and existing woodland. Incorporating the landscape features an informal kickabout is positioned between the cycleway and footpath with trim trail activities adjacent to the woodland. The trim trail has been designed with a gradual age-appropriate equipment with the younger aged being closest to plot 24 which overlooks the play space. A further kick about area is on the western side of the open space adjacent to the SuDs area served by a meandering footpath that links up further to the south of the shared cycleway. The Applicant can further elaborate on what forms of informal and formal play are envisioned for the different play spaces across the site which can be secured planning condition.
- 6.3.13 The landscape-led approach with significant green swaths around the site is consistent with the aspirations set out in Policy SG1 and there are positive attributes

which place positive weight in the planning balance. The Applicant also makes note in drawing 'Scotforth, Lancaster - SF02-P-D-001 Character Areas Diagram' that the detailed landscape design will also utilise variation to enhance changes in the proposed character areas across the site.

- 6.3.14 The Applicant makes note of a number of proposed landscaping strategies across the site that will mark out different spaces and locations to make the pedestrian network more legible and highlight entrances. It has demonstrated, in their response and additional documentation, how thresholds to the network of proposed open spaces are highlighted across the site.
- 6.3.15 Taking into account the overall design positive aspects there is a level of certainty that a high-quality scheme can be brought forward which further elaborates on design of the key threshold and would contribute towards a sense of place. Although the site is within the SG1 it is considered there is sufficient confidence that a high-quality landscaping scheme can be secured by planning condition.

Consideration of question 3

- 6.3.16 In response to a design comment around the street scene along the central axis, the Applicant has re-iterated a number of factors which have limited and influenced the development of the site layout. In review of the scheme alongside supporting information submitted, it is agreed that due to competing factors outlined in the Applicant's response, an alternative street scene to the proposed layout of the central axis would be difficult to arrive at. The central axis does provide a design deviation to the central spine road allowing for a kink to be introduced in reducing the long vista through the site. However, there is a minor concern that a straight streetscene can make destinations seem farther, creating emphasis on movement rather than streets as places. There remains a lack of active street frontage to the east, the central axis doesn't offer a very permeable, pedestrian-friendly street layout to define a strong sense of place.
- 6.3.17 In terms of the layout, it is noted that the perimeter urban block approach has been applied across much of the site for the layout of the dwellings, providing a secure core of gardens to the rear and semi-private frontages facing the streets. A range of house types have been proposed in the development. The Applicant has clarified that the scheme has carefully considered feature units to terminate key views. The Applicant also makes note that they are happy for a scheme detailing the proposed lighting and signage to be conditioned and agreed ahead of determination.
- 6.3.18 The Applicant has clarified that the bin and bike storage will be fenced off and only accessible by residents of plots 30-33, and therefore not a through route. It is considered more appropriate to increase the height to 1.80 metre to maintain a degree of security to the rear given the limited facing windows. The additional documentation document, Scotforth, Lancaster - SF02- P-D-002 Design Diagram Central Area, illustrates the extent of surveillance to the side and front of plot 30-33 and neighbouring pedestrian routes.
- 6.3.19 The Applicant has noted that the siting of plot 22 has been deliberately placed to create a sense of arrival. While it is understood that siting a residential dwelling will add activity to this part of the site, the positioning of a residential use at the corner of this key vehicular road appears to be somewhat isolated, with the garden also facing the road. However, with the dwelling type being a bungalow, it can also be deduced that overall impact to the view is not too harmful.

- 6.3.20 The Applicant has clarified the relation between the proposed character areas in the central and southern parcels and how this impacts the layout and character of the residential units along the central axis. It is understood that the plots with rear elevations have been carefully positioned behind established existing trees and to create an active frontage towards a key vista.
- 6.3.21 It is agreed that creating a 'sense of arrival' for those travelling north up the A6 is important including the use of stone in this gateway location as an appropriate use of the material to respond to the context. However, there is concern that the use of facing stone only in this location will result in a detached and isolated feel for the gateway corner. It is maintained that a greater use of stone in the northern parcel, keeping with the character area, might be more appropriate. Otherwise, the use of stone here solely in one area appears to be unbecoming.
- 6.3.22 There are positive factors noted above, however, there are also negative aspects. As guidance in the National Model Design Code outlines, car parking layouts will affect the quality of a place, both in visual terms and how the streetscape is used and experienced, particularly by pedestrians. Well-considered parking should be convenient, safe and attractive to use, and well-integrated into the streetscape. The parking for plots 30-33 whilst appropriate for an apartment layout; however, the spaces are in an exposed and visible location. When combined with the parking for plots 46 – 47 may result in a higher level of parking in the streetscene. This is lessened to a certain degree by the direction of travel with a slight variation in building to street edge in how the central axis space is experienced.
- 6.3.23 Parking for plots 49-50 similarly, appears around a cul-de-sac which may appear prominent in the streetscene. It is agreed that courtyard parking arrangement can be a useful addition in providing spaces to the rear of dwellings (plots 1-4 and 34-40). Although not a dominating feature it is important that landscaping is used to soften the area/views. This includes hedgerow planting and at least one suitable tree species (with appropriate tree guard protection) alongside the hedgerow planting. The Applicant also agrees to a suitably worded condition to confirm the lighting details around these spaces.
- 6.3.24 In respect of the design of new dwellings this could be considered a cross over matter between the outline and this reserved matters. However, given the imposition of Condition 21 which requires a betterment against building Regulations this was a matter considered at the outline stage. For completeness against SG1 that applicant has provided an energy statement which outlines for technologies for buildings, the proposed dwellings feature a range of innovative yet proven technologies to promote energy efficient, healthy and low carbon lifestyles. Such technologies include 'Shower Save' wastewater heat recovery systems for homes with upstairs showers, triple-glazed windows, mechanical ventilation with low specific fan power, 'Wonderwall' (individual company product range) smart home controls, and integrated renewable or low carbon energy generation technologies such as solar PV panels or air source heat pumps.
- 6.3.25 There are factors which could be considered as innovative and drawbacks when considering the above aspects of the scheme. The objective with any scheme when considered against the building for a healthy life is to minimise the number of amber lights and avoid red lights. The proposal does not attract any red lights but does include some amber sections which have been discussed above. However, it is considered through carefully worded planning conditions the positive aspects will outweigh the drawbacks and, in the round, would be an acceptable form of urban design.

6.4 Impact on 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).

6.4.1 DPD Policy DM29 suggests that new dwellings should be as private and free from overlooking and overshadowing as possible. The supporting text to Policy DM29 sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked. Although SG1 does not explicitly refer to an impact on amenity it does provide an overarching guidance by advocating an innovative urban design both in terms of layout and density of new development.

Effect on surrounding land uses

6.4.2 In regard to the surrounding land uses it is considered, taking into account the separation distances, that the proposed development would not significantly impact the land to the west, the residential properties on Oakwood Gardens to the east and the land to the south of the application site. In respect of the land to the north Condition 19 attached to the Outline consent secures limits of internal noise levels for the future dwellings. The protection afforded by the condition would reduce the potential of an impact (Agent of change) to retail activity to the north of the site.

Future occupiers – Noise and vibration

6.4.3 Noise and vibration effects, namely from the adjacent railway mainline, are dealt primarily under Condition 19 of the Outline Consent. However, the condition does require, where appropriate, that the acoustic design measures and mitigation, must be incorporated into the layout, landscaping and appearance submitted as part of any reserved matters application.

6.4.4 This application has been accompanied by a further noise assessment which takes into account the proposed food store to the north of the site under reference: 21/00987/FUL. The following measures are to be adopted to ensure compliance with the noise level criteria stipulated within Condition 19:

- Suitably acoustically rated external glazing. Minimum performances for the various facades across the scheme are provided.
- The ventilation strategy ensures that open windows or ventilators will not be relied on to achieve background ventilation. This ensures that the sound insulation performance of the building envelope is not compromised.
- Acoustic screening is proposed to the gardens that are worst affected by the surrounding noise sources to ensure suitable noise levels will be achieved in the external amenity spaces.

6.4.5 In the absence of comments from Environmental Health for this reserved matters application the discharge of the condition is under a separate process. The means of glazing and ventilation would not necessarily have a significant effect on the appearance of the dwellings and would fall outside of this reserved matters

application. Nevertheless, the acceptability of the sound mitigation measures is secured under the discharge of Condition 19 attached to the outline Consent.

Future occupiers – relationships within the site

- 6.4.6 Turning to the proposed dwellings within their plots and how they relate to each other it is noted that DPD Policy 29 sets out general principles where the Council will expect development to ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution. The supporting text requires developments to give consideration to the relationship between dwellings with a habitable room window and for blank elevations taking into account the horizontal and vertical planes (i.e. distance and height differences). Furthermore, Policy DM29 encourages a level of provision of garden space.
- 6.4.7 It is noted that Condition No. 14 of the outline sent requires the details of site levels to be submitted to and approved in writing. In considering the impact on future occupiers a preliminary levels drawing has been submitted to support the application. Should the levels remain as shown on the preliminary level drawing or indeed is subject to change the resulting impact to amenity will be duly considered under the condition discharge process when these details are known. If the layout changes as a result of the outcome of Condition 14 the applicant would have to submit a new reserved matters application.
- 6.4.8 The above does inevitably make the assessment of the proposal against Policy 29 more difficult. Whilst the distances on the horizontal plane can be obtained from the site plan the heights between buildings are only shown on a preliminary level drawing and Condition 14 has not been discharged. To assist with considering the relationships Paragraph 9.4 of DM29 does however draw attention to "...the highlighting of minimum distances does not mean that they will always be acceptable. There may be instances where these minimum distances need to be increased or reduced depending on circumstances, for example site topography or density considerations..."
- 6.4.9 Using the site level drawing it is shown in the northern parcel that there are minor differences in heights between dwelling platforms ranging from 200 mm across the central to 1.25 metres towards the western side. The distance between the fronts of the properties along the northern boundary and the rear facing properties range between 22 metres reducing to 18 metres towards the western side.
- 6.4.10 Moving to the central area the rear of properties on the western side measure approximately 20.7 metres (between 25 and 69) with the frontage over the services road separated by 18.20 metres (between plot 66 and 69). The level difference between the rear of properties is shown to be approximately 1.75 metres with the facing fronts virtually flat.

Future occupiers – garden sizes

- 6.4.11 In respect of garden spaces, the applicant has provided a further supporting note. It is purported that the target garden size does not allow for non-standard irregular garden shapes. Instead, the applicant has provided information to show a target garden area based on the dwelling width multiplied by 10 to replicate the intent of DM29. The information then identifies which plots would comply or fall short of this target.

- 6.4.12 Indeed, it is accepted that DM29 does encourage a standard for private gardens. However, there is still flexibility for a reduced depth (less than 10m) for instance, providing the overall area still maintains a minimum of 50 square metres and proportionally the area is increased by 10 square metres for each additional bedroom over a two bedroomed house.
- 6.4.13 The majority of the plots meet the overall standard. Where there is a shortfall in depth it is balanced with meeting the proportional area for the size of dwelling (e.g. plots 12, 13, 14, 23, 24, 27 and 40).
- 6.4.14 There are some plots which fall short in the area and depth of garden space (plots 1, 2, 3, 4, 5, 6, 7, 18 and 19). Although these plots would fall short it is noted that the properties are close to the rain garden and land to the rear of plots 20/21 which are publicly accessible.

Future occupiers - appraisal

- 6.4.15 It is recognised that not all plots have shortcomings with other properties within the development in respect of separation distances and garden spaces. There are a number of properties that would have either unfettered relationships or distances which are considered acceptable. Similarly, there is a level of accessible open space which is available to future occupiers within easy reach of the properties within the site. There is still choice given the number of units within the site for future occupiers to make a decision on a certain property depending on individual aspirations and circumstances. Nonetheless, while there are differences compared to DM29 standards they are still shortfalls; however, they are not considered to be demonstrably harmful. As such, this would place the amenity of future occupiers into the planning balance of the application and would attract negative weight.

6.5 Highway matters - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD Policy SG1 Lancaster South Broad Area of Growth T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan;

- 6.5.1 Access to the site has been granted consent under the outline application with the details secured under Condition No. 2. The approved junction design comprises a priority-controlled T-junction with right turn ghost island facility. The proposed access includes left and right exit lanes onto the A6 with a right turn storage lane on the A6. The junction design also includes the provision of a shared 3 metre cycle/footway either side of the access with appropriate dropped kerbs on the mouth of the junction with visibility splays of 2.4m by 120m in both directions. Details of means of construction are secured under Condition Nos. condition 15 (precise construction details of the access) and condition 16 (scheme for off-site highway works). The Legal Agreement requires a commuted sum to be paid for off-site highway improvement works and Travel Plan support service.
- 6.5.2 The site plan for the reserved matters application shows the safeguarded land reserved for potential strategic infrastructure i.e. suitable link road to facilitate wider growth west of the West Coast Mainline (WCML). This shows the application is still consistent with Area Action Plan for the Broad Area of Growth in South Lancaster (SG1 and SG3) in terms of transportation.

- 6.5.3 Turning to the proposed layout it is considered the road and footway configuration allows for the safe movement of vehicles and pedestrians. There is sufficient visibility and manoeuvring space for vehicles with footways provided for the waiting and movement of pedestrians. The shared cycleway provides a safe route with good visibility to account for passing pedestrians. A footpath from the development links with the bus stop on Scotforth Road. The rumble strips have been removed and bin storage areas shown which would address the comments of the Highway Authority.
- 6.5.4 DPD DM Policy 62 requires developments to be designed that incorporates provision to accord with the Council's parking standards, impaired mobility needs are achieved, and facilities are shared where location and patterns permit. The policy continues by setting out the dimensions of garages to comply with the standards should they be proposed.
- 6.5.5 In terms of the provision of car and cycle parking the proposal provides the sufficient number for each unit to accord with the level requirement of DM Policy 62. The dwellings in the central area of the site benefit from curtilage parking which is acceptable in terms of layout and being available for impaired mobility. Although the northern area provides the sufficient level of parking, the layout of the provision differs slightly where some bays are not within the curtilage of the property. Although some of the bays are remotely placed from the host dwelling, they can still be accessed safely with adequate manoeuvring space on the road to enable access/egress. Notwithstanding the design section of this report, it is considered the parking provision from a highway safety perspective would be difficult to sustain a refusal.
- 6.5.6 As such it is considered the proposed development has a safe level of connectivity and is acceptable in terms of highway safety.
- 6.6 Open Space provision - (NPPF: Chapter 12); Strategic Policies and Land Allocations (SPLA) DPD Policy SG1 Lancaster South Broad Area of Growth; Development Management (DM) DPD policies DM27: Open Space, Sports And Recreational Facilities, DM29: Key Design Principles, DM43: Green Infrastructure, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).**
- 6.6.1 SPLA Policy SG1 sets out specific criteria for development within the BLG area to contribute towards the provision of open space, namely:
- The creation of sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. The delivery of such spaces and routes should make for distinct areas of separation between the new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give potential to bring forward a new country park
 - The creation of healthy and cohesive communities through the delivery of high-quality development and the correct levels of services, open space and infrastructure which is provided in safe and accessible locations.
 - To support the delivery of growth in the South Lancaster area, including development of the Bailrigg Garden Village, there will be a requirement for a wide range of both locally important and strategically important infrastructure, including new highways, public transport network, education provision, new local centre(s), open spaces and green network. This is set out in Policy SG3 of the Local Plan DPD and will be addressed in more detail through the preparation of the Lancaster South Area Action Plan DPD.

- 6.6.2 Policy DM27 'Open Space, Sports and Recreational Facilities' states that proposals which seek to protect and enhance existing designated open spaces, sports and recreational facilities, that are provided for their important value, will be supported by the Council. The policy continues, that where a development proposal is located in an area that is recognised to be deficient in open space, sports and recreational facilities, there's a requirement to provide appropriate contributions towards these forms of open space provision, either through on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site.
- 6.6.3 Policy DM27 also refers to development that is proposed adjacent to designated open spaces, sports and recreational facilities, in that it will be required to incorporate design measures that ensure there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.
- 6.6.4 In accordance with Policy DM27, any provision made for open space, sports or recreation facilities should be fully accessible to the public without any restrictions and will be provided in addition to any private amenity space or landscaping. Proposals should not have an adverse impact on surrounding residential amenity in terms of light and noise-disturbance, with any potential impacts being appropriately mitigated against. Policy DM43 highlights that development proposals should incorporate new and/or enhanced amenity green spaces of an appropriate type, standard, size and reflects the needs/deficiencies for the area as set out within the Council's Open Space Assessment or successor documents.
- 6.6.5 The Section 106 agreement attached to the outline consent requires that an off-site open space contribution is made to the Council for outdoor sports facilities and for young person's open space. The Agreement continues by requiring the applicant to identify public open space within the site and for a public open space management scheme to be approved as part of the development. Then the unencumbered open spaces are transferred to a management company to be maintained in perpetuity. The discharge of the covenants under the Legal Agreement are dealt separately to the reserved matters application.
- 6.6.6 The open space is consistent with the parameter plan considered under the outline consent amended by NMA 23/00234/NMA and provides a visual landscape buffer with the site's perimeter. The swaths of open space have been provided on the west and eastern side of the application site with the majority situated in the southern area beyond the extent of the built form. The cumulative total which includes the SuDs basin, flood risk area and woodland is 11,890 square metres. Removing these areas, the amount of open space is 3,300 square metres.
- 6.6.7 It is considered the total area in quantitative terms for open space satisfies Policy DM27 and DM43.
- 6.6.8 When considered as a whole, the scheme represents a favourable balance of open space in quantitative terms which is characterised by retention of trees, new structural landscaping and enhanced by children's play spaces. It is considered the open space contributes towards a sense of place and towards delivering a network of green corridors, walking and cycling routes. The outline consent secures the delivery of the open spaces a how the spaces are managed and maintained in the future. It is

therefore considered there are sufficient factors in quantitative terms for the open space provision to conclude it satisfies the policies DM27, DM43 and achieves favourable weight in the planning balance for SPLA Policy SG1.

6.7 Ecology and Trees (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment, SG1 (Lancaster South Broad Location for Growth) 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).

- 6.7.1 The outline planning consent considered the impact of the proposed development on ecology, and protected species. Condition 6 of the outline consent added further protection to existing species on the site and for the connectivity. The condition further requires a habitat creation and enhancement of the boundary buffers and open space to compensate of the loss of hedgerow and grassland. Condition 6 to address the findings of the Habitat Regulation Assessment and Appropriate Assessment required a Homeowner Pack, required details of the measures to mitigate against recreational disturbance on Morecambe Bay (SPA). The Section 106 ensuring the management of the landscaped areas. Natural England provided a consultee response on the outline raising no objection.
- 6.7.2 The proposed scheme follows the principles of the outline consent and provides areas of open space for recreational and conservation purposes with the ecological matters addressed by Condition 6 of the outline consent. The applicant has responded to the latest GMEU comments for this application by advocating the design code submitted to accompany the plans are to provide an indicative landscape palette for the site where precise details can be secured by planning condition. The applicant confirms that the conclusions made in the Biodiversity Net Gain assessment are still reliable on the baseline provided. The BNG calculation was undertaken on the basis of the masterplan principles, as well as indicative landscaping proposals as they developed. The vast majority of on-site net gain is attributed to the creation of species rich neutral grasslands outside of the footprint of the main development.
- 6.7.3 It is considered this application remains consistent with the outline consent. Although the submitted details are not applied in the sense of position and quantity across the site, the listing of native/ non-native trees and shrubs (soft landscaping) with different means of wildlife mitigation measures link with Condition 6 of the outline consent which would be considered under a separate application process.

Trees

- 6.7.4 Turning to the trees the submitted AIA the proposed level increases are likely to encroach partially over the RPAs of some of the trees. The root encroachments to the west side of the site (G5, G10, T11 and T12) may not be as significant as shown on the plan as this area is submerged for long periods of the year and therefore the roots may not be as spreading as shown (due to the anaerobic conditions of waterlogged ground).
- 6.7.5 It is noted that the Council's Arboricultural Officer has not raised an objection to the application but has raised concerns of the importance of these trees, so the fact that the AIA states that due to level changes these trees will need monitoring is of concern. It also states that, any trees which show a serious decline in condition will be removed and replaced accordingly. As stated in BS5837:2012, the default position should be that development occurs outside of the RPA of trees to be retained.

6.7.6 Taking on board the concerns it is noted that Condition 11 of the outline consent does require the submission and approval of a tree works schedule, method statement and protection scheme. Therefore, should this application be approved to encroach into the root protection area of the trees within the site, the method of excavation, fill, construction, and mitigation will still be considered under the discharge of planning condition to ensure the work does not result in damage of the trees within the site. There is a strong likelihood that a future landscaping scheme would be of a level that could mitigate a loss of existing trees within the site. Therefore, it is considered it would be difficult to sustain a refusal of the reserved matters under these grounds.

6.8 Flood Risk, Surface Water and Foul 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).

6.8.1 The applicant reports that site levels are shown to be in the region of 42.50m to 34.30m metres Above Ordnance Datum (m AOD) with the site generally falling in a south-westerly direction. There is a depression within the central part of the site comprising levels as low as 31.70 m AOD in the vicinity of an existing pond.

6.8.2 In terms of flood risk around one third of the application site is currently situated within Flood Zone 1 ('low probability' of river flooding in any one year), with the remainder predominantly within Flood Zone 2 ('medium probability') and a small part of the site towards Burrow Beck to the south within Flood Zone 3 ('high probability'). To mitigate against this risk, residential development will take place upon a development 'platform' which will have been raised above the level of the modelled peak flood level for the 1 in 1000 annual probability flood event i.e. is located in Flood Zone 1. To achieve these levels, it will be necessary to raise the levels on the site by up to 4m in the lowest areas. In effect, therefore, the proposed development will take place entirely at a level above that of Flood Zone 1.

6.8.3 Notwithstanding the drainage matter discussed below a drawing showing levels and finish floor levels has been submitted to accompany the application. The drawing shows the lowest dwelling has a finished floor level of 35.70m AOD dwellings which would show the scheme is consistent with the FRA that accompanied the outline application.

6.8.4 In respect of the treatment of surface water it is noted that the comments from the LLFA. However, it is noted that condition 16 attached to the outline consent does require full details to be submitted for a surface water scheme. The condition requires to comprehensively show:

- Final sustainable drainage layout plan to include all pipe/structure reference, dimensions, design levels, finished floor levels in AOD with adjacent ground levels.
- Information about the lifetime of the development, design storm period and intensity and (1 in 1, 1 in 30 & 1 in 100 year plus allowance for climate change) and discharge rates and volumes (both pre and post development), temporary and permanent storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters,

including watercourses (during construction and once operational), and details of floor levels in AOD;

- Site investigation and test results to confirm infiltration rates, where applicable;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- A timetable for implementation, including temporary measures during construction and phasing as applicable;
- Details on the mitigation measures to protect the development from fluvial flooding from Burrow Beck.

6.8.5 The condition requires the drainage scheme to be implemented in accordance with the approved details and completed in full prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the details.

6.8.6 It is noted that the LLFA have no objection to the scheme. However, when considering this issue, Member's attention is drawn to the fact that outline condition number 16 still needs to be discharged prior to works commencing which is separate to the determination of the reserved matters application. If an issue can be dealt with by condition, then planning guidance is clear that it should be, and this is considered to be the position here.

6.8.7 Should for example it is minded to approve the reserved matters application and the discharge of condition application is refused, the applicant either takes the decision to appeal or amend the layout to suit a revised drainage scheme which is found to be acceptable. This would result in the submission of a new reserved matters application which is then fully considered in the normal manner as the approved scheme would not be possible to implement.

6.8.8 The application demonstrates that the finished floor levels for the site are above the anticipated 1000-year flood level allowing for climate change which is required by the Flood Risk Assessment (FRA) approved at the outline stage. In terms of foul water drainage, Condition 17 requires details to be submitted and approved under the discharge of condition application.

6.8.9 This application remains satisfactory insofar as it relates to the reserved matters with the precise means of flood risk and drainage to be addressed by the planning condition attached to the outline consent.

7.0 CONCLUSION AND PLANNING BALANCE

7.1 This application is to determine the details that were omitted at the outline application, namely appearance, layout, scale and landscaping.

7.2 The application site is within the BLG area and is why significant emphasis has been placed on Policy SG1 in the assessment and recommendation of this application. Although strategic, there are strands of the policy which apply at this reserved matters stage.

7.3 In the absence of the South Lancaster APP it is for the Local Planning Authority to consider the scheme under the matters applied for and against the aspirations of SG1

to determine if it achieves the bar of acceptability to recommend the approval of the application. Given the nature of SG1 it is considered appropriate to place the assessment into the planning balance. Weight has been attached to the relevant strands of SG1 and on other policies within the DPD in addition to any material considerations. As such, the planning balance comprises the following.

- 7.4 Favourable weight can be applied to the fact that the scheme is considered to be an appropriate housing mix blending aspiration and meeting affordable housing need. The dwellings are tenure blind which will comply with the NDSS and that a significant proportion will satisfy Building Regulation Requirement M4(2) in respect of access. Although weight was applied at the outline stage it is noted the positive measures in respect of the individual build and contribution to lowering energy use of future dwellings. This could be argued that it bolsters its credentials of a sustainable form of development against SG1.
- 7.5 Through carefully worded planning conditions the positive aspects of the overall design will outweigh the drawbacks and in the round would be an acceptable form of urban design. There is sufficient confidence to say that the open spaces within the built form and amenity spaces will be enhanced and make positive inroads to creating a sense of place.
- 7.6 It is considered the road and footway configuration allows for the safe movement of vehicles and pedestrians. In terms of the provision of car and cycle parking the proposal provides the sufficient number for each unit. Although some of the parking has a minor adverse effect in respect of design this can be mitigated by suitable soft landscaping against the backcloth of the built form.
- 7.7 The outline planning consent considered the impact of the proposed development on ecology, and protected species. Whilst a matter considered at outline the reserved matters maintains the level of biodiversity will be provided on site.
- 7.8 There are attributes across the proposed development which attract negative weight. There are some aspects of the design which have attracted an amber flag in the BHL assessment (crucially not red) and the layout of some dwellings result in a shortfall of separation distances and garden spaces standards within DM29.
- 7.9 The Key Growth Principles in SG1 include the need to secure high-quality urban design which promotes sustainable, attractive places to live and creates a sense of community. It should provide high quality open space with a distinct sense of place and should deliver green corridors and contribute to walking and cycling routes. There are clearly favourable attributes to this application and other matters such as highway safety which are broadly acceptable. It is considered these matters outweigh the negative weight to achieve the high bar set by SG1. In reaching this balance consideration has been given to promoting the sustainability, attractiveness, creating a sense of community and placemaking.
- 7.10 It is therefore considered the proposal has tipped the balance in favour of approval and as such is recommended for approval.

8.0 Other Matters

- 8.1 The applicant has submitted details pertaining to a number of planning conditions attached to the outline planning permission.

8.2 While reference has been made in this report to aspects of the details related to the planning conditions attached to the outline planning permission it is the view of Officers that the reserved matters application only considers the details relating to appearance, landscaping, layout and scale. A finding that the reserved matters details are acceptable would not override the requirement for a separate application to be made for the discharge of details for a planning condition.

9.0 Recommendation

9.0.1 Approve, subject to the following conditions:

Condition no.	Description	Type
1	Time Limit (2 years)	Control
2	Approved Plans	Control
3	Material samples	Pre-commencement
4	Section 38 Works/ Arrangements	Pre-commencement
5	Hard and Soft Landscaping	Pre-occupation
6	Boundary Treatments	Control
7	Obscure Glazing	Control
8	Pedestrian Link Route Details	Pre-Occupation
9	Bin Stores	Pre-commencement
10	Accessibility Homes Details	Pre-occupation
11	Water Mains Details	Pre-construction of roads

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

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

Background Papers

Agenda Item	A8
Application Number	23/00398/FUL
Proposal	Erection of 49 dwellings (C3) with access, associated infrastructure including provision of bus turning circle, open space and landscaping
Application site	Site Of Former Pontins Holiday Camp Natterjack Lane Middleton Lancashire
Applicant	Mr D Petty, Middleton Towers SPV Ltd
Agent	Mr Paul Tunstall
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Approve subject to conditions and a legal agreement.

(i) Procedural Matter

Representatives of the Planning Committee visited this site on the 12 June 2023 in preparation for the application being reported to committee after the summer period.

1.0 Application Site and Setting

1.1 The application site relates to three small parcels of land (totalling 2.4 hectares) within the wider Middleton Towers site, which is identified as a Development Opportunity Site (DOS) allocation in the Local Plan. Middleton Towers, once the former Pontins holiday site, is a 23-hectare site accessed solely from Carr Lane. The allocated site is located just over 1km west of Middleton village with Heysham village located approximately 3km north of the site. Overton is situated approximately 2.4km east (as the crow flies) of the site. It is bound by Ocean Edge Caravan Park, Middleton Nature Reserve and Heysham Industrial Estate to the north with Heysham Power station beyond. East of the site lies Carr Lane Meadows Biological Heritage Site and Middleton Holiday Park with open countryside to the south and a number of caravan sites situated alongside the coastline.

1.2 The allocated site currently comprises 53 existing dwellings, originally built as part of the first phase of the retirement village, and three grade II listed buildings (The Tower, Ye Olde Farmhouse and the Tudor Bar). Apart from the Tower, these buildings were previously communal leisure/management facilities for the existing development. The remainder of the wider site remains vacant in varying condition, with large parts overgrown with scrub vegetation. Currently the wider Middleton Towers site is divided into two distinct parcels. The northern parcel is completely undeveloped brownfield land following the demolition and removal of the remnants of the former Pontins holiday park. The southern parcel, which this application site lies within, is partly developed, and includes the 53 dwellings and additional development to the west, including the group of listed buildings.

- 1.3 Access is taken off Carr Lane (public highway) into the existing private gated estate. A small gatehouse sits adjacent to the site access though this is not manned on a permanent basis. Access to the estate is via a number keypad for residents of the development. There are no public rights of way through the site.
- 1.4 The application site is split across three parcels of land connected by a section of Natterjack Lane, which forms the main spine road running through the existing development.
- 1.5 The site is broken down into three main parcels of land:

Parcel A – Land north of Natterjack Lane/west of Lavender Way

This comprises 0.69 hectares of land. It currently consists of a small semi-circle of managed grassland which is open and accessible to residents. The remainder of this land is enclosed by fencing and is partly used as a site compound for the adjacent development and is vacant scrubland. A small stone substation occupies this parcel of land which is serviced by an existing access road. This section of the site is largely level with an elevation around 11.2 metres Above Ordnance Datum (AOD).

Parcel B – Land off Badgers Wood

This comprises 0.73 hectares of land that is open, accessible and largely well vegetated scrubland. This parcel of land benefits from an open space designation (amenity greenspace) in the Local Plan. A small corner of the site includes an area of managed grassland the remaining part of the site is unmanaged scrub. There is a fall in site levels from the east (c11.6m AOD) to the west (c8.6m AOD) of approximately 3 metres.

Parcel C – Land to the east of Lavender Way

This comprises 0.41 hectares of land that is currently fenced off and inaccessible to the existing development. There is some self-seeded trees and scrub but large areas of this land comprises made ground. The site levels are relatively flat with a gentle fall towards the northeastern corner. Levels at the southern and western boundaries of this plot range between 7m and 8.5m AOD falling to around 5.5m AOD to the north eastern corner.

All three parcels of land are connected by Natterjack Lane which is included in the application site boundary from its junction with Carr Lane. The application site includes a small area of managed grassland to the north of the access to the gated estate, opposite the existing gatehouse.

- 1.6 The access into the estate and parts of Parcel C lie within floodzones 2 and 3. The remainder of the application site lies within flood zone 1. Parcel C also lies immediately adjacent to the consultation zone for a high-pressure gas pipeline (Shell Stanlow-Heysham Ethylene).
- 1.7 Morecambe Bay Special Protection Area, Special Areas of Conservation and RAMSAR and the Lune Estuary Site of Special Scientific Interest immediately is located around 80 metres east of the site (at its closest point). In addition to the site’s allocation as a Development Opportunity Site, the Local Plan’s Countryside Area designation also sweeps across the whole site. The site and wider area is also located within the Heysham Gateway Regeneration Priority Area.

2.0 Proposal

- 2.1 The application has been amended from 57 dwellings as original submitted to the current scheme. The applicant seeks full planning permission for 49 dwellinghouses across the three plots within the site. A breakdown of the development on each parcel of land is set out below:

Parcel	Total No. of dwellings	Size/type of dwellings
A	19	15 three-bed two storey dwellings 4 four-bed two-storey dwellings
B	23	2 four-bed dormer bungalows 21 three-bed dormer bungalows
C	7	7 three-bed dormer bungalows

- 2.3 The proposal includes six different housetype designs proposed in a combination of roughcast render and stone with slate roof coverings. All dwellings have been designed to exceed the

Nationally Described Space Standards. A small area of amenity open space is proposed to the west side of Parcel A which shall include a children's play area.

- 2.4 All three development parcels shall be accessed via Natterjack Lane within the existing gated estate. The proposal will involve extensions to the existing private road network within the estate to serve the development. Off-street parking is proposed (200%) to all the proposed dwellings with a small area of communal visitor parking provided to the north of the existing pavilion gardens. The application also proposes a new bus turning circle outside of the gated estate, north of the existing gatehouse.

3.0 Site History

- 3.1 The site has a long and complex planning history. The site was formally occupied by Pontins holiday camp who had operated on the site since the late 1930s. The campsite closed around 1993/1994 and the land lay disused for some considerable time. Later in 2000, the applicant at the time applied for outline planning permission for a retirement village. This outline application was recommended for refusal by Officers but was overturned by Members and then "called in" for a decision by the Secretary of State (SoS). The SoS granted consent for the proposal, which involved the provision of a 650 dwelling retirement village with communal leisure, administrative and ancillary facilities. This consent is subject a S106 agreement and conditions.
- 3.2 The developer commenced the retirement village, but due to the economic downturn the development ceased leaving a small part of the development built out and the remaining parts of the site redundant.
- 3.3 Subsequent applications have sought the removal of the age restrictions imposed on each property and the condition controlling the use of the site as a retirement village on the grounds of its negative impact on viability and little prospect of the retirement village materialising. This resulted in a live consent for unrestricted residential development but limited to the housing types/formats and layouts permitted by subsequent reserved matters/full applications. More recently outline planning permission and a subsequent reserved matters for eight dwellings has been granted approval. This consent has been implemented. The implication of this permission affects the ability to lawfully implement the remaining parts of the approved residential development. There have also been more recent planning applications for the change of use of the listed buildings to provide holiday accommodation and an approval for the erection of a mixed-use café and shop with staff accommodation above. A summary of the most relevant planning history is set out below:

Application Number	Proposal	Decision
00/00156/OUT	Outline application for a retirement village comprising dwellinghouses, other residential accommodation, retail, leisure, recreation and ancillary administration; creation of a new access and circulation road.	Approved after Call-In by the Secretary of State subject to a legal agreement.
05/00740/REM	Reserved matters application for retirement village	Approved
07/00799/FUL	Section 73 application to amend details of layout of retirement village	Approved
09/01188/FUL	Erection of 33 dwellings with associated external work	Approved (relates to Badgers Wood)
13/00265/RENU	Renewal of planning application 09/01188/FUL for the erection of 33 no. dwellings with associated external works	Approved (relates to Badgers Wood and not lapsed)
13/00805/VLA	Variation of legal agreement on 00/00156/OUT to remove obligations relating to affordable dwellings and age restriction occupancy on the site only and to remove the restrictions on the on-site leisure facilities to allow use by the wider public (s106A application).	Allowed on appeal (phase 1 of wider site)
14/00787/VCN	Erection of a retirement village comprising dwelling houses and other residential accommodation, retail,	Approved

	leisure and recreation (pursuant to the removal of condition number 21 (xxi) on previously approved application number 00/00156/OUT relating to the use of the site as a retirement village.	
14/00789/RCN	Erection of 33 dwellings (pursuant to the removal of condition number 3 on previously approved application 13/00265/RENU (renewal of 09/01188/FUL) relating to restricted age occupancy)	Approved
15/01444/RCN	Outline application for the erection of a retirement village comprising dwellinghouses and other residential accommodation, retail, leisure, recreation and ancillary administration, and creation of a new access and circulation road (pursuant to the removal of parts xix and xxi of condition 21 on outline planning permission 00/00156/OUT relating to the use of the site as a retirement village and car free design)	Approved
15/01568/VLA	Variation of legal agreement on planning permission 00/00156/OUT to remove the age restriction on occupants and the requirements for car-free design, a bus service and use of on-site facilities by on-site residents only, and to vary the requirements for affordable housing provision and its phasing, and the requirements for a Travel Plan	Approved (phase 2 and 3 of wider site)
17/00579/FUL	Construction of coastal defence works comprising of rock filled gabion baskets and mattress approx. 100m in length	Approved
18/01593/OUT	Outline application for erection of 9 dwellings with associated access	Approved
19/00689/FUL	Retrospective application for site levelling and introduction of gabions along south site boundary	Approved
20/00464/REM	Reserved matters application for the erection of 8 dwellings (C3)	Approved
20/00477/FUL	Erection of a two storey building incorporating a shop (A1) and cafe (A3) on the ground floor and staff accommodation (C3) on the first floor with associated car parking and domestic garden area	Approved
22/01543/FUL	Change of use of a part of a mixed use unit comprising of 1 residential flat and ancillary office/leisure facilities to 3 holiday units	Approved
22/01544/LB	Listed building application for repairs to windows and doors, removal and construction of internal partition walls and insertion and infill of internal doorways	Approved

4.0 Consultation Responses

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

Consultee	Response
Middleton Parish Council	<p>Supports the principle of housing development at Middleton Towers brownfield site as advocated by policy DOS5. However, the Parish Council have concerns over the following matters that conflict with other policies in the Local Plan:</p> <ul style="list-style-type: none"> Public Transport (DM60) – Carr Lane is unfit to become a bus route. Consequently, the provision of a bus turning facility to provide adequate public transport is invalid. Road Access (DM60, D63 and DM64) – Carr Lane is not fit to support traffic from the development and is frequently blocked by flooding. Active Transport (DM61) - No footway or cycleway provision between the site and services in Heysham or Overton. Middleton has no services. The submission assertions the site is accessibility is misleading.

	<ul style="list-style-type: none"> Facilities (DM4 and SP2) – the scheme is exclusively for residential development with no provision for local services. <p>Without accessibility improvements, the LPA would be approving an unsustainable, car dependant suburb. Improvements to the local transport network is a key criterion of strategy planning policy DOS5 for this site.</p>
LCC Highways	<p>Objection. Recommends the LPA considered refusal of this application on the grounds that the development has an unacceptable impact on highway safety and does not meet the needs of pedestrians and cycles with neighbouring areas, as the site is remote. A summary of the mains reasons for opposition/concern are as follows:</p> <ul style="list-style-type: none"> The site is remote from the built environment and is considered low in terms of accessibility. Distances to amenities, even with suitable infrastructure, would be outside what could be considered reasonable distance in terms of design guidance. The pedestrian infrastructure in the area surrounding/leading to the site, as well as cycling infrastructure surrounding/leading to/within the site is exceptionally deficient and would result in a car dependant development with limited opportunities to mitigate impacts and enhance connectivity. There is no scope for the creation of new footways and the existing public bus services will not divert to the site. Access to many of the local schools' public transport services requires schoolchildren to walk ~1km on unlit lanes with no separation from vehicles. The proposal will increase potential conflicts between vehicles and vulnerable users. There are fundamental differences between a retirement village and open market housing, especially in relation to trip generation. Trip generation is not agreed. For a site of this nature, a masterplan including an infrastructure delivery strategy should be provided. The proposal represents inadequate piecemeal development. Vehicle access from Carr Lane has no separation from pedestrians and cyclists. Bus turnaround facility to be supported by a plan showing full DDA compliant bus stop/shelter. Internally, there is insufficient access details including visibility splays and comments over inadequate garage sizes. The width of the highway should be of sufficient width to support future development in the rest of the allocation. No regard to the King Charles III England Coastal Path. The Secretary of State for Environment, Food and Rural Affairs has approved the line of the King Charles III England Coast Path between Silverdale and Cleveleys. The approved line of the path crosses through Middleton Towers.
Lead Local Flood Authority	<p>No objection. The LLFA's initial objection has been removed following the submission of an adequate revised drainage strategy and recommend the following conditions:</p> <ul style="list-style-type: none"> Final surface water drainage scheme Construction Surface water Management Plan Sustainable Drainage System Operation and Maintenance Manual Verification Report of Drainage System <p>However, the LLFA note deficiencies in the submitted strategy which need to be revised when designing the final drainage scheme. The LLFA has also raised concerns in relation to the use of underground drainage features commenting such may not meet the NPPF definition of SuDS. Proposals that do not meet this definition, or that fail to provide clear evidence where this would be inappropriate, may be considered contrary to the National Planning Policy Framework. Notwithstanding the deficiencies, the LLFA do not object to the application and consider the above conditions necessary.</p>
United Utilities	<p>No Objection, subject to the development being carried out in accordance with the principles set out in the submitted Drainage Strategy with no surface water permitted to drainage to the public sewer. UU also recommend a sustainable drainage and management plan condition.</p>
Environment Agency	<p>No objection, subject to full compliance with the submitted FRA and the stated mitigation and foul drainage connecting to the mains sewer. The EA have not objected</p>

	on flood risk grounds, but this does not remove the need for the LPA to apply and assess the sequential test.
Engineers	At the time of compiling this report, no comments received.
GMEU	<p>The following comments have been received:</p> <ul style="list-style-type: none"> • There remains a level of uncertainty about whether or not the proposed mitigation measures currently proposed for this impact (recreational disturbance) will be effective. Further information is required to address this point, and the probable requirement for further mitigation measures to be proposed. • The substrates and vegetation present are not typical of the important sand dune systems and foreshore habitats included within the designated sites, and the botanical diversity is not exceptional. • GMEU accept that the development is unlikely to affect any specially protected species. • Landscaping proposals are limited and do not reference the coastal location and local landscape. The landscape plans need to be revisited. Ponds would be useful addition locally for BNG. • BNG is heavily reliant on planting 'urban trees', which are not necessarily suitable in this location. If urban trees are discounted, there is no meaningful biodiversity gain.
Natural England	<p>No objection. Following the submission of an amended sHRA, NE are now satisfied that the development, with the identified mitigation, would not result in adverse effects on the integrity of the designated conservation sites. The mitigation includes:</p> <ul style="list-style-type: none"> • Provision of homeowner packs. • Installation of interpretative information boards/signage in key locations around the proposed site. • Provision of on-site public open space. • Retention of existing dense blackthorn and bramble along the upper shoreline and additional planting to maintain natural screening of the proposal from the nearby designated sites. • Stopping of any construction works between November to February, if a wider voluntary restraint or statutory suspension of waterfowl shooting comes into force within the Morecambe Bay Area. <p>These measures must be secured as part of the planning permission. NE also highlights the policy for this section of the shoreline is 'No Active Intervention' meaning no investment in coastal defences. As such, NE advice the LPA to determine whether there is appropriate development for this coastal location, as it may be at risk from coastal erosion in the future.</p>
RSPB	At the time of compiling this report, no comments received to the application.
Arboricultural Officer	No objection. Following the submission of amendments, the landscaping of the site has attempted to improve connectivity around the site with increased native boundary hedge planting and tree planting. It is noted that additional planting is proposed outside the planning area.
Environmental Protection Team	<p>Objection on the grounds of no Air Quality Assessment (AQA) and recommends refusal on this basis. If the LPA are minded to approve the application, the following conditions are recommended:</p> <ul style="list-style-type: none"> • Submission of an AQA and necessary mitigation • Site investigation, remediation strategy and validation report for land contamination • No soil importation without validation • Hours of construction • Scheme for dust control
Lancashire County Council (School Planning Team)	No objection. No education contribution required based on their August 2023 assessment.
Conservation Team	No objection. Following the submission of amendments, the Conservation Team are satisfied that the amended landscaping proposals would mitigate the harm to the significance of the listed buildings and their setting.

Historic England (HE)	No statutory requirement to consult HE.
Economic Development Team (Business Support)	No objection , subject to the imposition of a pre-commencement condition for a full ESP. The submitted ESP does not meet the policy requirements at this stage.
Waste and Recycling Team	No objection . The City Council waste and recycling fleet current service the gated estate.
Public Realm	No objection subject to securing the following requirements: <ul style="list-style-type: none"> • Onsite amenity greenspace (1062.6m2) • Financial contributions towards: <ul style="list-style-type: none"> ○ £64,439.10 - Outdoor sports provision to improvements to Middleton playing fields and changing facilities ○ £30,360.00 – Young person’s provision to improvements to Pump Track and School Lane Play Area ○ £18,216.00 – Parks and gardens provision towards Heysham village green improvements.
Lancashire and South Cumbria Integrated Care Board (ICB) NHS	No objection , subject to securing £35,692 towards the reconfiguration at Bay Medical group for additional clinical capacity. If the contribution is not sought, the ICB would object to the development.
Lancashire Fire Service	No objection . Standard advice provided in relation to ensuring the development is designed to meet Part B5 Building Regulations in relation to access and facilities for the Fire Services.
Lancashire Constabulary	No objection . The constabulary have recommended the proposal be designed to Secure by Design 2019 Design Guide and have provided standard advise in relation window and door specification, lighting, parking and landscaping areas to be well overlooked, boundary treatments to prevent access to intruders and construction site security.
Health, Safety and Resilience Service (Lancashire County Council)	No objection Lancashire County Council Resilience Service have received no objections to the application from the following organisations: <ul style="list-style-type: none"> • EDF Heysham Power Stations • Lancashire County Council • Lancaster City Council • Lancashire Fire and Rescue Service • Lancashire Constabulary • North West Ambulance Service • Environment Agency • Office for Nuclear Regulation Therefore, all agencies can accommodate the changes within the off-site emergency plan for Heysham Power Stations.
EDF Heysham Power Station	At the time of compiling this report, no comments received to the application.
Office Nuclear Regulation	No comment – does not meet their consultation criteria.
Civil Contingencies Officer (City Council)	At the time of compiling this report, no comments received to the application.
Cadent Gas	No objection
Electricity North West	Advises there is ENWL apparatus within the vicinity of the proposed works and have provided standard conditions and information regarding electricity mains.
ORSTEAD	Provides advise on working in close proximity to underground services and relevant legislation to be adhered to.
Shell UK	Comments received indicating no effect to the Shell pipeline.

4.2 The following responses have been received from members of the public (in relation to the initial submission and amended consultation:

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

- The proposal is more larger houses generating a tremendous increase in traffic.
- Carr Lane is not fit for large increases in traffic and unlikely to support buses.
- Carr Lane is in poor condition and floods making is unpassable for smaller vehicles following heavy rain.
- Lack of drainage services/provision, impact on water supply that already runs at low pressure.
- Lack of a recreational area for children
- Loss of privacy and overlooking
- Lack of affordable housing

5 letters of support. A summary of the main reasons for support include:

- The application will improve the quality, feel and design of the wider village which, since 2008, has been distressed by developers and banks going into receivership and development ceasing.
- The development accords with planning policy and intends to foster a well-designed and safe built environment.
- One resident states, in 60 years, never known the area to have flooded.
- The parcels either side of Badgers Wood are well designed and better landscaped.
- However, concerns regarding access, scale, amount, design and amenity standards and flood risk are noted for the parcel to the rear of 2 Natterjack Lane.
- The development should remain a gated community.

Dynamo Cycle Campaign objects to the application on the grounds there is no provision for cycling or walking to the development. The agreement that cycling is facilitated by low traffic levels on largely rural roads ignores the fact this could be the first of other phases of development on the site which would significantly increase traffic levels.

5.0 Analysis

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

- Principle of development
- Fall-back considerations
- Transport Matters
- Flood risk and Drainage
- Cultural heritage
- Biodiversity
- Open Space, Design and Landscape
- Housing Matters
- Residential Amenity
- Sustainable Design and Renewable Energy
- Infrastructure contributions
- Other Matters

5.2 **Principle of Development** (NPPF paragraph 7 – 12 (Achieving Sustainable Development), paragraph 47 (Determining applications), Chapter 5 (Delivering a Sufficient Supply of Homes) and Chapter 11 (Making effective use of land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), H2 (Housing delivery in rural areas of the district), DOS5 (Land at Middleton Towers Development Opportunity Site), EC5 (Regeneration Priority Areas) and SG13 (Heysham Gateway, South Heysham Development Management); Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs) and DM4 (Residential Development Outside Main Urban Areas)).

5.2.1 The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (Policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified

as a regional centre where the majority of future growth will be directed, followed by other urban areas and then identified rural sustainable settlements. In this case, the site is located outside of any of the district's urban areas and away from any of the identified rural sustainable settlements. In fact, the site is isolated from any rural settlement. Whilst residential development would generally be discouraged in such a location, the site forms part of a strategic Development Opportunity Site (DOS5) and is located within the Heysham Gateway Regeneration Priority Area (SG13/EC5).

5.2.2 The proposed site forms part of a large strategic allocation (DOS5), which stems from its former use as a holiday camp and its historic planning consent for a self-contained retirement village. The Council recognise that a large portion of the allocation is previously development land in need of regeneration, which supports the regeneration aspirations for the wider Heysham Gateway Priority Area (in the sense of redevelopment existing brownfield land). The wider Priority Area is focussed primarily on economic growth around the port and Bay Gateway and does not concern the Middleton Towers site directly. Policy DOS5 is directly relevant. It supports sustainable development that will deliver the regeneration of this important brownfield site. The policy goes on to state that the Council will require development to be taken forward through a comprehensive approach addressing the following issues:

1. The proposed uses are compatible with existing residential uses already constructed on site.
2. The proposal must enhance its levels of connectivity and accessibility to the nearby urban areas via improvements to public transport, the highway, cycling and pedestrian networks.
3. The proposal does not have a detrimental visual impact on the landscape value of Morecambe Bay.
4. The proposal will need to take account of the recommendations for mitigation harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.
5. That consideration be given to the need for coastal defences.
6. That consideration is given to the SFRA and associated flood risks connected within the site with all applications submitted by a site-specific flood risk assessment highlighting appropriate mitigation measures.
7. The protection of the setting of the listed building and its viability as a leisure facility.

Policy DOS5 also requires proposals to have due regard to the close proximity of Heysham Power Station in relation to its continued and potential future expansion and will need to demonstrate that no internationally designated site would be adversely affected by the development either alone or in combination with other proposals.

5.2.3 Policy DOS5 imposes a preference for the completion of the extant consent (a matter discussed below). The acceptance, in principle, for housing development at this site is further supported in the Local Plan under policy SP6 which sets the Council's housing requirements and anticipated delivery from allocated sites and policy H2, where Middleton Towers (DOS5) contributes significantly to housing delivery on allocated sites in the rural areas of the district.

5.2.4 The planning history was a material consideration in the allocation of the wider Middleton Towers site as a Development Opportunity Site. For the purposes of context, the Secretary of State when granting the original planning permission recognised the unique nature and character of the proposals (i.e. a self-contained village meeting the needs of the aging population) and the regenerative benefits the proposal would bring notwithstanding concerns over access and traffic. For similar reasons, the Council at the plan-making stage, remained supportive of the original proposal, but recognised this may not be a feasible option for the site and where this development can be demonstrated not to be viable the council will consider alternative proposals.

5.2.5 The planning history referenced in this report highlights the challenges the Middleton Towers site has faced, with all relevant parcels of the site having now had the age restriction clauses removed from the respective legal agreements (along with other obligations) along with the conditions requiring the development be a 'retirement village'. These applications were supported by viability and marketing evidence at the time demonstrating the retirement village was highly unlikely to progress. Other conditions and obligations were removed on the basis they failed to meet the legal tests of precision and enforceable. The Planning Inspector in deciding one of these historic applications (APP/A2335/Q/14/2211913), neatly concluded the '*original s106 did not succeed in achieving what it had set out to achieve*' (i.e. a self-contained retirement village) and the relevant

obligations '*no longer continued to serve a useful planning purpose*'. The Inspector was also certain there was little prospect of the approved scheme being built-out. Since the applications to vary the legal agreement/conditions were accepted, there has continued to be very little development or developer interest on the site, except for the outline planning permission and subsequent reserved matters for 8 dwellings.

- 5.2.6 In terms of alternative proposals to the retirement village, policy DOS5 indicates the Council will consider the potential for residential, employment and tourism uses. However, all would need to demonstrate how the accessibility and overall sustainability of the site could be enhanced. To help achieve sustainable alternative proposals, policy DOS5 states that development (not the site allocation) should be taken forward through a comprehensive approach. Unlike other strategic policies, this policy does not require a masterplan for the whole site or any strategic infrastructure delivery, therefore the policy expectation of what a comprehensive approach consists of can only mean development has to address the requirements/criteria listed in the policy (and repeated in paragraph 5.2.2).
- 5.2.7 The site allocation is broadly split into two areas with the northern parcel of the site undeveloped and outside the applicant's control. The southern parcel has pockets of completed development and pockets of both brownfield and greenfield land which remain undeveloped. Within the southern parcel of the allocation whilst the appearance of existing development is to a high quality, the area feels and looks incomplete. It is reasonable to conclude that the principle of the redevelopment of the proposed site (across the three parcels) will substantially help regenerate this part of the wider allocation.
- 5.2.8 There is a strong presumption to support proposals which involve the regeneration and re-use of previously developed land. There is no doubt that the proposed development will positively contribute to the regeneration of part of this existing brownfield site within the Development Opportunity Site allocation. The principle of housing on this site is also enshrined in the Local Plan with a clear expectation the site would be capable of delivering substantial housing across the site's allocation. Therefore, the principle of development is supported subject to meeting the criteria set out in policy DOS5, which is assessed against the main planning considerations discussed in the remaining parts of Section 5 of this report.

5.3 **Fallback Considerations**

- 5.3.1 In several supporting documents accompanying the planning application, the applicant heavily relies on the extant planning permission as fall-back and considers this to be a significant material consideration. The extant planning permission being the retirement village development secured under outline planning permission (00/00156/OUT) and its subsequent reserved matters (05/00740/REM). Until relatively recently the Council shared this position. However, having considered the implications of the recent Supreme Court judgment in 'Hillside Parks Ltd v Snowdonia National Park [2022] UKSC 30 ("Hillside")', and having taken legal advice the Council finds itself in a different position. The judgment is considered to have particular implications for the use of so called "drop in" planning permissions where large sites are subject to later revisions by the use of "drop in" planning applications in relation to portions of the wider site. Put plainly, the implication of so-called "drop in" planning permissions can render originally approved development physically incapable of being completed (where it is material) and therefore no longer capable of being lawful. This is relevant to this site in the context of the approval and subsequent implementation of the recent eight-dwelling scheme. Perhaps unknowingly at the time, the Council has granted what is in effect a "drop in" application which gives rise to the 'Hillside' effect. The difference between the original masterplan and the "drop in" for 8 units, based upon the approved layout (associated with the reserved matters) is physically different in terms of layout, housing types and density (it was approved as a block of apartments with open space, access and parking to the coastal edge). The "drop-in" permission replaces this with large, detached dwellings sitting within spacious plots and is regarded material and with no indication that the original permission was or is severable.
- 5.3.2 Overall, the effect of this application renders the original permission incapable of further implementation and incapable of amounting to a true fallback position. However, even if it were lawful, one basic principle regarding fallback is that there must be a 'real prospect' of a fallback proposal being implemented and 'real prospect' can simply mean a 'possibility'. There is no evidence before the Council to suggest the original planning permission would be implemented

(even if it could). In fact, the evidence within previous planning applications/decisions is enough to reaffirm there is no realistic prospect of the delivery of the retirement village development. Contrary to the applicant's position on this matter, it is considered that there is no fallback position to be given weight in the determination of the application.

5.4 **Transport Matters – Accessibility and sustainable travel, access strategy and layout and traffic impacts** (NPPF: Chapter 9 paragraphs 104-109 (policy) 110-113 (Promoting Sustainable Transport) and Chapter 12 paragraph 126 and 130 (Achieving well-design places); Strategic Policies and Land Allocations (SPLA) DPD policies: DOS5 (Land at Middleton Towers Development Opportunity Site), SP10 (Improving Transport Connectivity) and T2 (Cycling and Walking Network): Development Management (DM) DPD policies DM29: Key Design Principles, DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).

5.4.1 Access Strategy

The proposed site will be accessed via Carr Lane. Carr Lane links Middleton Towers (and other holiday parks) to Middleton Road, which is the road connecting the area to the regional highway network (A589 or the A683). Carr Lane is an adopted minor road with a minimum width of 4.9m and an average width of 6.1m and is bound by mature roadside/field hedgerows. It has a speed limit of 30mph with some sharp bends and poor forward visibility at several points along its length. It is approximately 1.4km from Natterjack Lane where the development is proposed to the junction with Middleton Road. Around 1km of Carr Lane has no footway and no street lighting. Carr Lane is the only route to and from the site and is effectively a large cul-de-sac.

5.4.2 The proposed development will be accessed through the existing gated access off Carr Lane onto the existing internal estate roads. All three plots will be accessed off Natterjack Lane. The development does not propose any changes to the gated access arrangement - this will remain. Natterjack Lane is a private, unadopted road with 2-metre-wide footway provision alongside the 6 metre wide carriageway. There is generally only a footway to one side of the carriageway and in some cases this is segregated. A 20pmh speed limit is imposed within the estate. The roads have street lighting and dropped kerbs at street junctions.

5.4.3 Access to Parcel C (serving seven dwellings) is located adjacent to No.2 Natterjack Lane and is immediately located next to the gated access. There is already an access road serving this parcel of land approved under the reserved matters approval for the retirement village which will be utilised. The internal road serving Parcel C will have a new 6 metre wide road with a 2 metre wide footway to one site including a turning head at the end of the proposed cul-de-sac. Properties proposed on Parcel B would be accessed off the existing road around Badgers Wood. Parcel A is also accessed off an existing access junction off Natterjack Lane which will loop around to form a through road to a second access directly opposite the recent development of eight houses. The proposed development will involve the provision of additional footways around Badgers Wood and along sections of Natterjack Lane, as well as the proposed minor roads in the proposed estate layout. Off street parking in accordance with the maximum standards set out in the DM DPD are provided, together with cycle provision (within the curtilage of each dwelling) and EV charging points (now required by Building Regulations). An additional seven communal parking spaces are proposed close to the open space next to the existing community pavilion. Amended plans to the site layout and housetypes have been received to increase the size of internal garages to meet current standards (6m x 3m). These changes address one of the concerns raised by the highway authority.

5.4.4 The access arrangements to each of the three parcels of land are based on previously approved access roads, albeit adopted to suit the proposed residential development. The local highway authority has indicated the roads are not to adoptable standards, but in any case this estate would not be adopted due to the gated access. It is considered the layout of the estate roads are not unsafe. All roads would be managed and maintained (as they do now) under an estate management scheme. This would be controlled by legal agreement.

5.4.5 Whilst the roads are not to adoptable standards, the access arrangements and highway design is close to that previously approved for the retirement village development. The local highway authority has commented that visibility splays for each of the access junctions have not been provided on

detailed access drawings. However, these junctions have previously been approved and the proposed layout does not appear to impede necessary sightlines. Subsequently, the precise construction details of the access and estate roads and footways, including visibility splays, can be controlled by condition. On the whole, the proposed layout is considered acceptable and will safely accommodate vehicle and pedestrian movements within the estate itself and would provide suitable vehicle and cycle parking. Although comments have been raised on some internal matters, the local highway authority have not objected specifically on these matters. Subject to conditions for the final construction details of the access roads, footways and parking provision, the internal layout is considered acceptable and accords with the requirements of policy DM29, elements of DM60 and DM62 of the DM DPD.

5.4.6 Accessibility and Sustainable Travel

Policy SP10 of the SPLA DPD and policies DM60, DM61 and DM63 seek to direct new development to sustainable locations to ensure new development provides and encourage opportunities for a range of transport options and to reduce the overall need to travel. This policy approach aligns with the Council's development strategy (policy SP3) and is reflective of the principal objectives set out in the NPPF (paragraphs 104-105) to promote sustainable transport in planning policy and decision-taking. However, the site is the subject of its own site-specific development opportunity site allocation, having had the benefit of residential approvals in the past and with a further expectation of housing coming forward on the site. Criteria 2 of policy DOS5 is relevant and requires proposals to enhance the levels of connectivity and accessibility to nearby urban areas, stating that this should be achieved via improvements to public transport services and improvements to the highway, cycling and pedestrian networks. Unfortunately, this policy does not require a masterplan for the whole allocation or any form of strategic infrastructure delivery. There is no indication in the policy how improvements to public transport and cycle/pedestrian infrastructure could be improved and/or delivered given Carr Lane forms the only realistic access for all modes to the site. Nevertheless, there remains a strong presumption that accessibility improvements are required for alternative proposals on the site.

5.4.7 The distance between the site and the closest sustainable settlement (Overton) and closest Key Service Centre (Heysham) is approximately 2.5km and 3.5km respectively. The nearest bus stop for access to the wider area is located on Middleton Road approximately 40m from the junction with Carr Lane. The No.5 bus service operates between Overton and Carnforth with an hourly service Mon – Sunday. Additional school buses also operate from this bus stop. The closest rail station is located at Heysham Port just over 4km from the site. However, there is one daily service run from this station. Regular rail services are provided at Morecambe over 6km away. The site is remote from any designated cycle routes. The Local Plan identifies an aspirational route via the public right of way (FP121004) circa 310 metres north of the wider Middleton Towers site entrance. There is a bus stop adjacent to the site for school children attending Overton St Helens.

5.4.8 Due to the remote location of the site opportunities for sustainable travel are less than what would be expected in a sustainable settlement or urban area. The NPPF (paragraph 105) recognises there will be varying opportunities to maximise sustainable travel between rural and urban areas, and this should be taken into account at both the plan-making and decision-making.

5.4.9 The applicant indicates that there are existing opportunities for travel by sustainable transport modes for a variety of journey purposes and local living, including:

- Growing residential community at Middleton Towers may provide greater opportunities for the sustainable travel initiatives, such as car sharing.
- Retail unit and café with planning permission within 200 metres of the site now in the applicant's control.
- Carr Lane is similar in character to existing designated cycle routes in the vicinity (e.g. Lancaster Road).
- Network of PRoW in the vicinity available for leisure purposes, accessed from existing adopted highway which also forms part of the network.
- School bus service to Overton Church of England Primary School.

5.4.10 The distances people are prepared to walk and cycle depends on a number of factors. These include age, fitness, journey purpose and the safety and attractiveness of the route. Guidelines are provided on maximum suggested distances for commuter, school and leisure trips by the Chartered Institution

of Highways and Transportation. These are widely accepted and are stated as 2km for walking and 5km for cycling, subject to the infrastructure being in place to support active travel.

- 5.4.11 The proposed site is in excess of 2km from wider services and amenities therefore is unlikely walking will be a preferred mode of travel, particularly as walking to Middleton Road only provides access to a bus service. However, cycling would remain a possible alternative to the car for both leisure and work. Access to the bus stop provided services to the urban areas is around 1.4km from the site via Carr Lane. To rely on multi-modal trips, the distance to a bus stop (with regular services) should be considerably less than 1.4km. The condition of Carr Lane (unlit and no footways with some sharp bends) does not serve to encourage and maximise opportunities for cycling and walking and is unlikely to be a preferred option to most future residents.
- 5.4.12 Whilst the provision of a retail shop within 200 metres of the site will be a positive addition to the local area and will help reduce some traffic movements, this shop does not currently exist. It is understood planning permission has been lawfully implemented and therefore extant. However, as it is outside the scope of this development there is no control to secure its completion and provision ahead of or as part of this development. Whilst a material consideration, it is afforded limited weight. The school bus service offers some opportunities, but this is limited to children attending Overton Primary school only.
- 5.4.13 Unfortunately, the narrow width and alignment of Carr Lane limits potential opportunities to enhance pedestrian connectivity between the site and Middleton Road. The applicant has engaged with the local highway authority to explore opportunities for public bus services diverting to Middleton Towers. The highway authority has confirmed there are no opportunities to divert public bus services to the site and to make any meaningful effort to improve the pedestrian environment, substantial works would be required and from the highway authority's perspective, such improvements could only be secured through the acquisition of third-party land. This is a matter the applicant has already explored and deemed unfeasible – not just on costs but the number of landowners and length of the route necessary.
- 5.4.14 Considering these circumstances, the local highway authority has objected on the grounds the site is inaccessible and unsustainable to support residential development and would be contrary to the Framework in relation to transport and access. The highway authority considers the proposal to have unacceptable safety implications which is considered severe in policy terms as the development does not meet the needs of pedestrians and cyclists.
- 5.4.15 Based on the recorded traffic flows and speeds, the applicant argues Carr Lane is considered to be similar in character to a Quiet Lane, which are appropriate for shared use by walkers, cyclists, horses and motorised users. The applicant continues to engage with the local highway authority on this matter. The Highway Authority dismisses this option in their comments noting the development will increase traffic on Carr Lane and they would not wish to encourage shared use of Carr Lane with the increased traffic without appropriate infrastructure in place.
- 5.4.16 Officers are supportive of works to Carr Lane which would potentially make improvements to Carr Lane to enable safe shared use of the road for all modes. However, such lanes, including Carr Lane, are still not inviting places to walk or potentially cycle in dark, winter months or early/late in the day especially when there is little natural surveillance. Considering this, even with some potential improvements to support active travel, it is realistic and reasonable to conclude on the whole the development would be heavily car dependant.
- 5.4.17 The applicant also proposes to improve accessibility in part through electric vehicle (EV) charging at each property, and through the implementation of a Green Travel Plan. The provision of EV charging points is now a requirement of Building Regulations and is not considered a tangible measure to secure genuine accessibility improvements between the site and local amenities and services. This provision is given limited weight. In terms of Travel Plan objectives, the applicant has committed to the following measures:
- The appointment of a Travel Plan Co-ordinator to provide guidance and promotional material on the use of sustainable modes of travel.
 - Residential Travel Information Pack including a travel voucher of £150 upon occupation of each property.
 - The establishment of a Bicycle User Group

- Active Travel equipment including contributions to the purchase of bicycles, or even cycle training.
- A Car Share Scheme
- Sustainable Travel Steering Group

In broad terms the intended scope of the Travel Plan is acceptable and reasonable and would ordinarily provide suitable measure to enhance sustainable travel. However, these would generally be for development in sustainable locations, which this is not.

- 5.4.18 The applicant has proposed a new bus turning circle at the site entrance and initially indicated a commitment to investigating a new shuttle bus service between the site and Middleton Road. The applicant's Supplementary Transport Note (July 2023), however, does not include any reference to a shuttle bus service as part of the measures to increase the sites accessibility and/or travel plan measures. It is also noted that the developer's viability assessment makes no reference to a financial commitment to fund such a service. Accordingly, the commitment to investigate (or provide) a shuttle bus is far from convincing at this stage and is afforded limited weight. There is ongoing discussion regarding the possibility of a shuttle bus being explored as part of the travel planning exercise and through the steering group. Whilst this may be encouraged it can not be considered part of the package of initiatives at the decision-making stage. The bus turning facility remains part of the proposal and would be the subject of a condition. This facility will safeguard options in the future and in the meantime will provide improved turning facilities for larger vehicles, such as delivery vehicles and the school bus should it be necessary.
- 5.4.19 It is considered that the proposed Travel Plan initiatives in isolation from infrastructure improvements and changes to Carr lane will not overcome the remoteness of the site and lack of accessibility for pedestrians in particular. Furthermore, measures to encourage walking between the site and Middleton Road (to access the wider area by bus), on a stretch of highway that is unlit with no footways presents a tangible safety risk to vulnerable users, such as school children, parents with prams, people with disabilities etc. Such that people won't walk and will travel by car instead. Having regarding the site's location and the lack of accessibility for alternative sustainable travel modes, it is reasonable to conclude that the development would conflict with paragraphs 110-112 of the NPPF, policy DOS5 of the SPLA DPD and DM60 and DM61 of the DM DPD. This is a position strongly shared by the local highway authority who have objected on these grounds. It is also a view shared by the Parish Council (in the context of transportation matters), Dynamo campaign group and some existing residents.
- 5.4.20 Traffic Impacts
The submitted Transport Statement (TS) (as amended) has used the TRICS database to calculate the trip rates for the proposed development. The resultant trip generation for the proposed development is 25 two-way vehicle movements during the morning peak (08:00-09:00) and 27 two-way movements during the evening peak hour (17:00-18:00). The applicant then compares this to the trip rates associated with the retirement village development. The local highway authority notes concerns that the actual trip generation and peak hours could be higher/adjusted given the geographical constraints and characteristics of the site. In particular, during the AM and PM school periods, it is likely trip generation for both vehicles and pedestrians is likely to occur in tandem over a relatively short period of time. It appears that the highway authority's concern is not necessarily about the capacity of the highway to accommodate the development traffic, rather that this would either increase the scope for conflict between vehicles and vulnerable road users (pedestrians/cycles) or increase car dependency.
- 5.4.21 During the determination of the application additional traffic surveys have been undertaken. The traffic surveys highlight that peak hourly traffic flows are in the middle of the day, with approximately 100-120 vehicles per hour, equivalent to 1-2 vehicle movements per minute. The surveys also collated traffic speed data which indicated 85th percentile speeds were recorded at two locations between 27mph and 29mph (at site 1) and 31mph and 32mph (at site 2).
- 5.4.22 There needs to be a judgement as to whether the level of traffic generated by the proposed development, combined with the relatively low speed traffic speeds along Carr Lane, would be unsafe especially given the absence of dedicated footways. There is clearly disagreement between the applicant and the highway authority on this matter.

- 5.4.23 The TS goes on to assess the impact of the development against the trip generation of the consented self-contained village for retired residents. Of course, this shows the proposed development would generate significantly less traffic than the consented scheme and therefore the impacts on the local network would not significantly change as a result of the proposed development. The local highway authority does not concur with the assumptions presented in the TS. In response, the applicant has adjusted the TRICS data set to enable a more representative forecast from the sites isolated location. When doing so, the alternative development trip forecast is 33-36 vehicle movements in the peaks hours, compared to 29-31. Officers would concur with the applicant that the difference of trips is not significant. The applicant also reiterates that the level of trips proposed would be significantly less than what could have been as part of the extant consent. Given the low traffic speeds and the characteristics of Carr Lane the applicant equally contends the risk to safety is equally low, and certainly not severe as alluded to by the highway authority.
- 5.4.24 While it is considered the original planning permission is no longer extant – a position we are aware the applicant does not share – the planning history is a material consideration. Furthermore, there must be an acknowledgement that the site is allocated and identified to support the delivery of more than 500 homes. The Lancaster Local Plan Transport Assessment (2018) which informed the allocation of the site and the policy will have taken account of the traffic movements associated with 576 dwellings. This strategic TA accepted the closest junctions to the site including the junction of Carr Lane to Middleton Road and proposed no mitigation, evidencing the highway network can accommodate that level of vehicular traffic (this is in relation to highway capacity and not safety for all users). The proposed development is substantially lower than what could have been delivered as part of the original planning permission. Accordingly, it is considered the development’s vehicular traffic would not lead to a severe impact on the operation of the highway network.
- 5.4.25 It is considered that the highway authority’s position that the proposal is severe, is a policy conflict and not severe in the context of paragraph 111 of the Framework which states:
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- Whilst officers don’t disagree with the highway authority in that the site fails to meet the accessibility and sustainability objectives (in transport terms) of the Framework and local planning policy, there is a judgement to be made regarding the level of impact and harm that would arise from the proposal especially in the context of its planning history and site allocation.
- 5.4.26 The development will lead to increased traffic above what currently exists and that due to the lack of segregated pedestrian and cycle infrastructure between the site and Middleton Road (the bus stop to access the urban areas), the number of daily trips could be inflated above that indicated by the applicant as it will be highly car dependant. There is no legitimate fallback position, but there has been planning permission for over 500 dwellings, and there is a site allocation with an expectation to deliver housing to meet the district housing needs. Policy DOS5 requires improvements to enhance accessibility. There is a clear commitment through the Travel Plan to support shared travel and cycling. This is a reasonable approach to take given the location of the site. Encouraging walking especially at peak times poses a potential highway safety risk and given the characteristics of Carr Lane is unlikely to be a preferred option. The applicant is keen to explore options with the highway authority to make changes to Carr Lane which would support ‘Quiet Lane’ status or similar. This could involve traffic calming measures and signage where appropriate. This option would only provide mitigation to support this development and would clearly not be an approach suitable for the wider allocation. With such improvements, officers are satisfied that on balance the proposal would not be unacceptable given the scale of the development and associated traffic and the existing low speeds evidence along Carr Lane. There would remain a conflict with policy regarding accessibility though the safety implications associated with the poor connectivity would be less. The concerns relating to accessibility for active travel and sustainable transport must be weighed in the overall planning balance.
- 5.4.27 The highway authority has indicated contributions would be required for the wider highway infrastructure strategy. However, no details have been provided as to what this would entail. No details are provided due to the highway authority’s position that there are clear and obvious deficiencies with the application that need addressing first. It is not reasonable to delay the

determination of the application any further, as it has taken a considerable period of time to receive statutory comments from the highway authority in the first instance. The wider highway infrastructure strategy, which lists 13 projects mainly in and around Lancaster, are highly unlikely to be directly related to the development proposal. The issues here are localised and any contributions or works requirement should be focussed to Carr Lane itself.

- 5.5 **Flood Risk and Drainage** NPPF Chapter 14 (Mitigating the challenge of climate change, flooding and coastal change) paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and DOS5 (Land at Middleton Towers); 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).
- 5.5.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and seeks to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequentially and exception test) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.
- 5.5.2 The application site is predominately located within floodzone 1 with the northeastern edge (affecting Parcel C) located within floodzone 2 and 3. The proposal has been amended to remove all dwellings from the floodzones at higher risk. The access and egress is through floodzone 3. Accordingly, the application has been supported by a Flood Risk Assessment (FRA). The submitted FRA concludes that the development would not lead to an increased risk of flooding elsewhere and will ensure residents are safe from any potential flood risks on site over the lifetime of the development. The Environment Agency are satisfied with the mitigation (relevant to the amended scheme - this includes flood resilience construction and flood warning plans) and have raised no objections to the proposal on flood risk grounds. The EA, do however, highlight the need for the local planning authority to consider the requirements for a sequential and exception test.
- 5.5.3 The applicant maintains the position that a sequential test is not required on the basis that the site has been allocated and subject to strategic sequential testing at the Local Plan stage. Paragraph 166 of NPPF (September 2023) states that 'where development comes forward on allocated sites that have been subject to a strategic flood risk assessment and sequential testing a plan-making stage, they need not be subject to a site-specific sequential test at application stage. However, an Exception Test may need to be reapplied if the nature of the proposal differs from the allocation, or 'if more recent information about existing or potential flood risk' emerges'.
- 5.5.4 Paragraph 162 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source [our emphasis], and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 5.5.5 The NPPG (Paragraph: 027 Reference ID: 7-027-20220825) concurs with the Framework on this point in principle, stating a sequential test would not be required if the 'site has been allocated and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site [our emphasis], now or in the future which would have affected the outcome of the test)'
- 5.5.6 Contrary to the applicant's position on this matter, the local planning authority are of the opinion that the site has been subject to significant changes in relation to flood risk since the plan was prepared and adopted. This would relate to changes in the floodzones, with part of the site now within floodzone 3b and the risk of flooding from groundwater. The requirement for the Sequential Test is not governed by the guidance from the NPPG referenced above, rather the requirement in paragraph 162 of the NPPF, which is a significant material consideration, that all sources of flood risk should be considered as part of the sequential test. At the plan making stage, groundwater flooding had certainly not formed the basis of the plan wide sequential test. Therefore, not to undertake the sequential test at the planning application stage would be contrary to the Framework

and the requirement to consider flood risk from all sources. Accordingly, the application is supported by a sequential test and exception test.

- 5.5.7 The NPPG goes on to state that for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. The NPPG makes it clear that it is for the decision-maker to consider whether the sequential test is passed and for the local planning authority that must determine and agree an appropriate area of search, based on the development type and relevant spatial policies. In this case, whilst the proposal will meet a district wide housing need, the site is located within one of the districts largest brownfield sites identified as a development opportunity site to promote its regeneration. It is therefore agreed on the basis of the relevant spatial policy that the area of search for the required sequential test be narrowed to the site allocation.
- 5.5.8 Having agreed the catchment area for the test, it is necessary to consider reasonably available sites suitable to accommodate the development proposed. The Planning Practice Guidance (PPG) defines reasonably available sites as those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. It goes on to say that these could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development and such lower-risk sites do not need to be owned by the applicant to be considered reasonably available.
- 5.5.9 In this case, a suitable degree of flexibility +/- 10% buffer based on the development proposed and size of the site has been factored into the search meaning suitable sites could be in the region of 2.1ha to 2.6ha in size within the existing allocation. The whole allocation extends to 23 hectares. In this case, the remaining parcel of undeveloped land (the norther parcel) within the allocation is in single ownership by a third party.
- 5.5.10 The applicant maintains a position that the remaining land benefits from the extant planning permission – a matter already addressed above – for a different type of development to that applied for. However, the submitted sequential test recognises that over the past 21 years the remaining land (the northern parcel) has not been development and there is little prospect of it being developed out in its approved form (not that it can be). As such, part of this undeveloped land could potentially accommodate the scale of development proposed. Nevertheless, the applicant contends this land is neither available or suitable for the development. It is also noted that alternative land to the north is also at risk of groundwater flooding but at a lower level (but further north).
- 5.5.11 The arguments regarding its unsuitability include the following main points:
- There is no direct access from the public highway therefore requires agreement to gain access to their site.
 - The proposed site provides a logical rounding off to the undeveloped parts of the original phase 1 development. Development on the northern parcel for the scale of development would appear isolated and would not regenerate the existing parcels of brownfield ,and on the southern portion of the allocation.
 - To develop on an alternative site in the northern parcel of the allocation would not provide for a comprehensive and holistic approach to the regeneration of the allocation and would be contrary to policy DOS5.

Finally, the applicant advises they have approached the landowner to ascertain whether the land is available and, in the applicant's, view their expectation of land value is unrealistic rendering the site unavailable.

- 5.5.12 Taking into account the limited sites available within the allocation and having regard to the matters discussed above, it is agreed that there are no reasonable available sites suitable to accommodate the development and that the sequential test is passed.
- 5.5.13 Paragraph 164 of the Framework states:
 'The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. 165.

Both elements of the exception test should be satisfied for development to be allocated or permitted'.

- 5.5.14 It is important to remember all the proposed dwellings are now located outside of areas at risk of surface water flooding and fluvial/tidal flooding illustrated through the Environment Agency flood maps, although plots 1 to 7 have their access and driveways through and affected by floodzone 3. Arguably, the exception test relates primarily to groundwater flood risk, for which the whole site is affected by medium risk opposed to high risk.
- 5.5.15 Turning to the test itself, the proposed development involves the regeneration of a mostly previously development land that has lay vacant for a considerable period of time. The proposed development will significantly improve the quality and appearance of the partially developed part of the allocation and improve the setting to the group of listed buildings. Combined with this, it will make a considerable contribution to the district wide housing supply and that anticipated to come forward on this allocation. Whilst there remain concerns in relation to the lack of accessibility to the site (a matter to be weighed in the planning balance), there are significant benefits arising from the regeneration of the proposed site through the proposed development. In this regard and subject to the wider planning balance, it is considered there would be wider sustainability benefits that would outweigh the flood risk identified.
- 5.5.16 The second arm to the test to ensuring the development is safe for its lifetime without increase the flood risk elsewhere. The submitted FRA and amended drainage strategy have demonstrated that the development would be safe from flood risk and not cause a flood risk elsewhere. This has been to the satisfaction of both the Environment Agency and the Lead Local Flood Authority. Accordingly, the second arm of the exception test is passed in accordance with planning policy.
- 5.5.17 In terms of the proposed drainage strategy, due to the groundwater levels and close proximity to areas at risk of tidal/fluvial flooding infiltration has been discounted as a suitable drainage strategy. The proposed strategy is to discharge all surface water from the development to the North Sea via the existing drainage system within Natterjack Lane, designed to accommodate the original planning permission. The strategy is design to accommodate all storm events up to the 1 in 100 year plus a 50% climate change allowance. The outfall to the North Sea is unrestricted although each parcel of site will have attenuation provided and with the flows from each parcel stored then discharged at a controlled rate (no greater than 5l/s). The proposal also includes the use of extensive permeable driveways as part of the strategy. The principle of the strategy is acceptable and has been considered and accepted by the LLFA. However, the final design needs to be controlled by condition due to some identified deficiencies within the submitted drawings and calculations. It is considered, such issues can be overcome by condition and would not prejudice the overall strategy.
- 5.5.18 The only criticism regarding the drainage scheme relates to the lack of above ground sustainable drainage components, questioning whether indeed the drainage scheme comprises a sustainable drainage system. Planning policy requires all major developments to incorporate sustainable drainage systems (SuDS), which combines a mixture of built and nature-based techniques to mimic natural drainage as closely as possible providing benefits for water quantity, water quality, biodiversity and amenity as well as managing flood risk. This has been explored with the applicant and has been discounted. Whilst disappointing, paragraph 169 of the NPPF and policy DM34 state major development should [our emphasis] incorporate sustainable drainage systems and does not explicitly require multi-functional SuDS. The emerging Local Plan will place a stronger requirement on developers going forward.
- 5.5.19 To ensure the proposed development would not be at risk of flooding or increase the risk of flooding elsewhere over the lifetime of the development, conditions controlling the identified flood risk mitigation, the approval and implementation of a final drainage scheme and ongoing maintenance will be required. Overall, the applicant has demonstrated the development would conform to the requirements of national and local planning policy regarding flood risk and of particular relevance, has demonstrated compliance with the requirements set out in DOS5 (criteria 6) which requires consideration to be given to the SFRA and associated flood risks connected with the site and that appropriate mitigation measures are provided to the satisfaction of the Environment Agency and Lead Local Flood Authority. United Utilities are also satisfied with the proposals.

- 5.6 **Cultural Heritage** NPPF Chapter 16 (Conserving and enhancing the historic environment) paragraphs 189, 194 - 197, 199 – 206; Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District’s Unique Heritage) and DOS5 (Land at Middleton Towers Development Opportunity Site); Development Management (DM) DPD policies DM39 (The Setting of Designated Heritage Assets).
- 5.6.1 Strategic policy SP7 (SPLA) states that ‘*Lancaster District has an extraordinarily rich and varied historic environment*’ and that its heritage assets shape the district’s distinctive identity. Policy SP7 requires the Council, as well as fulfilling its statutory duty, and amongst other requirements, to protect and enhance local heritage assets and to maximise opportunities to reinforce the district’s unique identity and the wider enjoyment of the historic environment. One of the criteria set out in policy DOS5 also requires development proposals within the Middleton Towers allocation to have regard to recommendations for mitigating harm and/or maximising enhancements as set out in the Council’s Heritage Impacts Assessment for the site.
- 5.6.2 When assessing development that affects designated heritage assets the Council must demonstrate it fulfils its statutory duty. This is provided below:
- The local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states “*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have **special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses***”.
- 5.6.3 This legal framework to *preserve* and *enhance* is reflected in national and local planning policy. Paragraph 197 of the NPPF provides the starting point for determination planning application that affect heritage assets. It requires the local planning authority to take account of:
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c. the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.6.4 It does state when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation; the more important the asset the greater the weight that should be attached with any harm of loss requiring clear justification. Furthermore, the NPPF defines the setting of a heritage asset as the surrounding in which it is experienced. The extent is not fixed and could change as the asset and its surroundings evolve over time. Significance derives not only from its physical presence, but also the setting.
- 5.6.5 There are three grade II listed buildings collectively known as Middleton Towers located to the west of the application site, occupying a prominent position on the coastline. The significance of these designated heritage assets derives largely from their historic fabric, illustrative of vernacular construction techniques and historic association with historic farming practices. These buildings do not form part of the proposals and have been the subject of recent planning permissions and listed building consents to re-purpose these important buildings. Our assessment is focused on the impacts of the development on the setting of these designated heritage assets.
- 5.6.6 Policy DO5 requires proposals to take account of the recommendations for mitigation harm and/or maximising enhancements as set out in the Council’s Heritage Impact Assessment (HIA) for the site. This includes creating sightlines to frame the listed buildings, particularly looking west, and providing a buffer of open space to the south and east, the introduction of landscaping to soften the impact of housing and restricting development to two-storeys within sightlines of the designated assets. The HIA requires development proposals to take careful consideration of placement, height and arrangement of buildings in order to ensure that development would not completely subsume the assets and remove the ability to understand and appreciate their heritage values.

- 5.6.7 The setting of this group of listed buildings has been dramatically eroded by previous development. When viewed from the west, the large buildings of the retirement village provide a very incongruous backdrop to the group of listed buildings and have eroded the ability to appreciate their agricultural origins. Views looking north are of Heysham Power Station, the scale and massing of which dwarf the listed buildings. The buildings are now best appreciated when viewed from the east, where the coastal landscape of Middleton Sands accentuates their vernacular appearance.
- 5.6.8 The proposed development occupies land immediately to the east of the listed buildings. Development of the site would result in harm to the significance of the buildings as a result of the loss of this surviving open space (albeit in poor condition), which would place them in an overwhelmingly suburban context when viewed from the west. Therefore, it is considered that the proposal has the potential to cause harm to the significance of the designated assets via their setting.
- 5.6.9 The proposed development has been designed with regard to the national design code and consideration to the site and surroundings including the listed buildings. The proposed dwellings are no taller than two-storey and are proposed to be finished in high-quality materials (slate roof coverings, stone and roughcast render) drawing on the character and appearance of existing dwellings on the site. The appearance of the proposed dwellings reflects on traditional local vernacular – relatively simple – with some contemporary elements to add variety and interest. These design measures provide embedded design mitigation which is important when considering the proposal and its relationship to the listed buildings and their setting. As such, the main issue associated with the development is its layout and landscaping.
- 5.6.10 In consultation with the Council's Conservation Officer, amendments to the layout of the development have been secured which improve the sightlines through the development towards the listed buildings. This has been achieved by marginally pushing and reorienting the plots opposite the group further away and creating an enhanced area for landscaping. This now provides a more spacious and attractive layout where the listed buildings can be appreciated better and not overly consumed by existing and proposed sub-urban housing. The landscaping serves to provide a degree of screening of the new sub-urban development but also helps frame views towards the heritage assets. The amendments are supported by the Council's Conservation Officer who no longer raises an objection to the development.
- 5.6.11 Currently, part of the setting to this group of listed buildings comprises a vacant, undeveloped parcel of brownfield land alongside an area of amenity greenspace. Beyond the amenity greenspace, the site is used as a site compound and has been bound by security. Whilst the proposals will bring development much closer to the group of buildings causing a low level of less than substantial harm, the embedded design mitigation now captured in the amended proposals is considered to mitigate such harm. The redevelopment of the site will also arguably provide enhancements to the setting of the group through the removal of unsightly undeveloped brownfield land. Based on the amended proposals, it is considered that the proposal would not lead to harm to the significance of the heritage asset via their setting and that the proposal complies with policy DM39 of the DM DPD and paragraph 197 of the NPPF. Of particular relevance, the applicant has demonstrated compliance with the requirements set out in DOS5 of the SPLA DPD (criteria 4 and 7) which requires development to have regard to the Council' Heritage Impact Assessment for the site and seeks to protect the setting of the group of listed buildings.
- 5.7 **Biodiversity (NPPF Chapter 15 (Conserving and enhancing the natural environment) paragraphs 174 and 179-182; 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 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district, and expects development proposals to protect, maintain and enhance biodiversity and the districts green infrastructure. This strategic policy position is reflected in the Development Management DPD policies. Policy DM43 seeks to maintain, protect, and enhance the integrity and connectivity of the districts Green Infrastructure network through the protection of open spaces and the provision and enhancement of amenity greenspace as part of development proposals. Policy

DM44 goes on to state development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. This policy states that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.

5.7.2 The site itself is not protected for its nature conservation. However, the site sits immediately adjacent to Morecambe Bay and Dudden Sands Special Protection Area (SPA), Morecambe Bay Special Area of Conservation and RAMSAR and the Lune Estuary Site of Special Scientific Interest (known as the National Sites Network) with Carr Lane Meadows Biological Heritage Site (BHS) to the north east and further north the Middleton Former Refinery BHS. There are no protected trees or important hedgerows located within the site. The application site has been submitted by a preliminary ecological appraisal (PEA) of the site together with an amended Shadow Habitat Regulations Assessment.

5.7.3 In relation to the biodiversity value of the site itself, the submitted appraisal concludes that the site is of low ecological value and no notable or protected species were recorded on the site. GMEU largely concur with the assessment undertaken and note that the habitats on the application site are relatively recent in origin, developing since the former holiday camp was demolished. In particular GMEU note that the vegetation present is not typical of the important sand dune systems and foreshore habitats included within the designated sites due to its previously developed character and that the botanical diversity is not exceptional. It is considered and accepted by GMEU that the development is unlikely to affect any specially protected species. The submitted PEA prescribes a number of mitigation recommendations which are largely precautionary measures. Such would be conditioned and would need to capture the recommendation of GMEU regarding a method statement for reasonable avoidance measures during construction for amphibians.

5.7.4 Turning to the effect of the proposal on the integrity of the National Sites Network. During the determination of the application, the applicant has had to address several deficiencies in their submission to enable the local planning authority to ascertain whether the proposal would result in likely significant effects or not. The latest version of the sHRA (v5) has now addressed all previous concerns. The complexities surrounding this are a consequence of the close relationship the development site shares with the designated sites. Following appropriate field and desk top surveys the local planning authority, in consultation with Natural England, are satisfied the site is not considered functionally linked land therefore the proposal will not result in any direct impacts to the designated sites. However, it is not possible to rule out possible indirect effects through pollution pathways, disturbance during construction and the potential for increased recreational disturbance once the development is operational. The following mitigation is required:

- Provision of homeowner packs.
- Provision of on-site signposts and information boards highlighted the sensitivities of the designated sites and routing to official paths along the coastline.
- Provision of on-site open space set back from the shoreline.
- As part of the off-site landscaping and biodiversity net gain proposals, the retention of blackthorn and bramble that occurs along the upper shoreline, which help screen the development from the designated sites.
- The stopping of any construction works during between November to February, if a wider voluntary restraint or statutory suspension of waterfowl shooting comes into force within the Morecambe Bay Area. This is to limit any impacts on qualifying bird species utilising the surrounding site (a scheme to be agreed).
- A suitable surface water drainage scheme and a construction method statement to manage surface water during construction.

5.7.5 With the implementation of the mitigation outlined above, it is considered that the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. The mitigation measures can be adequately covered by

planning condition and planning obligations as set out in the recommendation below. It is therefore considered that the proposal will not adversely affect the integrity of the National Sites Network and therefore accords with the Habitat Regulations alongside the aforementioned natural conservation planning policies.

5.7.6 The final matter relates to delivery, where possible, net gains in biodiversity in accordance with policy DM44. The proposed development has been supported by a BNG assessment and matrix which demonstrates net gains in biodiversity can be achieved as part of the proposals. Based on the earlier iterations of the proposed landscaping this equates to around 39% net increase in biodiversity units. The proposed landscaping has been amended to provide more native and suitable planting for the sites exposed coastal location. The scheme retains extensive tree planting but in more appropriate locations and significant increased in native hedgerows (linear habitat). GMEU have commented on the initial BNG proposals indicating some concern over the type of landscaping and urban trees proposed, together with comments over the assumptions regarding the strategic significance of the site from an ecological perspective noting the proximity to the designated sites. Similar comments were received by the Council's own Arboricultural Officer. The landscaping scheme has been amended and is considered more suitable – but perhaps not ideal – to the coastal location. This still incorporates a substantial amount of tree planting, which score heavily in the matrix. An updated BNG Matrix has not been carried out at this stage, however, officers are satisfied that overall, the proposals will provide net gains on the site given its existing condition.

5.7.7 Taking account of the potential effects on the National Sites Network, protected species and the opportunities for provided net gains in biodiversity, it is considered that the applicant has demonstrated the development would conform to national and local planning policies which seek to protect and enhance existing ecological assets and encourage enhancements to biodiversity. Of particular relevance, the applicant has demonstrated compliance with the requirements set out in DOS5 to ensure the development would not adversely affect, either alone or in combination, the integrity of the National Site Network, as per the requirements of policy EN7 of the SPLA DPD and the Habitat Regulations.

5.8 **Open Space, Design and Landscape** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), 174 (Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SC3 (Open Space, Recreation and Leisure), SP8 (Protecting the Natural Environment), EN3 (Open Countryside); Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM29 (Key Design Principles), DM43 (Green Infrastructure), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being).

5.8.1 Open Space

Parcel B of the application site (land at Badgers Wood) is protected in the Local Plan as public open space having been identified within the KKP Study in 2018 as amenity greenspace, which informed its designation in the first place. Policy SP3 of the Strategic Policies and Land Allocations DPD provides the strategic framework for protecting sites within the district identified for their recreation, environmental and/or amenity value. Policy DM27 of the DM DPD supports this approach and provides a criteria in which proposals involving the loss of open space must be considered. Policy DM27 states: 'Development involving the loss of protected open space shall only be permitted where it can be demonstrated that:

- it is surplus to requirements;
- it no longer has an economic, environmental or community value, which shall include consultation with key stakeholders and the local community;
- its loss would be replaced by equivalent or better, high quality provision in a suitable location;
- or that the development is for an alternative open space purpose'.

This is consistent with the requirements of paragraph 99 of the Framework, assuming it is only one of the four criteria that is to be met.

5.8.2 The application has been supported by an Open Space Assessment to evidence how the proposal meets the above criteria. The assessment does however question the designation as open space given the extant planning permission (at the time of the preparation and adoption of the Local Plan) would have permitted dwellings and an apartment block on this area of land. It is accepted that policy DOS5, which deals with the whole of the site allocation as a Development Opportunity Site,

does not make any reference to the protection and/ or enhancement of this area of amenity greenspace. This presents a situation where there are conflicts between our adopted policies. It is clearly not possible to protect the amenity green space under the open space designation and equally expect under policy DOS5 for the extant the extant planning permission to be build out. Notwithstanding these competing policy tensions, the applicant has provided a comprehensive assessment having regard to the district open space needs, the use of the land by the public as open space and its quality based on the Councils' accepted methodology. The applicant has concluded that the land (as a whole) at Badgers Wood offers no recreation or sporting function and does not have any intrinsic economic, environmental or community value. On this basis, the applicant argues it would be surplus to requirement meeting the requirements of paragraph 99 of the Framework and policy DM27.

5.8.3 However, there is some acceptance that a small corner of the land is used by residents of the existing gated estate, where the grassed is manicured and there is a small bench. This would be lost by the development. The applicant, therefore, proposes to mitigate against this loss with the provision of new amenity greenspace for the existing and future residents of the estate on land to the west of the proposed children's play area. This is outside the application site but can be delivered by legal agreement and in conjunction with the owners of the adjacent land (both companies have some Directors in common). This off-site proposal will be an enhancement to the wider open space offer at the site and is deemed a beneficial aspect of the proposal, despite such not be available to the wider public. In this regard there is no conflict with the Framework or policy DM27 of the DM DPD.

5.8.4 Policy DM27 and DM57 of the DM DPD and both chapters 8 and 12 of the NPPF place a strong emphasis on the benefits of open space for the health and well-being of communities and delivering good design. In accordance with local planning policy, and in addition to the matters discussed above, the proposed development will make a contribution to on-site open space through the provision of two areas of amenity greenspace (east of Parcel C and west of Parcel A) together with a new children's play area, located to the north of the existing community pavilion building. The precise details of the play equipment are not provided at this stage but can be controlled by condition. The long term management and maintenance of this open space will be covered by the legal agreement. Given the scale of the development there are no further requirements for on-site open space. However, in accordance with Policy DM27, where there are identified deficiencies in open space, contributions can be sought towards the provision of open space facilities to meet the demands of population growth arising from the development. Following the Councils' accepted methodology, a contribution towards outdoor sports provision and young persons provision has been identified. The Public Realm team have calculated a contribution of 64,439.10 towards outdoor sports provision to improvements to Middleton playing fields and changing facilities, £30,360.00 towards young person's provision to improvements to Pump Track and School Lane Play Area and £18,216.00 towards parks and gardens provision at Heysham village green. These figures have been reduced following a reduction to the number of dwellings and precise costing associated with the pump track improvements. In agreement with the applicant, it is agreed that the proposal will make the following financial contributions to public open space off-site:

- £55, 609.50 towards Middleton Playing Fields and changing facilities
- £14780 (plus VAT) towards the Middleton Pump Track (located in the nature reserve to the north of the site).

The contribution towards the village green has not been supported at this time due to the lack of project details to ensure the request is lawful and meetings the regulation 122 CIL tests set out in paragraph 57 of the Framework.

5.8.5 Overall, the proposed development through a combination of on and off-site open space contributions will make a positive contribution to open space facilities for both residents of the gated community and the wider public. It is considered that the proposal accords with the requirements of the Local Plan and the Framework in relation to open space and the provision of such will be beneficial to the health and well-being of existing and future occupants of the estate and the wider community.

5.8.6 Design and landscape

The proposed allocation and surrounding land are not the subject of national or local landscape designations. The countryside area designation sweeps across the site covering the rural landscaping surrounding the site. Policy DM29 and DM46 are of most relevance in considering the suitability of the design of the development and its impacts on the existing landscape. Fundamentally, these policies require new development to be in scale and keeping with the landscape character and be appropriate to their surroundings in terms of siting, massing, design, materials, external appearance and landscaping. Policy DM46 indicates that proposals in coastal locations should be considered against their impact on the coastal landscape and seascape, especially around Morecambe Bay. This is echoed in policy DOS5 (criteria 3).

- 5.8.7 The proposed development is located in the southern part of the allocation on pockets of undeveloped land surrounding by existing development associated with the first phase of the original retirement village consent. Whilst the site is well looked after and visually pleasant, the site feels and looks incomplete. Surrounding development ranges from single storey to three storey apartment blocks and is a stark contrast to the lower lying developments along the coastline (caravan parks and agricultural development) and the open farmland surrounding the site mainly to the east and south. North of the site, the power station dominates the coastal landscape and seascape from the Bay. Accordingly, it is not an undisturbed natural landscape. The proposed development has paid particular regard to the site conditions and surrounding built form and has designed a scheme which complements the existing buildings and forms. Whilst the layout is tight in some sections, the density is relatively low with the built form broken up by areas of amenity greenspace and landscaping. The materiality of the development reflects and complements existing buildings and when viewed in longer distance views from both the coastline and from Carr Lane, it will be read as a coherent part of the existing development. Consequently, the development is considered not to have an adverse impact on the surrounding coastal and seascape associated with Morecambe Bay in accordance with policy DM46 and criteria 3 of DOS5 of the SPLA DPD.
- 5.8.8 The internal layout provides for active and animated frontages and on the whole provides a safe and attractive place for people to live. Plots occupying prominent positions within the street have been suitably articulated to provide visual interest. Where possible parking has been broken up with landscaping with a combination of front and side driveways in response to the staggered building lines, which also add interest to the street. Open space is provided within the build development to provide areas for 'door-stop' play and for residents to socialise offering good natural surveillance throughout the development. Accessibility and movement through the proposed development is consistent and legible with suitable linkages to existing parts of the estate, the access and towards the amenity open spaces situated closer to the coastline. In relation to the development on Parcel C, given its location and access this does create a sense of backland development. However, with the amendments to the scale and amount of development, this is considered an acceptable design response to facilitate the regeneration a substantial area of unsightly brownfield land existing residents currently overlook. Overall, it is considered that the design, scale, layout, landscaping and appearance of the development will make a positive contribution to the area and will also, through the mix in housing types and open space provision, create a more sustainable and vibrant community within this existing developed part of the allocation. The development is judged to accord with the relevant sections of the Framework (listed at the head of the section) and local plan policies DM29, DM46 of the DM DPD and DSO5 (criteria 3) of the SPLA DPD in relation to design and landscape considerations.
- 5.9 **Housing Matters - Affordable housing, housing standards and mix** NPPF: paragraphs 11, 60, 62 and 63 and 78 (Delivering a sufficient supply of homes); Strategic Policies and Land Allocations (SPLA) SP6: The Delivery of New Homes and H2 (Residential Development in the Rural Areas of the District); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing); Meeting Housing Need Supplementary Planning Guidance (February, 2022) and the Council's Housing Land Supply Statement (April 2023).
- 5.9.1 One of the core objectives of the NPPF is to 'significantly boost' the supply of homes (paragraph 60), recognising the importance that a sufficient amount and variety of land can come forward where it is needed ensuring the housing needs for different groups in the community, including housing for older people, is addressed. Policy SP6 of the SPLA DPD sets out the Council's housing requirements over the plan period, which amounts to 10,440 new dwellings required over a 20-year period. The housing envisaged as part of the original planning permission on this allocated site has

been accounted for in the Local Plan (set out in policy SP6 and H2). Consequently, and in-effect - the delivery of housing on the proposed site supports the Council to meet its own identified housing strategy.

- 5.9.2 There is a clear and evidenced housing need in the district. The most recent Housing Land Supply Statement identifies a housing land supply position of 2.4 years, which is a significant shortfall against the required 5- year supply set out in paragraph 74 of the NPPF. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless the application of policies in the NPPF that protect areas or assets of importance (such as designated landscapes, 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 when assessed against the NPPF as a whole (Paragraph 11d of the NPPF). This means applying a tilted balance towards the delivery of residential development.
- 5.9.3 Based on an overview of the planning history of the site, policy H2 of the SPLA DPD envisaged 576 dwellings across the Middleton Towers allocation, noting that the Council will in principle support residential proposals on these sites subject to the satisfaction of all relevant national and local planning policy. Whilst housing in this location does not accord with the Local Plan's strategic development strategy, it must be recognised that the development will provide a considerable number of family homes at a time when there is an acute undersupply across the district. This is given significant weight in the determination of the application. It also provides an opportunity to regenerate and improve a significant part of one of the district largest brownfield sites, as required under policy DOS5. This too is afforded substantial weight.
- 5.9.4 Affordable Housing
The applicant's initial position was no affordable housing was required as part of this development in accordance with the terms of policy DM3. This clearly states no affordable housing contributions will be sought on brownfield sites within Heysham and Morecambe. The application site does fall within this catchment area and for most of the site there is an acceptance the site is largely previously developed. However, during the earlier stages of the assessment of the application, officers advised that one parcel of land (known as Badgers Wood and Parcel B for the purposes of this report) could not be treated as previously developed land. This land is a distinct parcel of greenspace and enjoys a public open space designation (as amenity greenspace) in the Local Plan. The amenity greenspace at Badgers Wood was identified as part of the KKP Study in 2018 which informed its designation in the first place. It would be inconsistent with the open space allocation to consider this land previously developed land. Accordingly, it is considered that this portion of the site would need to provide affordable housing. This would be 15% of the total number of dwellings proposed on this parcel of land in accordance with DM3 of the Development Management DPD. This equates to 4 dwellings.
- 5.9.5 In response, the applicant accepted the position but provided a development viability appraisal to evidence the development was not viable to support any affordable housing contribution on the site. This has been the subject to an independent viability review by the Council's appointed viability consultant and valuer. The outcome of the initial review concluded the development could support full policy compliant affordable housing, together with the public open space contributions (discussed below). The applicant disagreed with the conclusions of the viability review principally in relation to the gross development value (GDV), benchmark land value, build costs, professional fees, contingency, and finance costs. The applicant's rebuttal has been considered alongside a review of a further viability appraisal associated with the amended scheme (reducing the development overall to 49 dwellings). It remains the Council's position that the site is capable of viably delivering 4 affordable housing units within the parcel of the site whereby affordable housing is eligible. The applicant has not agreed with the Council's assumptions as part of the viability exercise (namely the GDV, benchmark land value, build costs and finance) but has agreed to provide an affordable housing contribution in accordance with policy DM3.
- 5.9.6 In consultation with colleagues in strategic housing and given our knowledge and experience regarding the likelihood of securing a registered provider to acquire only four units on this remote site, it is considered a financial contribution towards affordable housing is most appropriate. This has been agreed with the applicant. The affordable housing contribution has been calculated in accordance with the methodology set out in the Council's SPD this equates to £236,601.00. This shall be secured by legal agreement.

5.9.7 Housing Needs

Policy DM1 of the DM DPD requires housing proposals to meet the district's housing needs. This can be achieved by housing proposals having specific regard to the needs identified in the Strategic Housing Market Assessment, with regard to housing mix and tenures. This aim of this policy is to promote balanced communities ensuring proposals provide a suitable mix of housing to meet the communities needs. Table 4.1 (paragraph 4.12 of the DM DPD) in the preamble to policy DM1 provides an indicative approach to housing mix. This is copied below. The proposed development does not provide any one or two-bedroom units and is heavily weighted towards three-bedroom dwellings (43 x three-bedroom units and 6 x four-bed units). The proposal is clearly aimed at the family housing market. That said, out of the 49 units 30 are dormer bungalows which will clearly meet a much wider housing demographic.

Property Type	Market (%)	Affordable (%)
House (2 bedrooms)	20	30
House (3 bedrooms)	35	20
House 4+ bedrooms	25	5
Bungalow	10	10
Flat/apartment (may include 1 bedroom houses)	10	35
Total	100	100

Table 4.1: Table to show the indicative approach to housing mix across the District (Lancaster CC 2018)

Table 4.1 provides an indicative housing mix. Given the nature and type of dwellings already provided on site, which are predominately one and two bedroom bungalows and apartments, the proposals would arguably complement the existing housing mix and would promote a more diverse and balanced community at the site. It is considered that the proposed housing mix is acceptable and would not conflict with the objectives of policy DM1.

5.9.8 Housing Standards

Policy DM2 of the DM DPD sets out a requirement for all new housing to meet the Nationally Described Space Standards (NDSS) and that at least 20% of all new dwellings meet Building Regulations M4(2) standards (accessible and adaptable dwellings). All the proposed housetypes meet or exceed the NDSS and meet regulation M4(2). However, M4(2) also applies to each plots external curtilage and parking bays. In this case plots 1 to 7 and plots 47 to 49 (housetype C) can meet the M4(2) requirements in full and would accord with policy D2 in this regard. The provision of the identified M4(2) properties shall be controlled by planning condition.

5.10 Residential Amenity NPPF Chapter 8 (Promoting Healthy and Safe Communities) paragraph 92, Chapter 12 (Achieving Well-Designed Places) paragraph 130, Chapter 15 (Conserving and Enhancing the Natural Environment) paragraphs 183-188 (Noise and Pollution); Strategic Policies and Land Allocations (SPLA) Policy DOS5 (Land at Middleton Towers, Development Opportunity Site); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.10.1 Paragraph 130 of the Framework requires new development to create safe places, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users. This is echoed and supported by the Local Plan, principally by policy DM29. The effect of the proposed development will be different during construction and once operational. It will be inevitable that there will be a degree of disruption and disturbance to existing residents during the construction phases of development by virtue of noise, traffic and associated pollution. If planning permission is supported, it would be expected that a Construction Environment Method Statement be prepared and agreed by the local planning authority before development commences. The CEMP would be expected to include measures to mitigate against these impacts and that community consultation and engagement forms an important component to the CEMP. With the imposition of such a condition, the impact on neighbours during construction would not be a reason to withhold planning permission.

5.10.2 Turning to the operational stages, Policy DM29 sets out that development should ensure that there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy,

overlooking, massing and pollution. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.

- 5.10.3 The proposed site is located on vacant, previously developed land and amenity greenspace within the incomplete phase of the original development. Existing development is residential in character with properties predominately low scale conventional bungalows, with the exception of Coniston House and Kendal House which are of much greater scale at three-storey. The latest additions to the wider site comprise a mix of two-storey and one and a half storey dwellings. Parcel A and C are large flat sites, though there is a fall from east to west on Parcel B.
- 5.10.4 To comply with policy DM29 the proposed development has been revised to improve the relationship between existing and proposed dwellings and within the development itself to safeguard the amenity of future residents. Parcel C (to the east of Lavender Way and the rear of Natterjack Lane) has undergone the most significant changes. This parcel of land previously proposed 14 two-storey dwellings. This has been reduced to 7 dormer bungalows to overcome residential amenity impacts (loss of privacy, loss of outlook and overbearingness) and flood risk. On the whole, the proposed layout now provides acceptable interface distances between the development and existing residential dwellings. The table below provides a summary of the separation distances between the development and existing development (at the closest points). The relationship to the partly implemented 8-dwellings scheme to the northwest is considered acceptable with more than 30 metres separation and around 30 metres separation between plot 15 and the listed farmhouse. Overall, the proposed development is considered compatible with the surrounding development and would not adversely affect the amenity of existing residents. In this regard, the proposal accords with criteria 1 of policy DOS5 as well as DM29 and paragraph 130 of the Framework.

Existing Dwellings	Proposed Plots	Interface (approx.)	Distance	Minimum required separation
Badgers Wood (Coniston and Kendal Houses)	44 - 49	26.5		21
Badgers Wood (Nos. 13-19)	38-43	Between 21 and 22		21
Badgers Wood (No. 33)	36/37	24.5		21
Natterjack Lane (No.2)	8	16		12
Lavender Way (No.1)	23-25	20		12
Lavender Way (No. 15)	2-4	15		12
Natterjack Lane (Nos 6-8)	1	11.5 - 12		12

- 5.10.5 It is considered that the existing residents most affected by the proposals at those backing the new development on Natterjack Lane (Parcel C). Whilst the scale and amount of development has been reduced, plot 1 is close to the rear of Nos 6 and 8 Natterjack Lane. These properties already have very small rear gardens which are enclosed garden fences. The gable end (now a dormer bungalow) will alter the outlook from these existing properties, but such would no longer be considered adversely overbearing given the scale and separation of the development to these properties and the position, which is shared across part of each garden. It will, however, be necessary to the gable windows, which are secondary windows or non-habitable windows, to be obscure glazed.
- 5.10.6 With regards to the proposed dwellings, the internal interfaces distances adequately meet the separation required by policy DM29. Within Parcel B, where there is a fall in land levels, the internal interface distances range between 24 metres and 35 metres. The only two plots where the separation falls marginally below 21 metres relates to plots 21/22 and 10/11. Here the separation is around 19 metres. There is little scope to increase the distances in this location due to the road layout and parking requirements. The knock-on effect of removing additional plots has the potential

to further affect viability, which would have consequences for the contributions towards affordable housing and open space. As such, given this only affects four plots and at 19 metres there still remains a reasonable sense of space between the dwellings, it is not considered to cause such conflict with policy to render the development unacceptable.

- 5.10.7 Each property benefits from a private rear garden provided no less than approximately 60 square metres of useable garden. Most plots have gardens that are 10 metres in depth or greater, with the exception of a handful of plots where the depth of garden falls short, but not significantly (between 8m-9m) but the overall area meets the required standards. These are mainly located on Parcel B (Badgers Wood). Some of these plots however, benefit from larger front gardens, albeit these would not be enclosed and private. Officers are of the opinion permitted development rights should be removed in relation to extensions, roof alterations and outbuildings to safeguard existing and future amenity standards and to maintain the high standards of design proposed. Overall, it is considered, the proposed design and layout of the development would provide acceptable standards of amenity for existing and future users of the site in compliance with paragraph 130 of the NPPF and DM29 of the DM DPD. Of particular relevance, the applicant has demonstrated compliance with the requirements set out in DOS5 (criteria 1) of the SPLA DPD to ensure the proposed development is compatible with the existing residential uses already constructed on the site.
- 5.11 **Sustainable Design and Renewable Energy** NPPF Chapter 12 (Achieving Well-Designed Places) paragraph 126 and Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) paragraphs 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).
- 5.11.1 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 should also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.11.2 The application has been supported by an Energy Statement which outlines a fabric first approach to reduce energy demand in the first instance, thermal specifications to exceed part L 2021 notional U-values, design to limit air permeability and thermal bridging and energy saving services through the dwellings. The Energy Statement also supports the use of air source heat pump technology for the houses together with PV solar cells mounted to the roof to generate electricity. These measures go beyond the requirements of adopted policy DM30 and must be considered positively in the planning balance. Should the development be approved, the precise details of the measures required to meet the aims of the energy strategy could be adequately controlled by planning condition.
- 5.12 **Infrastructure Contributions (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 Planning policy requires the provision of school places to be given great weight to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Lancashire County Council School Planning Team have assessed the proposal and confirmed no education contribution is required. However, they indicate a final position assessment should be provided as part of the decision-making process at planning committee. A verbal update will be provided if the current position changes.
- 5.12.2 The NHS Integrated Care Board (ICB) has made representations to the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 142 new patient registrations based on the housing mix in the application and based on an average household size of 2.4 ONS 2017, which generates a contribution of £35,692. The ICB recognise that the growth generated from the proposed development would not trigger consideration of commissioning a new general practice; however, the ICB states the *'proposal would trigger a requirement to support the practice [Bay Medical Group] to understand*

how growth in the population would be accommodated and therefore their premises options'. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of information to demonstrate there is existing capacity issues and what the project would entail precisely, it is not clear how the contribution would be used. Regretfully, at this time, the NHS contribution request cannot be accepted as it would not be CIL compliant and therefore not only does the request fail the legal tests for securing an obligation, it also fails planning policy tests set out in DM58 and the Framework. The applicant shares this position.

5.13 **Other Matters**

5.13.1 Site Contamination

The application has been submitted by a Phase 1 Preliminary Environmental Risk Assessment. The site is assumed to comprise of some made ground given the previous land use as a holiday park and development site. Historical records indicate no industrial activities at the site or in the vicinity of the site. Despite the phase 1 assessment concluding there is a low risk of contamination, a phase 2 site investigation has been submitted. This concludes remediation to the made ground will be required to parts of the site. The precise details of the remediation strategy across the site are not provided at this stage but can adequately be addressed by planning condition. The Council's EHO have raised no objection on the grounds of ground contamination. A condition requiring the validation of the proposed remediation would be required in the event planning permission is granted.

5.13.2 Coastal Erosion

Policy DOS5 (criteria 5) requires proposals to have regard to the need for coastal defences as part of development proposals. The applicant has not had regard for the need for coastal defences and are no coastal defence measures included as part of the application. The evidence at the time of the preparation of the Local Plan clearly determined the site was not at risk otherwise it presumably would not have been allocated. The North West England and North Wales Shoreline Management Plan indicates the section of 'No Active Intervention' means there is no planned investment in coastal defences or operations in the area. The parcels of land for redevelopment are a reasonable distance from the edge of the coastline and are predominately previously developed land. There is existing development closer to the coastline than the proposed development. Until recently, the site could have been developed out under the original planning permission. There are no formal access points down to the shoreline from the wider site, which could lead to increased erosion from the increased activity on the site, and currently the edge of the coastline is heavily vegetated which supports the integrity of the coastal edge. The proposals do not intend to alter this. As part of the Construction Environmental Management Plan, there will be an expectation the method for construction and foundations (such as the need for any piling) will demonstrate this will not impact the integrity of the ground around the site and the coastline. Paragraph 184 of the Framework is clear, that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer/landowner.

5.13.3 Kings Charles III England Coastal Path

The highway authority has highlighted that the application had failed to condition the line of the proposed Kings Charles III England Coastal Path. The Secretary of State for Environment, Food and Rural Affairs has approved the line of the King Charles III England Coast Path between Silverdale and Cleveleys, which shall run through the Middleton Towers site. The advice is for a two-metre side corridor to be retained so as not to prejudice this route. The applicant has since confirmed the development site lies outside the proposed route of this path and will not affect its implementation. This matter has been adequately addressed but it is clearly a consideration for any future development on this allocated site.

5.13.4 Community Consultation

It is acknowledged the applicant has undertaken some community consultation ahead of the planning submission involving a public consultation even in December 2022, held on site aimed at targeting the existing community of Middleton Towers. According to the submitted Statement of Community Involvement, the event was well attended with many people generally encouraged to see the site completed with some feedback picking up on the need for bus services, preference (by some) for retirement housing and careful thought and consultation needed in relation to drainage infrastructure and play provision. This positive engagement perhaps reflects the representations received as part of the planning applications publicity. The concerns raised by residents in relation

to residential amenity impacts have arguably been overcome through the amendments to the scheme. The positive feedback resonates with the desire for the development to be completed and to remove the years of uncertainty the existing community have had while the site has remained undeveloped. Of course, the main concerns relate to traffic and accessibility which are matters difficult to easily overcome. The strong community collaboration that already exists within the estate does provide some reassurances that future travel plan initiatives could be more successful than on other sites.

6.0 Conclusion and Planning Balance

- 6.1 The provision up to 49 dwellings including a policy compliant contribution towards affordable housing, at a time when the Council cannot demonstrate an adequate supply of housing, is a consideration that is given great weight. Aside from the significant social benefits arising from the provision of market and affordable housing, most importantly on this site the development will regenerate parcels of predominately brownfield land within an existing party-constructed housing estate. This development will serve to complete the southern parcel of the wider allocation. The design and layout of the housing development compliments with existing estate and will significantly enhance the character and appearance of the area and create a better sense of place for the existing community. This is a matter to be afforded significant weight. The applicant has demonstrated that the development would be acceptable in terms of residential amenity, flood risk, impacts on heritage assets and ecological impacts, in particular the effect on the National Sites Network. It is recognised the development will also make positive contributions towards open space provision on and off-site. These are matters which ensure the proposal meets policy requirements and are necessary to make the development acceptable. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.
- 6.2 The main issue weighing against the proposal relates to the poor accessibility between the site and the closest bus services to access wider amenities and services. However, this in isolation does not mean development cannot come forward, as the site is identified in the Local Plan as a development opportunity site where development is expected to be delivered. The strategic policy does, however, state development proposals must enhance the sites level of connectivity and accessibility to nearby urban areas, via improvements to public transport services and improvements to the highway, cycling and pedestrian network. There are no substantive proposals forming part of this development to provide new pedestrian or cycling infrastructure to meet expected design standards along the length of Carr Lane, nor are such possible within the adopted sections of the highway. There is also no opportunity for public transport services to access the site, despite the efforts to provide and incorporate bus turning facilities. This will inevitably result in car dependant development and would increase the risks of potential conflicts between vehicles and pedestrians and cyclist who may choose to make some journeys by alternative sustainable modes. The measures proposed by the applicant to enhance connectivity relate mainly to Travel Plan initiatives and, subject to ongoing discussions with the highway authority, a scheme to Carr Lane to potentially alter its characteristics to a formal 'Quiet Lane'. However, at this stage there is no certainty the highway authority would support this approach. It must also be recognised that such an approach would not overcome the accessibility challenges for the wider allocation. Therefore, there are conflicts with Framework and Local Plan in respect of the accessibility and unsustainability of the site in transport terms. These impacts must, however, be considered in the context of previous land uses, the former planning permissions which would have generated significantly greater traffic (for all modes) and the sites allocation. It is also significant to this case that the scale of development proposed is relatively small with traffic generation significantly less than what could have been provided on this site had the original consent been live. In this context, it is considered the identified conflicts with national and local planning in this regard should be given moderate weight.
- 6.3 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 2.4 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.

- 6.4 This is a finely balanced case, as the matters associated with accessibility and highway safety are significant considerations. However, in the context of the site's allocation, the planning history and historical land uses, it is considered that the benefits of the proposal set out above would outweigh the conflicts and adverse impacts arising from the sites remote location and poor accessibility. Accordingly, it is also therefore considered that the flood risk exception test can be met. For these reasons, it is recommended planning permission be granted.

Recommendation

That Planning Permission BE GRANTED subject to the signing of a s106 legal agreement securing the following obligations:

- Affordable Housing Contribution to the sum of £236,601.00
- Off-site public open space contributions to the sum of £55, 609.50 towards Middleton Playing Fields and changing facilities and £14780 (plus VAT) towards the Middleton Pump Track
- Provision of on-site play area and amenity greenspace.
- Provision of off-site open space in accordance with a detailed scheme to be agreed with the LPA
- Provision of off-site landscaping, habitat mitigation (including signage scheme) and BNG in accordance with a detailed scheme to be agreed with the LPA and ongoing management and maintenance.
- Setting up of management company to manage all on-site infrastructure, open space and landscaping.

and conditions:

Condition no.	Description	Type
1	Time Limit (2 years)	Control
2	Approved Plans	Control
3	Employment Skills Plan	Pre-commencement
4	Construction Environment Method Statement including HRA mitigation (during construction)	Pre-commencement
5	Development to be carried out in accordance with the mitigation set out in the PEA, with detailed Reasonable Avoidance Measures (RAMS) first agreed in writing by the LPA.	Pre-commencement
6	Surface Water Construction Method Statement	Pre-commencement
7	Drainage scheme	Pre-commencement
8	Final finished floor levels and garden/amenity space levels	Pre-commencement
9	Precise details of the sustainable design measures to be incorporated into the design of the dwellings as per the Energy Statement.	Pre-slab level
10	Materials and architectural detailing to the dwellings	Pre-slab level
11	Construction details of all access roads, footways and turning facilities and timetable for provision in full	Pre-construction of roads
12	Full details of the bus turning facilities and bus stop and timetable for provision	Pre-slab level of any dwellings
13	Travel Plan	Pre-occupation
14	Provision of Homeowner Packs	Pre-occupation
15	Precise details of all play equipment and street furniture	Pre-occupation
16	Landscaping Maintenance Scheme	Pre-occupation or before implementation of landscaping

17	Suds Maintenance Scheme	Pre-occupation
18	Site Remediation Strategy	Pre-occupation
19	Implementation of approved landscaping scheme	Control
20	Parking Provision	Control
21	M4(2) to the identified plots	Control
22	FRA mitigation	Control
23	Obscure glazed windows to plot 1	Control
24	Removal of PD rights (extensions, roof additions and outbuildings)	Control

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

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

Background Papers

None

Agenda Item	A9
Application Number	23/00858/FUL
Proposal	Relevant demolition of existing buildings, erection of five storey building comprising ground floor unit (Use Class E) and hotel (Use Class C1) with roof level plant space/enclosure, ancillary facilities, associated works and landscaping
Application site	228 - 235 Marine Road Central Morecambe Lancashire
Applicant	Mr L Averill
Agent	Clare Bland
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval, subject to conditions

1.0 Application Site and Setting

1.1 The site relates to 228 - 235 Marine Road Central, a row of properties within a mixed architectural terrace. The property fronts towards Marine Road Central, facing Morecambe Bay beyond a local authority car park and the promenade. Morecambe promenade is a designated open space, green space network, seafront, designated cycle route and a key pedestrian route and with the coastal area beyond to the west. The terrace row occupies a prominent position within the Morecambe Conservation Area, bookended by positive buildings as identified within the conservation area appraisal. The eastern positive building is a gable fronted 3.5 storey property with an impressive curved shop frontage, culminating towards the western end of the terrace row of much smaller two and one storey property.

1.2 The proposed development sits between these, relatively central within the terraced row, within intervening retained properties between the development and the ends of the row. The buildings sought to be demolished to facilitate the proposed development are largely 3 and 2.5 storey tall properties of various designs and architectures. The existing properties and uses within the application site includes a long established and characterful antiques and décor retail unit, adjacent to a recently relocated cycle shop/repairs, a long-established takeaway and a closed dance studio at ground floor level, with holiday accommodation rooms, office room hire and business growth specialists, and residential maisonettes/apartments to the upper floors. The rear of these properties faces directly over another carpark beyond the narrow one-way West View Road. The Grade II* Listed Building of Victoria Pavilion (commonly referred to as the 'Winter Gardens') is located circa 80 metres to the west within the next terrace row, with the Midland Hotel on the opposite side of Marine Road Central circa 360 metres west. Numbers 217, 219 and 221 Marine Road Central (Craven Terrace) are listed as a group at Grade II, between the application site and the Winter Gardens within the next terrace row.

1.3 The front forecourt external area is partially within Flood Zone 3, less than 1 in 200 annual probability

of sea flooding, whilst the proposed building itself is partially located within Flood Zone 2 to the rear, on land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding, although beyond the recently refurbished coastal flood defence wall. The site is also in an area of superficial deposits groundwater flooding risk, and at a 1in30 year flooding events risk of surface water flooding to West View Road to the rear. Morecambe Bay is an environmentally important area that benefits from designation as a Special Area of Conservation; Special Protected Area (SPA); Ramsar Site; Site of Special Scientific Interest (SSSI). The site is within an impact risk zone and buffer for the designated SSSI and SPA, within a Nature Improvement Area. The wider area is within a parking permit zone for residential properties, within the Morecambe town centre area, Morecambe Area Action Plan (MAAP) area, and the main Regeneration Priority Area for the district.

2.0 Proposal

- 2.1 This application seeks planning permission for the demolition of circa 46 metres of the terrace row, and construction of an infill development in place of the demolished buildings, attached within the existing terraced row. The proposal seeks to provide retail space and restaurant (both Use Class E) to part of the ground floor, with the remainder and above four floors occupied by a proposed hotel use, providing 86 rooms of hotel accommodation.
- 2.2 The proposed development is largely across 5 storeys, at a maximum height of approximately 17.2metres above the external ground level to West View Road, and circa 15.7 metres above the external ground level to marine Road Central due to changes in levels from the back and front of the site respectively. The proposed development is to be finished in a mix of pitched and smooth faced sandstone to the lower three and four storeys, with the upper elements slightly setback (greater setback at 5th storey) and finished in standing seam grey cladding. The depth of building is to match those existing within the terraced row, whilst the existing front forecourt area is to be combined and to remain a bound external space to be used in association with the proposed uses.

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
23/00603/EIR	Screening request for the demolition of existing buildings and proposed construction of a hotel (Use Class C1) with ancillary facilities, landscaping and associated works	Environmental Statement not required
22/01034/PRE3	Demolition of existing buildings and construction of a Class C1 hotel	Advice provided
13/00783/CU	Change of use of retail (A1) to hot food takeaway (A5) including refurbishment of shop front with internally mounted roller shutter box and siting of new extractor flue to rear	Approved
11/00396/CU	Change of use to dance studio	Approved
09/00036/CU	Change of use from shop to community centre	Approved

4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No observations received
Conservation Section	Object to the use of inappropriate materials because of the harm this would cause in heritage terms to several heritage assets, which could be avoided with improvements. No objection to this application in principle.
Historic England	Concerns regarding the application on heritage grounds. Demolition of the existing

	buildings on the site would result in the loss of their historic interest, as well as the loss of buildings that sit comfortably within the wider streetscene. The introduction of a five-storey building in this location is out of keeping with the relatively uniform character of the streetscene. This impact is not helped by the monolithic nature of the design, that appears cluttered in design, and use an overly large palette of materials. The building would therefore jar with a streetscene in which variation is generally achieved through more subtle changes in design and materials. The design would benefit from more meaningful subdivision, taking reference from the plot widths that defines the streetscene.
County Highways Dept.	Objection , serious concerns regarding the complete lack of dedicated parking. On-street parking would not be for the exclusive use of the development. There will need to be alterations to the existing Traffic regulation orders and the potential lowering of kerbs to allow for the loading of goods vehicles, the collection of refuse and recycling and possibly to aid the usage of a proposed mobility spaces. The loading bay be designated as a Good Vehicle Loading Bay, and such highway works would need to be controlled through a section 278 agreement. In order to support the application, we would look for the provision of some dedicated hotel visitor accommodation. Conditions for a Construction Management Plan, hours of deliveries and off-site highway mitigation works are recommended.
Environmental Health	No objection , conditions for odour impact assessment, air quality assessment and further acoustic assessment. Control mitigation with contamination report.
Natural England	No objection , mitigation of a Construction Environmental Management Plan, timings of noise disturbance development (such as piling works) to be time restricted to less sensitive periods, and provision of ecologically educational visitor information packs through planning conditions, to avoid adverse impacts upon Morecambe Bay and the various environmental designations of this.
Environment Agency	No objection , the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. A vertically sequential approach is adopted on-site, with flood resistance and resilience measures incorporated into the design of the ground floor. The proposed development must proceed in strict accordance with this Flood Risk Assessment (FRA) and the mitigation measures identified as it will form part of any subsequent planning approval. Finished floor levels should be as high as practicably possible to overcome the fact that the proposed development is at risk from climate change driven sea level rise over its lifetime.
Lead Local Flood Authority	No objection , subject to implementation of FRA measures, and details of a final surface water drainage scheme and its maintenance and verification, controlled through planning conditions.
Engineering Team	
Waste And Recycling	No observation received
Planning Policy Team	No observation received
Lancashire Constabulary	No observation received
United Utilities Water Plc	Concern regarding the lack of robust evidence that that the drainage hierarchy has been thoroughly investigated.
Fire Safety Officer	No observation received
County Active Travel	No observation received
RSPB	No observation received
Electricity North West Limited	No observation received
Property Services	No observation received

GMEU

No objection, subject to the implementation of mitigation measures within the submitted Habitats Regulation Assessment (HRA) and Bat Survey, through planning conditions.

- 4.2 The following responses have been received within **objections** from **six** members of the public:
- Adverse impact upon existing long-standing businesses, forcing tenants and residents from properties.
 - Loss of employment within existing businesses on-site, adverse financial implications, and financial impacts to neighbouring businesses during demolition/construction.
 - No need for a new hotel, and preferable undeveloped sites for a new hotel.
 - Existing terrace contributes to the towns identity and heritage.
 - Adverse impacts upon existing overstretched parking provision, none provided within the proposal.
 - Lack of consultation and engagement with developer.
 - Noise, traffic and disturbance will be excessive and detrimentally harm neighbouring residential amenity.
 - Increase traffic and associated carbon emissions and air quality impacts.
 - An additional licenced premises and potential antisocial behaviour.
 - Damage of demolition/construction to adjacent retained neighbouring properties within the terrace row.
 - Devalue residential properties.
- 4.3 The following responses have been received within **responses and support** from **two** members of the public:
- Positive for Morecambe, provision of quality hotel space.
 - Enhance the area and indicate investment in Morecambe.

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
 - Flood risk and drainage
 - Transport, highways, parking and waste management
 - Ecology, protected species and energy efficiency
 - Residential amenity and contamination
- 5.2 **Principle of development** Development Management DPD Policies DM23 (Visitor Accommodation) and DM28 (Employment and Skills Plans), Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP4 (Priorities for Sustainable Economic Growth), EC5 (Regeneration Priority Areas) and TC4 (Central Morecambe), National Planning Policy Framework Section 2. (Achieving sustainable development), Section 4. (Decision-making), Section 6. (Building a strong, competitive economy), Section 7. (Ensuring the vitality of town centres) Morecambe Area Action Plan DPD Policies SP1. (Key Pedestrian Routes and Spaces), SP3. (Morecambe Main Seafront and Promenade), AS2. (Improve the condition of buildings and encourage beneficial occupancy), AS4. (Further encourage business investment and development) and AS15. (Visitor marketing strategy) and Employment and Skills SPD
- 5.2.1 Morecambe has been a long-standing regeneration priority for the Council, with a Morecambe Area Action Plan (MAAP) published just under a decade ago to encourage the regeneration of the area as the main regeneration priority within the district. This has included free pre-application advice to encourage development and investment in the area, which this application has benefitted from over the last year. The regeneration of Morecambe is of sub-regional importance, seek re-investment as a visitor destination through tourism, housing renewal and heritage led regeneration.

- 5.2.2 The social and economic perceptions of the town, which date back as far as the evolution in the tourism industry in the 1970s (but are by no means limited to that), have contributed to low levels of private investor confidence. Public sector-led investment in the town has been received favourably (such as the award-winning TERN Project of artworks along the Promenade; the coastal protection works and the public/private partnership which helped secure the restoration of the Midland Hotel). This has culminated more recently with the planning permission and circa £100 million investment sought for the Eden Project Morecambe at the nearby site, which is hopefully the catalyst for further regeneration and tourism offer in Morecambe, directing visitors and investment in this main regeneration priority area. The MAAP seeks to create opportunities to change the environment and visitor perceptions to create the right conditions for investment. This approach is fully consistent with the NPPF and the practice guidance, which states that *'Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.'* (paragraph 001, PPG Town centres and retail).
- 5.2.3 The focus of the MAAP is regeneration, which becomes the starting point for planning decisions concerning central Morecambe and help guide investment decisions. Within the regeneration priority policy EC5.1 of the SPLA DPD and MAAP, these policies seek to secure appropriate development, including hotel accommodation. Whilst the Eden Project Morecambe permission occupies the majority of the MAAP DO2 development opportunity area, this is circa 70 metres west of the proposed development, and the DO2 specifically seeks additional visitor accommodation and other hotel accommodation beyond the iconic Midland Hotel. MAAP Action Set AS8 for sites behind the Winter Gardens, now largely occupied by a trampoline park, seeks similar appropriate development of hotel accommodation.
- 5.2.4 Whilst regeneration of Morecambe must be multifaceted, and Eden Project Morecambe will hopefully prove to be a catalyst for this, the tourism industry remains a key factor for investment and regeneration of the area. Integral to the regeneration plan and as identified in the MAAP is to secure more benefit from day visitors, by encouraging day visitors to move around more as pedestrians, stay longer and spend more. The proposed hotel accommodation, with ground floor retail and restaurant uses, is considered to align well with the aims and objections of this main regeneration priority area and associated goals. The proposal offers new additional and alternative visitor accommodation provision, which will help achieve the aim of converting more day visitors into staying visitors, coupled with attracting new visitors to stay, as sought by the MAAP and regeneration priority area policies.
- 5.2.5 Whilst the proposal clearly aligns with the regeneration priorities for Morecambe, there will undoubtedly be some adverse impacts, particularly in the short-term during demolition and construction. Furthermore, there are existing business and residential apartments within the buildings to be demolished to facilitate the proposed development. Some of these have already been relocated (such as the cycle store/repairs), but others remain on-site, who's businesses and lives will unfortunately be adversely impacted by having to relocate through this proposal. Undoubtedly there are larger degrees of adverse impacts upon those currently tenanted within the buildings. However, within the wider considerations of this main regeneration priority of sub-regional importance, and the associated economic and social benefits of investment in the area and encouraging greater and longer holiday visitors to the area, this is considered to carry significant positive weight in determining the application, and weighs as such in benefit of the proposal.
- 5.2.6 To ensure these benefits are delivered to the benefit of the local economy, and to ensure the economic benefits are delivered promptly following adverse impacts of demolition, planning conditions are recommended for an employment skills plan, to support local people sure experience and upskilling in the construction and design sector, and stipulating a contract for demolition shortly preceding the physical development of the remainder of the built form coming forwards within the same contract.
- 5.3 **Design, scale and streetscene impact upon heritage assets** Development Management DPD, DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings), DM46 (Development and Landscape Impact), and DM57 (Health and Wellbeing), Strategic

Policies and Land Allocations DPD SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework Section 12. (Achieving well-designed places) and Section 16. (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 and Morecambe Area Action Plan DPD Policy AS2. Improve the condition of buildings and encourage beneficial occupancy

- 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 is within a highly prominent and sensitive visual and heritage location. Development would be visible from key pedestrian route at close proximity, further along the promenade and Marine Road, and from beaches and the Bay in a location directly fronting Morecambe Bay. The site is within the Morecambe Conservation Area, within a terraced row bookended by positive buildings considered to form non-designated heritage assets. In addition to the designated conservation area, there are Listed Buildings that have settings extending to the application site due to the open nature of the promenade, particularly the Grade II* Listed Buildings of Midland Hotel and Victoria Pavilion (commonly referred to as the 'Winter Gardens').
- 5.3.3 The terraced row to which this application relates was originally developed shortly followed the earliest houses and guest houses to appear along the waterfront, and at the turn of the twentieth century this would have formed a continuous row of terraced properties with a rhythm and pattern of Victorian 2.5 storey properties. Unfortunately, the intervening century has seen a number of alterations, and retention of few original features, with the exception of those partially retained in the upper floor of two existing properties only in this row. The current architecture is mixed, with a variety of external materials, architectural designs and increased heights to 3 storeys with flatter roofs. As such, none of the buildings sought to be demolished within the development area individually nor cumulatively would be considered non-designated heritage assets. The condition of properties in the area was a point sought to be addressed within the MAAP, with an action set designed to improve the condition and external appearance of buildings and more beneficial use of commercial space, particularly within the 'View for Eric' area, including the application site. Whilst the scale and pattern of the various architecture presents a character in itself, due to the interventions during the twentieth century the impact of their loss on the historic feature to these properties within the conservation area and setting of listed buildings, the heritage impact of the demolition of these would be very low. The impact upon the nearer non-designated heritage asset bookends would be minor to moderate harm due to close proximity and relative scale/ height.
- 5.3.4 The proposed development is larger than the existing buildings to be replaced, creating a larger mass within the existing width of terrace to be demolished. The proposed development for Marine Road Central is up to 5 storeys tall, whereas the existing is largely 3 storeys, which is a point of concern for Historic England. Buildings fronting Marine Road are predominantly 3 storeys tall, with few exceptional buildings taller than this. The positive building at the east end of this terrace, and those opposite to Skipton Street, are 4 and 3.5 storeys. More notably, the Winter Gardens and the extended Midland Hotel are taller buildings, punctuating the streetscene as the most important and grand buildings in the vicinity, which should remain the case to ensure development does not detract from their importance.
- 5.3.5 To provide a hotel of this scale, 5 storey height is required due to the restriction in floor area, and the fact that holiday accommodation is to upper floors only to avoid flood risk (elaborated upon in following sections of this report). The top floor is set back from the frontage by over 3 metres in comparison to lower floors, helping to conceal the height of this smaller top floor. Two front

asymmetric gables are set further forward to the frontage, similar in height to the taller 3.5 storey bookend property. These are focused to the east of the frontage, although more modestly setback (0.3 metres) behind the lower three storey elements and differentiated by different materials, seeking pitched face natural sandstone to the lower three floors and standing seam grey cladding above to differentiate the height. This seeks to make the top of the sandstone elements appear as eave heights similar to the immediately adjoining retained properties either side of the proposed development. Whilst the predominant material is natural sandstone to the frontage and rear, the proposal seeks to break the 46 metre elevations into 5 blocks through differing heights of sandstone, alterations to windows and particularly ground floor frontages, projections of taller appearance sections and a change from pitch to smooth face natural sandstone.

- 5.3.6 Despite these architectural features and materials to break the appearance of the building both horizontally and vertically, Historic England have concerns (but not objection) with monolithic design as a single mass, not reflecting the grain and scale of existing frontages, also raising concerns with a cluttered design and large palette of materials, identifying adverse impact upon the Conservation Area (but not the setting of Listed Buildings). Concerns regarding the quality of materials have been addressed through amended plans for natural sandstone to front and rear elevations. High-quality external materials and details will be essential to the success of this design and scheme, details and samples of which can be controlled through planning condition. The precise details of these will be essential to achieving a successful scheme, not just the quality of materials to be congruent to the largely sandstone frontage as existing to Marine Road, but to differentiate the various aspects of the proposed frontage through alternating stone pitch, block sizes, and other detailing to be controlled through conditions for sample panels.
- 5.3.7 The proposal has been through an extensive pre-application process, involving members of the Planning Committee in addition to officers and heritage colleagues, in addition to external consultations with Historic England, Natural England, and Places Matter!, amongst others. Whilst a greater setback of the grey cladding area has been sought and only partially addressed through amendments, the proposal includes a number of subtle architectural details to achieve the intentions of the design outlined in the preceding paragraph. The development will almost certainly appear more prominent than the existing row of mixed properties, however with suitable details and high-quality materials and external appearance, it is considered that the proposal will successfully break the scale and massing into a development that will appear more proportionate to the streetscene, despite the overall dimensions of development.
- 5.3.8 The Local Authority Conservation Officer concludes that the scale, form and massing of the proposed hotel are sensitive to its surroundings, with the asymmetrical gables bringing a contemporary nod to the terraced buildings which it is to replace, and harm could be avoided by improving the material palette. Officers concur with this conclusion, and the material palette is considered to have improved since the Conservation Officer response, with natural sandstone, and external materials to be precisely controlled through planning conditions. Given the evolution of the architectural design, the taller rows of properties to the east of the development including the bookend building, and the fact that historically this would have formed a repeating terraced row of residences (albeit smaller in scale), the design and scale of development is considered to be appropriate for these reasons, despite the concerns of Conservation Area impacts raised by Historic England.
- 5.3.9 Some details of landscaping to the front of the property have been provided, and whilst full details would need to be controlled through conditions, this is considered to be a modest improvement to the existing front forecourts, which currently has various boundaries and surface materials. The development would appear taller to the rear due to reduced architectural detailing, although the principles of breaking the elevations and high-quality external materials apply to West View Road rear elevation too. These higher quality materials and cleaner appearance to the rear would offer modest improvements to this less sensitive vista of the Morecambe Conservation Area, primarily viewed from the public car park to the rear. With such modest benefits to the rear and front landscaping, the overall impact upon the Conservation Area is considered to be neutral, and the design avoids appearing monolithic nor competing with the Grade II* Listed Buildings. As such, there is considered to be no adverse impact upon the setting of the Midland Hotel and Winter Gardens, and Historic England raise no concern with these heritage assets in their response. The proposal will have a greater impact upon the non-designated heritage assets, particularly the eastern end terrace property, due to relative scale to this building and such close proximity, however, this is considered

to be moderate harm to this non-designated heritage asset's setting.

- 5.3.10 Overall there is considered to be no undue harm to designated heritage assets and their settings through amended materials and details to the development, and whilst the striking visual appearance of the development adjacent to the non-designated heritage assets and within the streetscene weighs moderately against the proposal, in a balanced judgement of this harm the significant weight attributed to the social, economic and investment benefits are considered outweigh the local moderate level harm.
- 5.4 **Flood risk and drainage** Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), and the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6, Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change) and Planning Advice Notes PAN03 (Surface Water Drainage, Flood Risk Management and Watercourses) and PAN06 (Flood Risk Sequential Test and Exception Test)
- 5.4.1 The site is partially within Flood Zone 3 to the front forecourt and Flood Zone 2 to the rear section of the proposed building, at high and medium probability of river or sea flooding respectively. This is a high (1in30 year event) risk of surface water flooding to the rear, and a medium risk of groundwater flooding. The site as existing is at risk from multiple sources of flooding, albeit in close proximity to the recently refurbished flood defence wall to the sea. Whilst the proposed uses of the site present similar risks, primarily commercial to the ground floor and accommodation to upper floors, the proposal introduces a greater volume of visitor accommodation, exacerbating the number and degree of use considered to be more vulnerable to flood risk at this site.
- 5.4.2 The proposed development takes a similar approach to the existing uses, with a vertical sequential approach applied to the proposed development, placing more vulnerable hotel room accommodation to upper floors, and less vulnerable commercial aspects of the hotel, retail and restaurant to the ground floor. The first floor and all hotel rooms proposed are at a floor level of 11.01 AOD, 1.8 metres above the tidal event and freeboard level. The ground floor and less vulnerable uses, but including the accesses to the upper floors, are beneath this calculated <1in200 year event flood level. However, it is considered to be unfeasible and unpractical to have the ground floor level over 1.5 metres above Marine Road Central to achieve the flood and freeboard level to the ground floor, as this would have serious adverse impact in terms of streetscene and scale.
- 5.4.3 Matching the existing floor levels is considered to be as high as feasible, given the heritage sensitivities of the site and requirement to maintain and active streetscene. Other mitigation measures within the submitted Flood Risk Assessment (FRA) include water resistant floor finishes, low water penetration and good drying ability lower wall materials, services above 9.21 metres AOD, flood resilient lifts and flood proof doors/barriers up to 9.21 metres AOD height. Subject to these measures and their details being controlled through planning conditions, the application site is considered to be suitably flood resilient, with no objection from the Environment Agency.
- 5.4.4 The proposal has taken a vertical sequential approach to development, as opposed to looking at alternative sites for the hotel development. Given the contribution of the proposal to the main regeneration priority of Morecambe, and accordance with the investment and redevelopment principle within the MAAP, these could not be delivered by siting the development outside of Morecambe regeneration priority area. The improvements of business and condition of built form delivered through this proposal similarly could not be delivered at other sites. As such, the redevelopment, regeneration and investment benefits of the proposal cannot feasibly be delivered elsewhere. The flood risks are primarily external to the front of the proposed building, and skirt the rear of the proposed building, with large sections of the Morecambe sea front at similar or greater flood risk. Given the particular nature of the proposal and associated regeneration priority impacts of the rebuild of a prominent site on Marine Road Central, the vertical sequential test undertaken is considered to be appropriate in this instance, subject to the mitigation measures detailed within the FRA.
- 5.4.5 In terms of the exception test, the mitigation measures within the submitted FRA, combined with a

condition for a Flood Emergency Procedure plan, will ensure the development will be safe for its lifetime. Drainage arrangements through planning condition can ensure that flood risk will not be increased elsewhere, with the site forming an impermeable surface across the entire site as existing. The risk of flooding tidal events and 1in30 surface water flooding events affects small portions to the rear of the proposed building and external elements beyond. Whilst medium risk of groundwater flooding affects the wider area and entirety of the site, these risks are given moderate weight given the serious impacts that such flooding events have on businesses and residents, albeit temporary residents in holidaymakers in the case of this application. However, the economic and social benefits to the community of this proposal within the main regeneration priority area are considered to be significant, and outweigh the flood risk from the proposal.

- 5.4.6 Largely indicative information has been submitted regarding surface water drainage arrangements, with foul sewerage to connect to the mains. Attenuation for drainage is suggested within the front forecourt area, suggesting a 39.6sq.m volume attenuation to restrict a discharge rate to a maximum of 5l/s. Whilst existing flow rates are indicative, this is considered to be an appropriate rate for the proposed development. This information is indicative and not fully designed at this stage, but this information is sufficient to demonstrate that an acceptable scheme is achievable within the development area of the site. As such, subject to a full drainage scheme exploring the drainage hierarchy, providing the hierarchically most suitable option with a maximum discharge rate of 5l/s as part of full drainage detail, and maintenance and verification of this, drainage from the site through planning condition is considered to be appropriate to mitigate the impacts of the proposal and cause no increased flood risk elsewhere. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, which will need to be explored through a surface water drainage planning condition, to ensure the most appropriate drainage scheme is implemented through the proposed development.
- 5.5 **Transport, highways, parking and waste management** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations DPD Policy T2 Cycling and Walking Network, National Planning Policy Framework Section 9. (Promoting sustainable transport) Morecambe Area Action Plan DPD Policy AS11. Transport, parking provision and management, and Planning Advice Notes PAN01 (Waste Storage and Collection Guidance for Domestic and Commercial Developments) and PAN08 (Cycling and Walking)
- 5.5.1 The proposed development is within the sustainable location of Morecambe, accessible via train and bus with nearby local stations for both. The site is also on national and regional walking and cycling routes, notably the Lancashire Coastal Way long distance walk, and cycle routes for Way of the Roses and Bay Cycleway. The site is well connected to Lancaster, Heysham and to Caton through sustainable transport means, providing connections to wider locations on the West Coast Mainline railway from Lancaster and ferry to the Isle of Man from Heysham. Whilst holidaymakers have more recently tended to visit Morecambe on day trips, the facilities in and immediately around Morecambe can be accessed on foot, by bicycle or via public transport in sustainable modes of travel. To encourage sustainable transport further, the proposal includes an 18.9sq.m bike store within the development, details of which should be controlled through planning condition to ensure appropriate details and delivery of this to encourage sustainable travel for employees and future visitors staying at the proposed hotel.
- 5.5.2 The submitted Transport Statement concludes that the proposal will not generate any additional parking demand. Whilst the proposed development would potentially accommodate daytrips to stay longer, and existing business and uses within the site will have some transport impacts, it is considered that an 86-bedroom hotel plus a restaurant and retail unit in this location would have some additional impact upon parking requirements. County Highways raise concerns regarding the lack of any dedicated parking as part of this proposal.
- 5.5.3 Many city and town centre hotels do not include parking on-site, particularly in larger urban centres; this is also found to be the case at the new hotel development in Lancaster on Spring Garden Steet onto the A6 gyratory road, and on the corner of Central Drive and Euston Road in Morecambe, neither of which benefit from dedicated parking provision. Whilst the conclusions and assertions in the Transport Statement are not entirely agreed with, the lack of parking at the site would influence transport choices of occupants, making public and sustainable transport a more attractive option due

to the additional cost of parking. Whilst some free on-street parking is available in Morecambe, this is often limited availability at peak times, but there is good availability of public car parks in the immediate vicinity, particularly at West View carpark to the immediate rear south of the site. This 78-space long stay carpark has recently been refurbished and resurfaced, with electric vehicle charging points provided. Whilst only a snapshot in time, during the site visit on a Friday late afternoon in August (school holiday season), availability of spaces within this car park was ample, and Telephone Exchange long stay carpark of 159 spaces is a short distance further south and tends to also have good availability of spaces.

- 5.5.4 Whilst the concerns of County Highways are understandable, there are very few properties in the vicinity benefitting from their own dedicated parking spaces, the notable exception being the Midland Hotel. A lack of parking would hopefully influence travel choices of holidaymakers and occupants to more sustainable methods, or carpooling if travelling as a larger group. There is not an indefinite supply of parking within Morecambe, particularly with extant consent for Eden Project Morecambe. However, given the nature of the use and location in proximity to a number of public transport and alternative parking options, it is considered that the proposal would have no severe adverse impact upon the local highway network or parking provision in the vicinity, despite the likely increase in demand for existing parking facilities.
- 5.5.5 Off-site highway works are suggested in the form of mobility parking bays and a loading bay. It should be noted that neither would be for the sole or dedicated use of the proposal, being part of the public highway rather than their private land, but this would offer some restrictions in use that would be beneficial to wider commercial uses in the area and mitigate impacts of the proposal upon the highway. There would need to be alterations to the existing Traffic regulation orders and the likely lowering of kerbs to allow for the loading of goods vehicles (as a dedicated Goods Vehicle Loading Bay), the collection of refuse and recycling and possibly to aid the usage of a proposed mobility spaces these works. Such works would need to be controlled through planning condition, and delivered through a Section 278 agreement with County Highways. Subject to such a condition, the proposed development and use is considered to be acceptable, and would have no severe adverse impact upon the local highway network or parking provision.
- 5.5.6 The greater level of highway impact would likely be during demolition and construction, when heavier vehicles would more frequently visit the site during this period. These impacts can be mitigated through appropriate arrangements within a demolition and construction management plan, which should be controlled through planning conditions prior to any developments on-site. During use, waste bins are sought to be stored within the building to the rear West View Road. It is unclear whether collections would be made to the front or from the rear, however subject to waste bins being stored internally within the site, and not on the public pavement, except for on collection days, these arrangements are considered to be acceptable.
- 5.6 **Ecology, protected species and energy efficiency** Development Management DPD policies DM30 (Sustainable Design), DM36 (Protecting Water Resources and Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations DPD policy SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas), National Planning Policy Framework Section 15 (Conserving and enhancing the natural environment) and Planning Advice Note PAN09 (Energy Efficiency in New Development)
- 5.6.1 The vast majority of the site is developed land and sealed surfaces, and other than potential impacts to bats, the ecological value of the site as existing is negligible. Most of the existing vegetation immediately beyond the site are roadside trees and managed urban landscaping, considered to have very low suitability for foraging and commuting bats within the submitted Bat Survey. Buildings within the site are considered to provide low potential for roosting bats, but no emerging bats were recorded during a dusk survey, with very low activity levels. Mitigation measures during demolition works are proposed within the submitted Bat Survey, including demolition practices, avoiding night construction, artificial light spill, sensitive lighting external lighting following construction, and bat boxes mounted or incorporated into external walls. Subject to these recommended mitigation measures being implemented and controlled through planning conditions, the proposal is considered to have no adverse impact upon protected species. In addition to the planting of additional trees and vegetation within the front forecourt area, to be controlled through planning condition, the proposal is considered to be acceptable in terms of habitat creation and protected species.

- 5.6.2 The application site is in very close proximity to Morecambe Bay, which is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA, SSSI and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Subject to the implementation of the mitigation measures within the AA, namely for appropriate construction and environmental management practices and procedures, to be controlled through a Construction Environmental Management Plan (CEMP), and specifically detailing appropriate timing restriction for high noise disturbance works such as piling, and visitor information packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites. Subject to these planning conditions, the proposal is considered to adequately mitigate the impacts upon ecology and risk of contamination, compliant with relevant policies, with no objection from Natural England.
- 5.6.3 To facilitate the proposed development to function largely as a hotel, in addition to ground floor restaurant and retail, the proposed would see the demolition of existing buildings. This has an obvious adverse impact in terms of embodied carbon, not just those made redundant through demolished materials, but also the CO2 emitted producing the materials for the new development itself. In terms of mitigation, the proposed will include well insulated walls, highly efficient glazing and rooftop solar panels. The efficiency specifications of the fabric components, and mitigation measures within ventilation, cooling and lighting within the proposal should be controlled through condition, in addition to achieving BREEAM excellent level as proposed, with details of solar panel submitted through planning condition. Subject to these measures, the proposal is considered to mitigate the impacts of the development upon embodied carbon, and ensure carbon savings over the lifetime of the development.
- 5.7 **Residential amenity and contamination** Development Management DPD Policies DM29 (Key Design Principles), DM32 (Contaminated Land) and DM36 (Protecting Water Resources and Infrastructure), and National Planning Policy Framework Section 8. Promoting healthy and safe communities
- 5.7.1 Similar to the proposal, the properties in the vicinity and fronting the bay are almost entirely commercial at ground floor level, but upper floors are a mix of commercial and residential. There is an existing noise environment from this location and associated activity of commercial and leisure properties, including existing cafés, restaurants and public houses in the vicinity. Whilst the submitted Noise Assessment focuses on amenity standards for hotel occupants, these seek to achieve the same standards expected for residential properties. The mitigation suggested includes standards double glazing combined with trickle vents to habitable rooms combined with mechanical ventilation. These mitigation measures can be controlled through planning conditions, and trickle vents would be subject to external materials also, to ensure these are appropriate to the heritage setting, such as concealed vents. Further mitigation is required for the rooftop plant machinery, limited to 50db LAeq, T during the day and 34db LAeq, T at night. The cumulative impacts of this should be submitted and assessed through planning condition, in addition to mitigation through construction practices controlled through planning conditions.
- 5.7.2 The proposal includes a ground floor restaurant and commercial kitchen, however no details of extraction or odour form part of this submission. As such, an odour impact assessment should form a pre-commencement planning condition to ensure impacts are appropriately mitigated through a design known prior to any demolition or construction, as recommended in the Environmental Health consultation response, to ensure no adverse impact upon residential amenity. This consultation response also details air quality within the external seating area, however given this is optional for patrons, as is any other external seating in the vicinity, combined with the location outside any air quality management area, the proposal is considered to be acceptable without mitigation in terms of air quality.

- 5.7.3 The application site is at low risk in terms of contamination, although high risk of radon. The submitted Phase 1 Environmental Site Assessment Report includes mitigation measures of suitable personal protective equipment (PPE) and Health and Safety procedures during construction, and incorporation of full radon protective measures in accordance with relevant building control guidance. These measures can be controlled through planning condition to ensure no adverse impact of contamination from the site and proposed development. Whilst the height to the rear is circa 1.5 metres taller than the frontage due to changes in land levels between the front and the rear, the maximum height above the ground level rounds up to 17.2 metres. This is beneath the 18 metres height for relevant buildings requiring a fire statement. Whilst no consultation response has been received from the Fire Safety Officer, the appears to be a fire hydrant grid, and space from the carpark to the south to operate fire safety equipment, which is considered to be acceptable and raises no safety concerns for a building of this scale.

6.0 Conclusion and Planning Balance

- 6.1 The proposed development seeks to provide significant investment and economic contribution to the tourism economy in Morecambe, redeveloping and creating beneficial use of this commercial space in a key location fronting the Bay. The proposal will achieve a number of objectives and action sets within the MAAP, seeking to delivery regeneration within this main priority area for regeneration, delivering significant economic and social benefits. Whilst large in scale, subject to precise details and samples of high-quality external materials and landscaping, the carefully considered design and architectural details are considered to limit heritage harm to non-designated local heritage assets, which is afforded modest weight. No harm has been identified to the national heritage asset Conservation Area or setting of Listed Buildings, such as the iconic Midland Hotel and Winter Gardens. Other material planning considerations of transport and highway impacts, ecology, contamination, residential amenity, embodied carbon and drainage can all be controlled through planning condition to ensure neutral impact. The aforementioned benefits of development outweigh the moderate harm from risk of flooding, which is reduced through flood resilient design measures within the development, considered to pass the sequential and exceptions tests.
- 6.2 Whilst there are unfortunate impacts to existing occupants and tenants of the buildings to be demolished, and the property will have an impact on an non-designated heritage asset, the avoidance of wider or greater heritage impacts through the proposal evolved substantially through the extensive pre-application process ensures that the economic and social benefits of this level of investment within Morecambe outweigh this identified harm and any flood risk harm to the mitigated development. As such, and subject to planning conditions to ensure high quality of development in this locally and regionally important location, it is recommended that consent is granted.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Accord with amended plans	Control
3	Scheme for contractual arrangements for demolition shortly preceding the physical development	Pre-commencement
4	Demolition and construction management plan	Pre-commencement
5	Demolition and construction environmental management plan (including timings for high noise disturbance works, such as piling)	Pre-commencement
6	Employment Skills Plan	Pre-commencement
7	Surface Water Sustainable Drainage Strategy	Pre-commencement
8	Sustainable Drainage System Operation and Maintenance	Pre-commencement
9	Bat boxes details	Pre-commencement
10	Flood risk assessment mitigation	Pre-commencement
11	Details and samples of external materials (including natural	Pre-commencement of

	stone walls sample panels, metal cladding, plant compound, glazing, ventilation, external doors, rainwater goods)	external works
12	Flood Emergency Procedure plan	Pre-occupation
13	Verification Report of Constructed Sustainable Drainage System	Pre-occupation
14	Cumulative noise emissions assessment from proposed plant and external equipment	Pre-installation and pre-occupation
15	Odour impact assessment and extraction details	Pre-installation and pre-occupation
16	Bicycle storage details	Pre-occupation
17	Off-site highway works (mobility parking and goods vehicle loading bays)	Pre-occupation
18	Visitor information packs – HRA mitigation	Pre-occupation
19	Landscaping scheme to front forecourt	Pre-occupation
20	Solar panel details	Pre-installation of solar panel
21	External lighting spill plan	Pre-installation of external lighting
22	Energy measures and BREEAM excellent rating	Control
23	Noise mitigation measures	Control
24	Bat survey mitigation measures	Control
25	Contamination report measures	Control
26	Bins stored on-site except collection days	Control

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

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

Background Papers

None

Agenda Item	A8
Application Number	23/00571/FUL
Proposal	Change of use and conversion of existing pump house and erection of front and upwards extensions to create 35 studio apartments for students (C3 use) with associated communal areas
Application site	Part Of Former St Georges Works (Pump House) Abram Close Lancaster Lancashire
Applicant	Mr Nick Langford
Agent	Mrs Rachael Oldroyd
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval, subject to conditions and a legal agreement

1.0 Application Site and Setting

- 1.1 The application site relates to the Pump House, which is understood to be the last remaining historic building of the former St Georges Works complex located to the south of St George's Quay, Lancaster. The 19th century building comprises a tall single-storey building, externally utilitarian in design and plainly treated, being a simple brick shell with little ornamentation, and openings being simply round headed. Internally the walls are of more interest, being faced in white, black and brown glazed brickwork, incorporating various specially moulded bricks to form the arched heads to the openings and string courses to form the skirting, dado, inpost string course and a dentelated picture rail. Retained engine beds and internal features provide an understanding of internal arrangements and the use of the building. Links to Lord Ashton and the source of wealth means the Pump House is considered to be a locally important heritage asset, identified as a non-designated heritage asset, but that in 2016 failed an assessment for Listed Building status as the building was considered to be of local, rather than national, importance. The site is just beyond the Lancaster Centre Conservation Area, Character Area 1. The Quay, of national heritage importance, but within the setting of this area that extends to, but does not include, the railway line circa 75 metres to the east of the site.
- 1.2 The setting of the Pump House as part of the wider St Georges Works has significantly altered in the last 15 years, with 149 dwellinghouses constructed to the south and west, whilst to the north there is a 419-unit student accommodation and ground floor ancillary commercial uses within four buildings that are of three to six storeys in height (inclusive). Whilst the Pump House formed part of the latter consent, the approved conversion was never implemented, and the site remains unaltered and in a dilapidated condition. The application site and the surround developments described above are all within the Luneside East Development, a housing delivery allocation and wider regeneration priority area within the Local Plan. The site and wider area for the majority of Lancaster have an Article 4 restrictions on permitted development rights for conversions from dwellinghouses to HMO, requiring planning permission for such a change of use within this area.

- 1.3 To the north of the site lies the River Lune, an environmentally important Biological Heritage Site (BHS) and Marine Conservation Zone. As it opens up into the Lune Estuary approximately 2km downstream to the southwest, national and international protections and designations of the Site of Special Scientific Interest (SSSI), Morecambe Bay Special Protection Area (SPA), RAMSAR Site, Special Protection Area (SPA) and Special Area of Conservation (SAC) apply, with the site within the buffer impact zone of the SPA. The site lies within Flood Zone 3a, at high risk (1in100 year) of river flooding, but not within the function flood plain as there are flood defences along the River Lune. The site is within medium risk areas of groundwater flooding (the mitigation measures within the submitted FRA, combined with a condition for a Flood Emergency Procedure plan, will ensure the development will be safe for its lifetime), with low risk (1in1000 year) risk surface water flooding to immediately adjacent streets and proposed front extension and parking areas. There is a designated hard surfaced off-road cycle route along the north of St George's Quay, with a regular bus service between the railway station and Lancaster University stopping within approximately 75 metres of the application site.
- 1.4 To the east is the elevated railway line, with a parallel Tree Preservation Order - Number 531(2014) - to the immediate west of the railway line. To the east lies the Lancaster Centre Conservation Area and Quay Meadow designated open space. The site is within 1km walking/cycling distance of Lancaster Bus station, supermarkets and other services in Lancaster City Centre to the southeast. A smoke control area extends to the site. Lancaster Railway station is located circa 500 metres to the south, with the neighbouring residential developments bound to the south by a former railway line designated as public open space; a Tree Preservation Order - Number 531(2014) and Giant Axes sports pitch and designated open space are set just beyond. Lancaster Cricket Club is situated circa 400 metres west of the site, beyond this recently developed residential schemes and the remaining area of Lune Industrial Estate, with off-road cycle and walking routes southwest continuing to Glasson Dock.

2.0 Proposal

- 2.1 This application seeks planning permission to erect a single storey glazed front extension and standing seam black metal clad vertical extension above the existing Pump House walls to create a 4-storey student accommodation site containing 35 studio apartments with associated ground floor communal area, internal plant room, bin and bike store, and external fenced condenser compound. The proposal will use the existing ground floor arched head openings, installing two additional arched head openings to the east facing side elevation, with three flat head doors added for functional accesses to the rear south facing elevation. The semi-circular aspects of arched head external opening is to contain a black metal detail, with all window frames finished in bespoke black aluminium units, with black steel faced doors.
- 2.2 The proposed single storey front extension measures 3.75 metres high under a flat roof, with the duo-pitched gable end vertical extension to the Pump House rising the maximum height of the building by 1.5 metres to 13.5 metres tall, with a 10.5 metres tall eaves height measuring 3.5 metres above the existing eaves. The vertical extension roof pitch matches that of the retained gables, with the existing eaves visually retained through slight setback of the vertical extension behind the outer wall and the change of material to the proposed standing seam black cladding above the existing red brick.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in November 2023 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, it was proposed by Councillor Sarah Maddocks and seconded by Councillor Keith Budden:

“That the application be approved subject to the conditions in the Committee Report.”
Upon being put to the vote, 11 Councillors voted in favour of the proposal with none against and one abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to a Section 106 Legal Agreement to secure:

- £20,000 to the design, implementation and early maintenance of public open space to the north of St George's Quay;

and subject to the following conditions:

1. Time Limit (3 years).
2. Approved Plans.
3. Scheme for building recording and disseminating history.
4. Contamination report and remediation.
5. CEMP (including pollution control, noise and vibration mitigation, construction hours, vehicle movement, and protection of ecology).
6. Energy efficiency measures.
7. Employment Skills Plan.
8. Scheme for precise details of stairwell, door and tiles in this area.
9. Details and samples of external materials (including cladding, glazing, external doors, rainwater goods).
10. Ecological mitigation (including bat boxes and planting details).
11. Drainage connections.
12. Implement noise mitigation (including glazing, ventilation, fencing).
13. Precise details of the cycle store and trigger for full implementation.
14. Security measures.
15. Homeowner packs – HRA mitigation.
16. Travel plan mitigation (including use of parking for occupants and employees at Pump House and sustainable travel measures).
17. Waste storage and collection.
18. External lighting.
19. Single Occupation Student Occupation Only.

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

Application Number	Proposal	Decision
22/00737/PRE3	Pre application advice for a rooftop extension and conversion of existing pump house to 31 studio apartments	Advice provided
16/00574/FUL, 18/01543/VCN and 19/01057/NMA	Demolition of existing mill building, erection of 3 buildings comprising ground floor ancillary uses (Classes A1-A4, B1a, D1 and D2) and student accommodation above and 1 building of student accommodation, conversion of existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	Approved
13/01200/FUL and 14/01186/VCN	Erection of 149 dwellings with associated landscaping and car parking	Approved
12/00169/FUL	Erection of 8 three storey dwellings with associated landscaping, access and parking including the change of use of open space to form domestic gardens	Approved

11/00885/FUL	Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	Approved
07/00775/FUL, 07/00776/CON, and 11/00881/CON	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
07/00442/REM	Reserved Matters Application For Phase 1a Of Luneside East Masterplan: Buildings 5, 7, 8, 9, 12 and 14 only. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition Nos 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	Approved
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved

4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees. All responses were received prior to 26th October and are the same as reported to the preceding committee:

Consultee	Response
Conservation Team	Objection , current scheme results in the almost total loss of significance, which would normally be difficult to justify in terms of the public benefit unless it can be demonstrated that there is no viable alternative
Lancashire Archaeology	No objection , advise that the proposed mitigation of an information board including a QR code to further information regarding the history of the site should be secured by means of suitably worded planning condition.
Lancaster and District Heritage Group (LDHG)	Objection , loss of much needed potential communal/community space, and loss of industrial heritage. LDHG would strongly urge that this remaining part of the city's industrial heritage is kept as much as possible intact. Question the need for 35 additional apartments
Lancaster Civic Society	Concern at loss of significant features of the city's industrial heritage, particularly the interior worthy of preservation. Concern regarding need/desirability for student accommodation, concern regarding height of proposal. Request full pre-intervention survey and external plaque detailing historic importance.
County Highways	No observation received
Environmental Health	Given the pumphouse building was in-situ throughout, it is understood that no remediation work was done on this site, so further investigation and remediation required.
Lead Local Flood Authority	No objection
Environment Agency	No objection
United Utilities	No adverse comment, subject to a detailed drainage design controlled through pre-commencement condition.
Engineering Team	No observation received
Lancashire Constabulary	No objection , advice regarding secure by design principles
Fire Safety Officer	No objection , advice regarding fire vehicle access and water provision
Waste And Recycling	No observation received
Planning Policy	No observation received
Strategic Housing	No observation received

Public Realm	No objection , subject to proportionate contributions to open space
LUSU Housing	No observation received
Lancaster University	No observation received
University of Cumbria	No observation received

4.2 All responses below were received prior to 26th October and are the same as reported to the preceding committee:

19 objections have been received from members of the public, raising the following concerns reasons for objection:-

- Car parking, access and traffic, undersupply within the proposal, exacerbate existing issues
- Adverse impact upon access and residential amenity and vehicle movements during construction
- Overlooking the garden and dwellinghouse to the west, loss of privacy
- Overbearing height of development in relation to adjacent dwellinghouses
- Overshadowing adjacent dwellinghouses through increased height
- Incongruent design
- Heritage impact
- Adverse noise impacts in residential area, and deficiencies in submitted noise report
- Arrangements for bins and waste storage and collection, resultant litter, odour and vermin
- Impact on water supply and pressure
- Existing drainage already at capacity, exacerbated by the proposal
- Ground floor commercial units from adjacent student accommodation scheme remain vacant, and building itself was originally approved for commercial/community use
- Decrease house values
- No need for additional student accommodation

2 supportive due to complimenting existing adjacent well occupied student accommodation, and renovating a vandalised eyesore, ensuring the buildings retention and conversion. Concern about parking and vehicle movements also raised.

5.0 Analysis

5.1 The key material planning considerations have been addressed within the Committee report of November 2023 (appended). However, given recent legal advice received by the Local Planning Authority, an updated position on flood risk is put forward for consideration. The main issue is:

- Flood risk, sequential and exceptions test

5.2 **Flood risk and drainage** Development Management (DM) DPD policies DM7 (Purpose Built Accommodation for Students), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), and the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6, Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment), EC5 (Regeneration Priority Areas) and H1 (Residential Development in Urban Areas); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change) and PAN06 (Flood Risk Sequential Test and Exception Test)

5.2.1 The site falls within Flood Zone 3, which is defined as having a high probability of flooding, during more frequent events than 1in100 years from the river, and/or 1in200 year tidal flooding events. The site is not within the functional flood plain, it is not designed to flood, and is protected by flood defences with crest levels of the defences at the site set at 8.29m above Ordnance Datum. New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and provide site-specific Flood Risk Assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere.

- 5.2.2 The site is covered by a wider a housing allocation, and flood risk and alternative sites were assessed during the plan making and land allocations process.

As such, in accordance with national planning policy, there is no need to undertake a Sequential Test and Exceptions Test again, given this was already undertaken within the local plan for this allocated site. These allocations were made within the SPLA DPD, adopted in July 2020. However, changes to the National Planning Policy Framework (NPPF) a year later made subtle but substantive changes to national policy relating to flood risk. In particular with paragraph 158 in 2019, which become 162 in 2021, this clarifies that the sequential test is to be applied to steer development to area with the lowest risk of flood **from any source**. Unfortunately, the allocation relating to this development did not consider groundwater flooding. Whilst the NPPF also stipulates that applicants need not apply the sequential test again on sites allocated in the development plan, given the intervening subtle changes to relevant national planning policies, it is considered that the sequential and exceptions test should be undertaken on the basis of recently received legal advice.

- 5.2.3 Following legal advice relating to flooding matters, albeit for a different scheme within the district, it is considered that a flood risk sequential test and exceptions test should be undertaken, due to the way these were undertaken within the plan making process and subsequent subtle NPPF alterations. A sequential assessment and exceptions test has been submitted as part of this application following approval by planning committee to address this matter that came to light following the previous determination.

- 5.2.4 The proposal is located within an area which is in specific need for regeneration as identified within housing allocation H1.2, where the Council is supportive of residential development, and regeneration priority area EC5.4, where the Council is supportive of the regeneration of the remainder of the Luneside area. The proposal is for student accommodation, which policy DM7 directs to university campus', within or directly adjacent to Lancaster city centre. The application site is adjacent to Lancaster city centre, but looking for alternative sites beyond those directed by policy DM7 would not be policy compliant, and therefore the sequential test is limited to the areas stipulated in DM7. As directed by the relevant Planning Advice Note, comparable sites should be between 10% larger and smaller than the proposal, so potential to accommodate 31 to 39 student studio accommodation units, a site area between 0.04ha and 0.06ha. Furthermore, the application site is considered to be immediately deliverable in terms of timeframe for development, following works for remediation to facilitate the development of the Pump House.

- 5.2.5 The submitted sequential test has assessed various sites both within and beyond the above agreed parameters for the sequential assessment for the development. The sequential test concludes that none are suitable, either due to site size, policy constraints, implemented permissions being delivered already or ongoing use rendering them unavailable. This included sites within the strategic housing land assessment and various online marketing and property searches. Furthermore, the proposal offers particular circumstances that are extremely difficult to replicate elsewhere, particularly the partial retention of a non-designated heritage assets falling into disrepair through many decades of inactivity, and a circumstance that can only be delivered here, which is effectively completing the regeneration aspirations of the eastern triangle of the regeneration priority area. This is not just through the partial retention, conversion and development of the last undeveloped building from the last remaining historic building of the former St Georges Works complex, but also the financial contribution to the public open space scheme within this area, and the associated improvements and community buy-in to seeing functional and improved use of this open space. These could not be delivered elsewhere. For these reasons, and no identified sites appropriate for the scale and type of student accommodation proposed, development of the application site for this purpose is considered to pass the sequential assessment.

- 5.2.6 In terms of the exception test, the mitigation measures within the submitted FRA, namely a finished floor level almost 0.5 metres above the minimum floor level considered appropriate in terms of flood risk in this location. No objections were received from Environment Agency. The appropriate finished floor level of the proposal detailed on the proposed plans is considered to be suitable mitigation to ensure the development will be safe for its lifetime. The proposal would not exacerbate flood risk to surrounding properties, being largely impermeable as existing and proposed, and subject to planning conditions for drainage arrangements. As such, the proposal is considered acceptable in terms of flood risk without further mitigation. The site is defended from flood events from the river, and the low frequency 1in1000 year surface water flood events to the front extension communal

area and parking provision would be low impact, with a lack of basement minimising groundwater flooding impacts. These risks are given modest weight. However, the economic and social benefits to the community of this proposal within a regeneration priority area, contributing to addressing the acute housing supply under provision figures and the financial contribution to the nearby public open space scheme cumulative carry significant weight, and outweigh the modest flood risk from the proposal designed to minimise this impact.

6.0 Planning Obligations

6.1 A Section 106 Legal Agreement is sought to secure the following:

- £20,000 to the design, implementation and early maintenance of public open space to the north of St George's Quay.

7.0 Conclusion and Planning Balance

7.1 The scheme was presented to the Planning Regulatory Committee in November 2023. A sequential assessment and exceptions test has been submitted and assessed at the request of officers following the previous committee determination. Conditions sought by Councillors previously can be imposed on the consent, and the planning obligations for provision of public open space controlled through legal agreement. These remain unchanged from the previous resolution by planning committee.

7.2 With the above in mind, and the fact that the proposal is considered to have passed both the required sequential and exceptions test with the planning balance continuing to weigh in favour of the proposal, the development as a whole is considered sustainable. No identified harm individually nor cumulatively is considered to significantly and demonstrably outweigh the benefits assessed and presented in the previous report to the preceding Planning Regulatory Committee, and the recommendation remains to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and Planning Obligations (as set out at paragraph 6.1 of this report):

- £20,000 to the design, implementation and early maintenance of public open space to the north of St George's Quay.

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Approved Plans	Control
3	Scheme for building recording and disseminating history	Pre-commencement
4	Contamination report and remediation	Pre-commencement
5	CEMP (including pollution control, noise and vibration mitigation, construction hours, vehicle movement, and protection of ecology)	Pre-commencement
6	Energy efficiency measures	Pre-commencement
7	Employment Skills Plan	Pre-commencement
8	Scheme for precise details of stairwell, door and tiles in this area	Pre-commencement to building envelope
9	Details and samples of external materials (including cladding, glazing, external doors, rainwater goods)	Pre-commencement of external works
10	Ecological mitigation (including bat boxes and planting details)	Pre-occupation
11	Drainage connections	Pre-occupation
12	Implement noise mitigation (including glazing, ventilation, fencing)	Pre-occupation

13	Precise details of the cycle store and trigger for full implementation	Pre-occupation
14	Security measures	Pre-occupation
15	Homeowner packs – HRA mitigation	Pre-occupation
16	Travel plan mitigation (including use of parking for occupants and employees at Pump House and sustainable travel measures)	Pre-occupation
17	Waste storage and collection	Control
18	External lighting	Control
19	Single Occupation Student Occupation Only	Control

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

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

Background Papers

Previous report to the Planning Regulatory Committee November 2023

Agenda Item	<u>Appendix to A10 Pump House</u> (<i>item A5 at 06:11:2023</i>)
Application Number	23/00571/FUL
Proposal	Change of use and conversion of existing pump house and erection of front and upwards extensions to create 35 studio apartments for students (C3 use) with associated communal areas
Application site	Part Of Former St Georges Works (Pump House) Abram Close Lancaster Lancashire
Applicant	Mr Nick Langford
Agent	Mrs Rachael Oldroyd
Case Officer	Mr Andrew Clement
Departure	No
Summary of Recommendation	Approval, subject to conditions and a legal agreement

1.0 Application Site and Setting

- 1.1 The application site relates to the Pump House, which is understood to be the last remaining historic building of the former St Georges Works complex located to the south of St George's Quay, Lancaster. The 19th century building comprises a tall single-storey building, externally utilitarian in design and plainly treated, being a simple brick shell with little ornamentation, and openings being simply round headed. Internally the walls are of more interest, being faced in white, black and brown glazed brickwork, incorporating various specially moulded bricks to form the arched heads to the openings and string courses to form the skirting, dado, inpost string course and a dentilated picture rail. Retained engine beds and internal features provide an understanding of internal arrangements and the use of the building. Links to Lord Ashton and the source of wealth means the Pump House is considered to be a locally important heritage asset, identified as a non-designated heritage asset, but that in 2016 failed an assessment for Listed Building status as the building was considered to be of local, rather than national, importance. The site is just beyond the Lancaster Centre Conservation Area, Character Area 1. The Quay, of national heritage importance, but within the setting of this area that extends to, but does not include, the railway line circa 75 metres to the east of the site.
- 1.2 The setting of the Pump House as part of the wider St Georges Works has significantly altered in the last 15 years, with 149 dwellinghouses constructed to the south and west, whilst to the north there is a 419-unit student accommodation and ground floor ancillary commercial uses within four buildings that are of three to six storeys in height (inclusive). Whilst the Pump House formed part of the latter consent, the approved conversion was never implemented, and the site remains unaltered and in a dilapidated condition. The application site and the surround developments described above are all within the Luneside East Development, a housing delivery allocation and wider regeneration priority area within the Local Plan. The site and wider area for the majority of Lancaster have an Article 4 restrictions on permitted development rights for conversions from dwellinghouses to HMO, requiring planning permission for such a change of use within this area.

- 1.3 To the north of the site lies the River Lune, an environmentally important Biological Heritage Site (BHS) and Marine Conservation Zone. As it opens up into the Lune Estuary approximately 2km downstream to the southwest, national and international protections and designations of the Site of Special Scientific Interest (SSSI), Morecambe Bay Special Protection Area (SPA), RAMSAR Site, Special Protection Area (SPA) and Special Area of Conservation (SAC) apply, with the site within the buffer impact zone of the SPA. The site lies within Flood Zone 3a, at high risk (1in100 year) of river flooding, but not within the function flood plain as there are flood defences along the River Lune. The site is within lower risk areas of groundwater flooding at the site (25 to 50% risk), with low risk (1in1000 year) risk surface water flooding to immediately adjacent streets. There is a designated hard surfaced off-road cycle route along the north of St George's Quay, with a regular bus service between the railway station and Lancaster University stopping within approximately 75 metres of the application site.
- 1.4 To the east is the elevated railway line, with a parallel Tree Preservation Order - Number 531(2014) - to the immediate west of the railway line. To the east lies the Lancaster Centre Conservation Area and Quay Meadow designated open space. The site is within 1km walking/cycling distance of Lancaster Bus station, supermarkets and other services in Lancaster City Centre to the southeast. A smoke control area extends to the site. Lancaster Railway station is located circa 500 metres to the south, with the neighbouring residential developments bound to the south by a former railway line designated as public open space; a Tree Preservation Order - Number 531(2014) and Giant Axes sports pitch and designated open space are set just beyond. Lancaster Cricket Club is situated circa 400 metres west of the site, beyond this recently developed residential schemes and the remaining area of Lune Industrial Estate, with off-road cycle and walking routes southwest continuing to Glasson Dock.

2.0 Proposal

- 2.1 This application seeks planning permission to erect a single storey glazed front extension and standing seam black metal clad vertical extension above the existing Pump House walls to create a 4-storey student accommodation site containing 35 studio apartments with associated ground floor communal area, internal plant room, bin and bike store, and external fenced condenser compound. The proposal will use the existing ground floor arched head openings, installing two additional arched head openings to the east facing side elevation, with three flat head doors added for functional accesses to the rear south facing elevation. The semi-circular aspects of arched head external opening is to contain a black metal detail, with all window frames finished in bespoke black aluminium units, with black steel faced doors.
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3.0 Site History

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	existing pump house to a mixed use communal facility (Classes A2, B1a and D1), and associated access, parking, servicing and landscaping / public realm works	
13/01200/FUL and 14/01186/VCN	Erection of 149 dwellings with associated landscaping and car parking	Approved
12/00169/FUL	Erection of 8 three storey dwellings with associated landscaping, access and parking including the change of use of open space to form domestic gardens	Approved
11/00885/FUL	Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	Approved
07/00775/FUL, 07/00776/CON, and 11/00881/CON	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
07/00442/REM	Reserved Matters Application For Phase 1a Of Luneside East Masterplan: Buildings 5, 7, 8, 9, 12 and 14 only. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition Nos 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	Approved
01/01287/OUT	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	Objection , current scheme results in the almost total loss of significance, which would normally be difficult to justify in terms of the public benefit unless it can be demonstrated that there is no viable alternative
Lancashire Archaeology	No objection , advise that the proposed mitigation of an information board including a QR code to further information regarding the history of the site should be secured by means of suitably worded planning condition.
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Lancaster Civic Society	Concern at loss of significant features of the city's industrial heritage, particularly the interior worthy of preservation. Concern regarding need/desirability for student accommodation, concern regarding height of proposal. Request full pre-intervention survey and external plaque detailing historic importance.
County Highways	No observation received
Environmental Health	Given the pumphouse building was in-situ throughout, it is understood that no remediation work was done on this site, so further investigation and remediation required.
Lead Local Flood Authority	No objection
Environment Agency	No objection
United Utilities	No adverse comment, subject to a detailed drainage design controlled through pre-commencement condition.
Engineering Team	No observation received

Lancashire Constabulary	No objection , advice regarding secure by design principles
Fire Safety Officer	No objection , advice regarding fire vehicle access and water provision
Waste And Recycling	No observation received
Planning Policy	No observation received
Strategic Housing	No observation received
Public Realm	No objection , subject to proportionate contributions to open space
LUSU Housing	No observation received
Lancaster University	No observation received
University of Cumbria	No observation received

4.2 **19 objections** have been received from members of the public, raising the following concerns reasons for objection:-

- Car parking, access and traffic, undersupply within the proposal, exacerbate existing issues
- Adverse impact upon access and residential amenity and vehicle movements during construction
- Overlooking the garden and dwellinghouse to the west, loss of privacy
- Overbearing height of development in relation to adjacent dwellinghouses
- Overshadowing adjacent dwellinghouses through increased height
- Incongruent design
- Heritage impact
- Adverse noise impacts in residential area, and deficiencies in submitted noise report
- Arrangements for bins and waste storage and collection, resultant litter, odour and vermin
- Impact on water supply and pressure
- Existing drainage already at capacity, exacerbated by the proposal
- Ground floor commercial units from adjacent student accommodation scheme remain vacant, and building itself was originally approved for commercial/community use
- Decrease house values
- No need for additional student accommodation

2 supportive due to complimenting existing adjacent well occupied student accommodation, and renovating a vandalised eyesore, ensuring the buildings retention and conversion. Concern about parking and vehicle movements also raised.

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, viability and open space
- Residential amenity, waste and security
- Transport, parking, and air quality
- Flood risk and drainage
- Ecology, biodiversity, and contamination
- Energy efficiency, employment and skills

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), H1: (Residential Development in Urban Areas), 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 wider area of Luneside East is a long-standing regeneration priority area and housing opportunity site sought for mixed-used regeneration, and the culmination of over 10 years of preparatory work to secure a new mixed-use area on the edge of the city centre. Whilst the heavily contaminated and brownfield site has largely been transformed by recent residential and mixed-use student accommodation scheme, the Pump House remains untouched, in a dilapidated condition surrounded by new developments. The Pump House had previously been intended and permitted for renovation and conversion to a use class containing financial and professional services, office or health clinic. Unfortunately, this has not come to fruition, but it is noted that developers are able to partially implement a planning permission 18/01543/VCN. It is recognised that whilst student occupancy through the wider scheme is apparently in high demand, the demand for commercial ground floor units is unfortunately much lower, with the majority remaining vacant, and the Pump House remaining undeveloped. In this case, it is understood there is no planning or legal trigger to insist upon the implementation of the part of the consent relating to the Pump House, the result of this being the Pump House remaining an undeveloped brownfield site. As such, the application should be judged on its own merits having regard to the current adopted Development Plan and other material considerations.
- 5.2.2 The site sits within wider developments and policy land allocations for housing, and the location of the site and proximity to existing larger student accommodation and sustainable transport provision make this site suitable for student accommodation in principle. Students represent an important component of Lancaster's housing market as part of the overall housing strategy, and student studio accommodation forms housing that contributes to meeting the district housing need. This would modestly contribute to addressing the lack of 5-year housing land supply, which currently identifies just 2.4 years supply of deliverable housing within the district. The consequences of not having a 5-year housing supply means paragraph 11d of the NPPF is engaged ('the presumption in favour of sustainable development') unless policies in the Framework that protect areas or assets of particular importance provides a clear 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. This carries significant weight in the consideration of this application.
- 5.2.3 Given the proposal relates to the conversion and extension of a local heritage asset within a regeneration priority area, provision of high standard of building for student accommodation is considered to be appropriate at the site, if this is delivered to an appropriate high standard of finish at this locally important heritage site. Matters of design will be assessed in the following section of this report, however the principle of the development on this site is considered to be acceptable and policy compliant. The provision of student studio residential accommodation, and the contribution this would make to addressing the current local undersupply of housing, together with the associated social and economic benefits of this, weigh in favour of the proposal.
- 5.3 **Design, scale and streetscene impact upon heritage assets, viability and open space (Development Management DPD DM27 (Open Space, Sports and Recreation Facilities), DM29 (Key Design Principles), DM39 (The Setting of Designated Heritage Assets) and DM41 (Development Affecting Non-Heritage Assets or their settings), DM42 (Archaeology), DM57 (Health and Wellbeing), DM58 (Infrastructure Delivery and Funding) and Appendix D (Open Space Standards and Requirements), Strategic Policies and Land Allocations DPD SP7 (Maintaining Lancaster District's Unique Heritage), National Planning Policy Framework Section 12. (Achieving well-designed places), Section 16. (Conserving and enhancing the historic environment), and Listed Building and Conservation Areas Act 1990 Section 7, 17 Paragraph 72, 73**
- 5.3.1 The application site is not located within a Conservation Area and has no listed buildings within its site boundaries. Whilst the site is adjacent Lancaster Centre Conservation Area, the boundary of this is the railway line, which combined with the wider existing developments and intervening buildings this would ensure no adverse impact upon the Conservation Area. Similarly, whilst the wider site forms the foreground to the Grade I listed Castle and Priory to the south-east of the site, particularly when viewed from the north side of the River Lune, the intervening and surrounding developments ensure there is extremely limited intervisibility between this proposal and these heritage assets. As such, it is considered that the proposal causes no undue harm to nationally designated heritage assets or their settings.

- 5.3.2 Whilst the Pump House and what remained of the industrial Mill buildings on-site in 2016 were assessed and ultimately determined by Historic England to not be of suitable national heritage importance to form a designation as a Listed Building, the site is certainly of local heritage significance, and is considered to be a non-designated heritage asset. The effect of a proposal on the significance of a non-designated heritage asset will be taken into account, and in weighing proposals a balanced judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset. However, such local assets have less protection than those that are nationally designated, and policy does not attach great weight to such impacts, but weighs this within the overall planning balance, in accordance with NPPF paragraph 203.
- 5.3.3 The Pump House is a relatively large industrial building constructed in red brick with a gabled roof and remaining timber louvres for ventilation, with a Welsh slate covering and of a utilitarian design that is plainly treated. The building currently comprises a very tall single storey form that is six bays long by three bays wide, but is dwarfed by the recently constructed adjacent student accommodation units; as it was previously by the historic buildings at the St George's Works, since demolished for the adjacent student accommodation. The key heritage significance relates to the fact the Pump House is the last remaining historic buildings at the former St George's Works, and the association with the Williamsons family and particularly Lord Ashton. This is of great significance to Lancaster as the last surviving indication of the source of Lord Ashton's wealth, which has a significant contribution to Lancaster and its built heritage. The most significant and ornate detailing of the asset is inside, with the retained lifting equipment, hoists, containers and open plan allowing appreciation and strong evidential and illustrative value of its built form and functional past. High aesthetic value is derived from the repeated arch motif, created in fine gauged brickwork, creating a rhythm along the elevations, and internally the high quality white glazed brickwork which survives extremely well internally, which contrasts visually to the glazed moulded brick arches and moulded string course above.
- 5.3.4 The proposal seeks to remove the existing Welsh slate roof and timber louvred clerestory above for ventilation, and replace this with a contemporary standing seam black metal cladding vertical extension. This would retain the shape and pitch angle of the existing building, albeit in a modern design and finish, retaining the distinctive roofline at a taller height, in a setting where this is now unfortunately less distinctive following the removal of surrounding multi-pitched roof buildings. The design and material were discussed at length during pre-application discussions, resulting in a form that recognises the character of the building, using a distinctive material against the surrounding corten cladding of neighbouring student accommodation buildings, but also used less extensively within the surrounding student accommodation providing a degree of congruency. The pattern of window openings, and the subserviency of these to the existing arched headed openings, avoiding the existing eaves line and appearing to become smaller to upper floors, is considered an approach sympathetic to the Pump House. However, the loss of clerestory and the existing the distinctive roof structure, a key component of the assets significant, cause a modest degree of heritage harm to the Pump House. Details and samples of the roof material, window/rooflight openings and rainwater goods to ensure an appropriately uncluttered and sharp appearance of the vertical extension is required to minimise harm to a modest degree.
- 5.3.5 The front single storey extension is lightweight and contemporary additional. Subject to details and samples, only a very small degree of harm would be caused, primarily through concealing existing arched headed openings within the building, but also encouraging their retention. The retention of other arched headed openings at ground floor level is encouraged, and two near arched heading openings to a currently blank side elevation is considered appropriate. Whilst ideally these would remain glazed, the setback metal cladding flush within the arches above new black aluminium framed window (and of similar design to existing) is considered an appropriate intervention to accommodate a lower first floor crossing of these openings, again subject to precise details through condition. Utilitarian openings to the rear of the property are similarly appropriate for the simple design of the rear (south) elevation, with plant equipment visually contained by timber boarded fence similar to a neighbouring bin store. Whilst the rhythm of openings at first floor level gives an industrial appearance, these and the installation of windows upper floors within the currently blank gable are considered to cause further modest heritage harm, albeit to almost the minimum degree to facilitate the proposal of this nature given most studio apartments would only benefit from a single window opening each.

- 5.3.6 The proposal sits within a streetscene of other, larger student accommodation, and a relatively new housing estate, of smaller scale at predominantly two and three storey town houses. From a design and streetscene perspective, the external appearance is considered to be congruent to the existing streetscape, and congruent to the industrial inspired design of the adjacent student accommodation. The proposed development achieves this industrial inspired design greater integrity, given the reuse and incorporation of existing elements of the Pump House. The height would be larger than the immediately adjacent student block, primarily due to the pitched roof form inspired by the existing Pump House, this would still be subservient and proportionate to the student accommodation units fronting St George's Quay.
- 5.3.7 Whilst the Pump House was originally designed to be subservient to the surrounding mill buildings, as the last remaining structure of this heritage industrial site it is considered appropriate that this would attract some attention through bold design of the proposal at a key corner location in the immediate area. Whilst this would stand taller than neighbouring dwellinghouses, it is considered that this would not be disproportionate nor overbearing in the context of existing larger student accommodation buildings and given the history of the property. Whilst the external design has some impacts upon the Pump House heritage significance, in terms of design, scale and how this would be viewed in the existing context, the proposal is considered to sit comfortably in the surrounding and congruent to the contemporary industrial inspired student accommodation, and would certainly address the unfortunate condition of the existing building and streetscene impact this makes.
- 5.3.8 Unfortunately, a number of key components of significance are within the building and beyond public view. Most unfortunately, a large number of these would need to be removed and concealed in perpetuity through this proposal. Through any renovation and conversion, the gantry crane and other machinery would likely need to be removed. The subdivision for the student studio accommodation proposed removes the single open space internally, and particularly the creation of multiple lower ceiling heights loses the sense of space and appreciation of the former use. This is particularly exacerbated by the low ground floor, crossing the arched headed openings internally, removing any internal appreciation of these key features. With the exception of just over half the height of the stairwell, where glazed bricks and tiles will remain exposed, appreciation of these ornate internal features, height and former use will be largely concealed. As the primarily source of mitigation for internal elements, it is considered that the scheme for the internal stairwell and immediately adjacent door opening fitting within an existing internal arched headed feature should be controlled through planning condition. The glazed bricks and tiles are to remain exposed within the communal ground floor space within the existing building, albeit the ceiling height here would conceal the detailed arches and cornicing. Even with these mitigations, there would be a moderate degree of heritage harm to the interior of the Pump House.
- 5.3.9 Officers had sought retention of some lofted internal space, namely through double height communal area internally through the removal of two first floor studio units, and removal of associated windows to those units. Whilst the majority of the interior features would remain concealed or removed, this would have given an appreciation of the scale and ornate features within an open area at a key entrance point to the property. Unfortunately, this has not been accommodated within the proposal, and the scale of harm remains as assessed above. An external information board has been suggested as mitigation by the applicants and Lancashire Archaeology, and whilst this will provide some electronic information and context as to the building, its history, wider context and condition prior to works and developments, this digitisation of history is far less impactful than the physical presence and experience of retained features, albeit more publicly accessible externally. This mitigation and precise details of this should be controlled through condition, but even with this, the cumulative harm to the non-designated heritage asset of the Pump House is considered to be fairly high.
- 5.3.10 There is a fallback position of a commercial use within a more open plan space, which has the potential to cause a reduced degree of harm to the Pump House and would be an optimal use of the space, from both a heritage and likely community perspective from the public consultation responses. Whilst such a renovation and conversion may have been viable as part of the wider scheme within which it was originally approved, outside of this the figures are much more marginal. Due to the condition of the Pump House, and abnormal costs to enable development of this likely contaminated building estimated at circa £430,000 by the Council's appointed viability assessor, such a use in this location is highly unlikely to ever come to fruition, particularly given the vacancy similar space within immediately adjacent new build units.

- 5.3.11 Viability was assessed for the proposed scheme. The conclusion reached is that 35 student studio apartments would be viable with a £20,000 public open space contribution, and a 33 student studio scheme would also be viable, but only on the basis of all financial contributions being removed.
- 5.3.12 Whilst Officer preference would be to retain internal elements within a slightly reduced number of studios, the applicant's considered this unviable, and unpractical to have a vaulted height communal room finished in tiles with very little insulation. Furthermore, such an approach would remove all contributions to public open space. During the course of the application, a deliverable scheme for the public land to the north of St George's Quay has emerged. Whilst this remains at an early stage, this is sufficiently progressed to seek a Community Infrastructure Levy (CIL) compliant contribution of £20,000 for the design, implementation and early maintenance of this public space. This is a planning benefit to the proposal, weighing modestly in favour, but more importantly a tangible benefit that would be experienced by immediate local community most impacted by the proposal. Furthermore, discussions separately with the local community and the developer has brought forwards the suggestion of using some internal elements of the Pump House within the public open space, providing a form of retention and link between the heritage of the Pump House and public realm, in a similar fashion to that considered to be very successful within the preceding adjacent larger student accommodation led scheme (18/01543/VCN). Whilst this latter potential arrangement is too early to be controlled directly through this application, this can be advanced outside of this application given the potential mutual benefits. However, the agreed financial contribution of £20,000 to designing and delivering public open space benefits can be controlled through legal agreement, and this is considered to be a modest benefit of the proposal.
- 5.3.13 The NHS contribution is also sought, however the contribution to the Dalton Square Practice for student accommodation on St George's Quay is unfortunately not CIL compliant, due to lack of specifics regarding projects this would contribute towards, nor justification for contribution to this particular practice given the healthcare services available to students on campus. The omission of the NHS contribution is not at the request of the applicant, but unfortunately because this is considered to fail to meet the requirements of the CIL regulation tests and could not therefore be supported at this time.
- 5.3.14 It is considered that with the design and mitigation measures proposed to minimise heritage harm, would avoid undue adverse impacts upon the designated heritage asset, although they do unfortunately result in a cumulative 'fairly high' degree of harm to the local heritage significance of the Pump House. However on balance the scheme does at least ensure the retention of some external and limited internal elements, making others recorded and available digitally. It is considered that the viability assessment demonstrated that the level of intervention sought is at least close to minimum viability, providing justification for the level of impact upon this local heritage asset, whilst providing previously assessed benefits in terms of 35 units of accommodation and contribution to a local public open space scheme. As such, whilst there is harm and some degree of conflict with DM DPD policy DM41 to be considered in planning balance, the proposal is considered compliant with other policies considered within the section of the report, whilst providing a modest but locally tangible benefit in terms of open space and DM DPD policy DM27.
- 5.4 **Residential amenity, waste and security** Development Management DPD DM29 (Key Design Principles), Appendix G (Purpose Built Student Accommodation), PAN01 (Waste Storage and Collection Guidance for Domestic and Commercial Developments), National Planning Policy Framework Section 8. Promoting healthy and safe communities
- 5.4.1 Whilst proposed Studio 2 appears a little cramped, this shows all facilities expected within a student studio and technically meeting the minimum floorspace requirements. The arrangement of other studios is more comfortable. All studios and living space benefit from windows providing suitable levels of outlook and natural light, and whilst corridors do not benefit from openings, they accommodate accessibility provisions and lift services. Combined with a generous communal area, this is considered to offer suitable residential amenity standards to future student occupants, and is compliant with DM DPD Policy DM7 and Appendix G. This compliance relates to student occupation only, which should be controlled through a planning condition to ensure any future occupation is by full-time students only. The studios do not meet nationally described space standards (NDSS) and policy requirements that apply to unfettered residential occupation, but are considered to be acceptable for the more transient occupancy of students whilst studying.

- 5.4.2 Turning to existing neighbouring residents, the application site is already within a densely populated residential area adjacent to a railway line and existing student housing, and this increase is considered to cause no adverse impact regarding noise or disturbance. To protect future residents from adverse noise levels, standard double glazing and ventilation mitigation is required, in addition to fencing around external plant equipment, which can be controlled through planning condition. The greater impacts in terms of noise and disturbance would likely occur during construction, particularly given the proximity to existing neighbours, and as such a construction management plan (CMP) should be controlled through planning condition.
- 5.4.3 Existing residents to the south are just over 12 metres from the Pump House, facing a blank elevation as existing. There would be no glazed openings to this south facing rear elevation of the Pump House, and as such no adverse impact upon privacy. Whilst the ridge and eaves height of the building would increase, given the fact this is north and across a cul-de-sac road, it is considered that this would have no undue harm in terms of overbearing, and no impacts upon overshadowing. Similarly, this is considered to have no adverse impact upon residential amenity of existing students to the east. To the north, whilst the proposed development would cast shadows predominantly in this direction, the separation distance of 33 metres is more than sufficient to ensure no undue adverse impacts upon student accommodation to the north.
- 5.4.4 To the west, the proposed development faces the side elevation, and rear garden, of a 2.5 storey tall semi-detached dwellinghouse. The side elevation contains a small obscure glazed upper floor window only, however the rear garden area is bound by a circa 1.9 metre tall wall, and the Pump House is just 10.5 metres east of this. Some degree of overlooking is expected within any densely populated edge of town residential area, and for new developments the minimum depth of rear gardens is ordinarily 10 metres to ensure opposing neighbouring windows are at least this distance from neighbouring garden areas. However, this minimum distance increases depending on difference in land levels, or in this case, storeys of development, being large than those ordinarily between dwellinghouses. This case is also exacerbated by the impact being from multiple upper floor windows, along the length of the garden, rather than the more common end-to-end garden overlooking impacts the 10 metre minimum is sought to address.
- 5.4.5 Mitigation has been proposed, namely in the form of openings serving second and third (top) floor studios being 1.2 metres above the finished floor levels of the associated studios. Whilst this appears a modest compromise, design alterations have been required to accommodate this, and this has a large impact upon overlooking of private open space beneath these openings, encouraging upwards views. From perspectives further into the rooms and from seated viewpoints this window height would physically restrict overlooking downwards. Whilst this effect would not cover all viewpoints, in smaller rooms with all the furniture and fittings for daily life the restrictions are a significant mitigation against direct overlooking. However, there will still be a degree of impact upon residential amenity, particularly on the perception and feel of being overlooked by windows visible from this garden, which is unfortunate. Given the mitigation measures of window heights, and the fact this is within a densely populated housing development as existing, harm to neighbouring privacy through overlooking is considered to be less than significant harm, and would not warrant a refusal of consent on this ground alone.
- 5.4.6 Neighbouring concerns have been raised regarding waste arrangements, and particularly those currently experienced. Waste and recycling bins are to be stored internally within the building, and accessed by doors to the rear. Subject to a planning condition for these bins and associated waste to be stored internally, other than on bin collection days or other arrangement to be agreed prior to occupation, it is considered that this will control acceptable waste arrangements and the bins will only be beyond the built form when practically required for collections and emptying. Lancashire Constabulary consultation response recommends a number of security measures, although some are inapplicable to this particularly site, particularly relating to site boundaries. Security details of surveillance, 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.
- 5.4.7 The proposed development offers suitable amenity standards to future student occupants, with no adverse impact through noise or from waste given the arrangements of the proposal. Whilst the design and scale would be noticeable, in the context of the area this would not cause undue harm

in terms of overbearing and overshadowing. A modest degree of harm to privacy would likely be experienced by a nearby residential neighbour to the west, weighing against the proposal, but through mitigation measures and mitigating circumstance this would avoid significant detrimental impact to amenity, and as such is broadly compliant with DM DPD Policy DM29 and other policies assessed in this section.

- 5.5 **Transport, parking, and air quality** Development Management DPD DM29 (Key Design Principles), DM57 (Health and Well-being), DM61 (Walking and Cycling), DM62: (Vehicle Parking Provision), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations DPD T2: Cycling and Walking Network, EN9: (Air Quality Management Areas), PAN08 (Cycling and Walking), National Planning Policy Framework Section 9. (Promoting sustainable transport)
- 5.5.1 The site benefits from good sustainable transport links, within walking distance of the bus and train stations, with off-road paved walkway and cycle routes closely accessible and running along the southern side of the River Lune, north of St George's Quay, and continuing to Morecambe, Heysham, Halton and Glasson Dock almost entirely off-road. The nearest bus stop is very close by on St Georges Quay, providing public transport to key destinations of University of Cumbria, Lancaster University, and Lancaster Train Station. This bus service runs from 7:23am until 7:28pm from the site, and similar times in the reverse. Whilst in an ideal world this would continue longer into the evening to cover social trips, the application site is considered to be a highly sustainable location, and such provision should encourage uptake and modal shift to using these transport methods.
- 5.5.2 To encourage these further, the proposed development contains space for securely parking 18 bikes, which is within the building itself to improve security. Whilst this provision covers just over half of the proposed studios, below the policy indication of one per studio, this is considered to be sufficient quantity, particularly with additional Sheffield stands providing overflow and non-resident provision in the immediately surrounding open space delivered through the neighbouring student development. Precise details of the bicycle parking can be controlled through planning condition, to ensure this is suitable to encourage this method of transport. Furthermore, the submission includes an interim travel plan, including a number of measures to encourage sustainable transport options through welcome packs and on-site provisions to increase awareness and the practicality of using these options. The levels of private car parking within this proposal, 8 in total including 2 disabled parking spaces, will also encourage sustainable transport through discourage private car trips by having a less attractive offer to potential future occupants that choose to travel by car.
- 5.5.3 It is appreciated that the positive measures to encourage sustainable travel are unlikely to overcome the concerns of local residents, with parking and highway safety the most frequent concern raised through the public consultation process. It is clear these issues are felt locally, and the source of concern relates to the existing arrangements, and whether the proposal would exacerbate these. The 8 parking spaces part of this proposal are existing, but for the use by the proposed development, as opposed to the existing student accommodation units as within the current arrangements. It is understood the existing student accommodation units currently benefit from access to 88 parking spaces, although public concern relates to the underuse of these, rather than under provision of space, resulting in parking roadside.
- 5.5.4 Demand for parking in the vicinity has certainly increased in the immediate vicinity over the last 15 years through the residential and student accommodation developments as part of the wider site and allocation. Arguably, public highway parking restrictions along St George's Quay have not kept pace with these changes, which appear largely unchanged. It is unclear what proportion of existing experienced issues are caused by the 419 student accommodation beds, 149 new dwellinghouses or other potential factors in parking demand and highway movements. However, in the context of these wider recent changes, the proposal for 35 additional student studios is considered to be a modest uplift.
- 5.5.5 Many student accommodation developments come forwards with little or no private car parking, particularly in city centre and edge of centre locations. Whilst students cannot be restricted from owning and using private cars, providing greater levels of private off-street car parking would likely encourage this transport method, and the provision of 84 car parking spaces for existing student accommodation may encourage frequent student drivers to occupy these units. Through the proposal, 8 of these spaces would serve the Pump House proposal, and subject to a planning

condition for these to be used by those occupying and/or employed at the Pump House, this is considered to be suitable provision, without over providing and actively encouraging private car ownership by occupants. The proposed provision and mitigation measures of secure cycle parking and others within the interim travel plan are considered policy compliant and would promote uptake in such transportation methods, encouraging a modal shift from frequent private car use to public and sustainable transport methods. This approach is policy compliant and in-line with the declaration of a Climate Emergency by the Council.

- 5.5.6 In terms of air quality, and impacts upon the Air Quality Management Area around Lancaster city centre in particular, the aforementioned encouragement of sustainable transport will also offer mitigation in this regard. The submitted Air Quality report also details mitigation of Positive Input Ventilation (PIV), and measures to control dust and emissions during construction, which can be controlled through suitably worded planning conditions, and would suitably mitigate the additional trip associated with the development that includes no net increase in parking provision in the area, compliant with policy.
- 5.6 **Flood risk and drainage** Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), and the Flood Risk Sequential Test and Exception Test Planning Advisory Note 6, Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); National Planning Policy Framework (NPPF) Section 14. (Meeting the challenge of climate change, flooding and coastal change)
- 5.6.1 The site falls within Flood Zone 3, which is defined as having a high probability of flooding, albeit it in this case the Quay is protected by flood defences with crest levels of the defences at the site set at 8.29m above Ordnance Datum. New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and provide site-specific Flood Risk Assessments (FRA) to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere. The site is covered by a wider a housing allocation, and flood risk and alternative sites were assessed during the plan making and land allocations process. As such, in accordance with national planning policy, there is no need to undertake a Sequential Test and Exceptions Test again, given this was already undertaken within the local plan for this allocated site.
- 5.6.2 The application has been supported by a basic Flood Risk Assessment (FRA) and Drainage Strategy. The details within this rely heavily on the surrounding development and existing infrastructure, with limited information regarding the specific arrangements for the proposal itself. However, both Statutory consultees, the Environment Agency (EA) and the Lead Local Flood Authority (LLFA), have considered the information submitted and have raised no objections to the development proposals. The finished floor level at ground floor level is above the minimum considered appropriate in terms of flood risk in this location, by almost 0.5 metres. The proposal would not exacerbate flood risk to surrounding properties, being largely impermeable as existing and proposed. As such, the proposal is considered acceptable in terms of flood risk without further mitigation.
- 5.6.3 In terms of drainage, the proposal details that the development will connect to outfalls and facilities already delivered and linking to the application site as part of the wider student accommodation scheme 18/01543/VCN, which also incorporate this property, albeit for a commercial rather than residential use. Subject to planning condition to ensure the proposal is linked and connected to the facilities detailed within the submission prior to first use, it is considered that drainage and flood risk details are acceptable and already accommodated through immediately adjacent and recently implement development and the land allocation respectively. This approach proposed is considered to be policy compliant.
- 5.7 **Ecology, biodiversity, and contamination** Development Management (DM) DPD policies DM36 (Protecting Water Resources and Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas), and National Planning Policy Framework (NPPF) Section 15 (Conserving and enhancing the natural environment)

- 5.7.1 Whilst flood risk and drainage matters are largely resolved through existing consents, development and land allocations, unfortunately this is not the case with regard to contaminated land. Externally contamination risk has been addressed, primarily through surfacing to cap such risk. However, the interior of the Pump House is largely untouched, and unmitigated, in terms of contamination. Further basic information regarding risk and mitigation, with no further assessment. Further assessment is necessary in terms of the risks involved from contamination, and how these will be fully mitigated to make the site safe for future occupants, and during development for construction workers. Given the risk is largely contained within the building, in this instance it is considered that the full scheme for investigating, recording, removal, containment, remediation and validation of contamination measures can be controlled through planning condition, which should be pre-commencement to ensure construction workers are protected, in addition to future occupants and existing neighbours.
- 5.7.2 With regards to ecology and biodiversity, the vast majority of the site is developed land and sealed surfaces, and other than potential impacts to bats, the ecological value of the site is negligible. There is an existing bat box attached to the southern elevation, which would need to be removed under precautionary working methods. One common pipistrelle was observed community in the vicinity during the survey works as bat of the submitted Nocturnal Bat Survey Report, but no emergences from the building or bat box, and no roost locations observed. As such, impacts of development and removal of the existing bat box can be mitigated through a provision of crevice dwelling bat boxes, with planning condition to control the installation at an appropriate location of the building. This bat survey report also recommends no external lighting to the building, which again can be controlled through planning condition. Subject to these conditions, and the planting of an additional tree within the parking area, the proposal is considered to be acceptable in terms of habitat creation and protected species.
- 5.7.3 The River Lune Biological Heritage Site (BHS) and Marine Conservation Zone is located circa 100 metres north of the site, and the River has direct connectivity with the Morecambe Bay European protected site (SPA). Morecambe Bay is very important for many species of birds. As such, there is the potential for development and recreational use close to the designated sites to have impacts on birds associated with the SPA and Ramsar designations. It is considered that these impacts could be avoided, but only through mitigation. In light of the People Over Wind ruling by the Court of Justice of the European Union, likely significant affects cannot be ruled out without mitigation and therefore an Appropriate Assessment (AA) is required. This is contained within a separate document and concludes that, with the implementation and retention, where appropriate, of mitigation the development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. Subject to the implementation of the mitigation measures within the AA, namely for appropriate construction and environmental management practices and procedures, to be controlled through a Construction Environmental Management Plan (CEMP), and homeowner packs including details of adjacent designated sites and alternative for recreation to mitigate such recreation pressure, the proposal is considered to have an acceptable impact upon the environment, habitats and protected species and sites. Subject to these planning conditions, the proposal is considered to adequately mitigate the impacts upon ecology and risk of contamination, compliant with relevant policies.
- 5.8 **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**
- 5.8.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the primary areas for emissions reductions for development in supporting the transition to net zero is in building to high fabric standards and supplying the new buildings with renewable and low carbon energy. This is highlighted in the Local Plan in policies DM29: Key Design Principles and DM30: Sustainable Design and supported by PAN9 – Energy Efficiency in new Development Planning Advisory Note.

- 5.8.2 Whilst this proposal includes elements of new construction through extensions, importantly this retains the majority of the existing building, and use of a new timber frame, with savings in embodied carbon when compared to a new build development. The submitted Sustainability and Utilities Statement details measures to reduce energy demand, through specific measures such as building management system and automated control of LED lights, panel heater controls, metered water with low flow fittings and air source heat pumps. Other aspects, such as how the commitment to exceeding the minimum U value and air infiltration standards stipulated in Part L of the Building Regulations would need to be detailed through planning condition, which can also control the implementation of this and the specific mitigation already proposed in the aforementioned statement. Subject to such planning condition, the proposal is considered to provide suitable energy efficiency and sustainability credentials, compliant with policy.
- 5.8.3 During the construction phases, the applicant has committed to the implementation of an employment skills plan, to support local people sure experience and upskilling in the construction and design sector. Details submitted at present are limited, however sufficient details and implementation of agreed measures to provide opportunities for, access to and up-skilling local people through the construction phase of the development proposal, proportionate to the scale of the development, can be controlled through planning condition to this effect.

6.0 Planning Obligations

- 6.1 A Section 106 Legal Agreement is sought to secure the following:
- £20,000 to the design, implementation and early maintenance of public open space to the north of St George's Quay.

7.0 Conclusion and Planning Balance

- 7.1 This full application seeks permission for the last remaining parcel of the Luneside East regeneration area, incorporating the refurbishment and extension of a locally significant heritage asset. This would be delivered through student accommodation, in a sustainable location benefitting from a related land and regeneration allocations, in a location immediately adjacent to existing student accommodation. The development of student accommodation will also positively contribute to the District's acute housing supply needs, and should be considered in the context of the presumption in favour of sustainable development. Permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.
- 7.2 Adverse impacts have been identified within the proposal, namely the level of intervention to the locally significant heritage asset and harm to neighbouring privacy standards. Mitigation has been proposed with both regards, however even weighing such measures, the identified harm to the significance of this locally important heritage asset of the Pump House itself remain fairly high, albeit with viability justification that this such intervention could not be greatly reduced whilst delivering a viable scheme. Due to these viability challenges, without the proposed development incorporating retained elements of building form within the conversion, there is a real possibility of the site continuing to deteriorate in condition. Whilst residential amenity and overlooking impacts are considered to be modestly harmful, it is particularly unfortunately that this adverse impact is upon an existing neighbouring dwelling. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits.
- 7.3 The provision of student accommodation and associated development delivers social and economic benefits, particularly given the fact that student studio accommodation forms housing that contributes to meeting the district housing need. Whilst 35 units of accommodation is a modest windfall to addressing the lack of 5-year housing land supply, the need is acute with currently just 2.4 years identified supply of deliverable housing within the district. With the economic benefits of development, cumulatively these benefits of development and student accommodation are considered to offer moderate benefits, due to the current 5-year housing land supply position this is amplified to carry significant weight. There are further modest benefits of the contribution to public open space locally weighing in favour, with matters relating to drainage, ecology, contamination,

transport, sustainable credentials and other material considerations mitigated through details and conditions, and neutral within the planning balance.

- 7.4 Whilst there remains harm to the heritage asset, positive engagement at pre-application stage and during determination has resulted in some reductions in harm, and improvements in benefits delivered by the proposal. Importantly, the harm does not individually nor cumulatively significantly and demonstrably outweigh the identified benefits, which is the key balance when considering such proposal that deliver contributions to address the acute housing need whilst avoiding a clear reason for refusal relating to protected areas or assets of particular importance (such as designated heritage assets, but not locally important non-designated assets). As such, it is recommended that consent is granted, subject to the assessed and below obligations and planning conditions.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions and Planning Obligations (as set out at paragraph 6.1 of this report):

- £20,000 to the design, implementation and early maintenance of public open space to the north of St George's Quay.

Condition no.	Description	Type
1	Time Limit (3 years)	Control
2	Approved Plans	Control
3	Scheme for building recording and disseminating history	Pre-commencement
4	Contamination report and remediation	Pre-commencement
5	CEMP (including pollution control, noise and vibration mitigation, construction hours, vehicle movement, and protection of ecology)	Pre-commencement
6	Energy efficiency measures	Pre-commencement
7	Employment Skills Plan	Pre-commencement
8	Scheme for precise details of stairwell, door and tiles in this area	Pre-commencement to building envelope
9	Details and samples of external materials (including cladding, glazing, external doors, rainwater goods)	Pre-commencement of external works
10	Ecological mitigation (including bat boxes and planting details)	Pre-occupation
11	Drainage connections	Pre-occupation
12	Implement noise mitigation (including glazing, ventilation, fencing)	Pre-occupation
13	Precise details of the cycle store and trigger for full implementation	Pre-occupation
14	Security measures	Pre-occupation
15	Homeowner packs – HRA mitigation	Pre-occupation
16	Travel plan mitigation (including use of parking for occupants and employees at Pump House and sustainable travel measures)	Pre-occupation
17	Waste storage and collection	Control
18	External lighting	Control
19	Single Occupation Student Occupation Only	Control

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

Officers have made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National

Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

Agenda Item	A11
Application Number	23/01209/PAD
Proposal	Prior approval for the demolition of former Skerton High School
Application site	Former Skerton Community High School Owen Road Lancaster Lancashire
Applicant	Andrew Whittaker, Lancaster City Council
Agent	Steven Healey, Turley
Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Prior approval is required and granted.

(i) Procedural Matters

This form of development and application type would normally be dealt with under the Scheme of Delegation. This is because of the short timescales in which prior approval applications should be determined and the fact the development, subject to the prior approval process, is considered permitted development by virtue of The Town and County Planning (General Permitted Development) Order 2015 (as amended) hereafter referred to as the 'Order'. However, in this case the applicant is Lancaster City Council and as such the application must be determined by the Planning Committee. An extended determination period has been agreed with the applicant in accordance with Article 7(c) of the Order.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application relates to the former Skerton Community High School located between the Mainway Estate and Owen Road. The original school building was erected in the 1930s and was designed in the modernist (Art Deco) style. It forms an important and prominent building elevated above the playing fields to the west, with its principal façade facing Rylands Park opposite the site. The original Art Deco building has been extended several times over different architectural periods. Most of the additions are located to the rear of the main school building with sports facilities and playing fields concentrated to the north and west of the school buildings. The playing fields are protected as designated open space in the adopted Local Plan.

1.2 Skerton Community High School closed in 2014. Only two buildings formally associated with the secondary school remain in use and have been re-occupied by Chadwick High School. The remaining parts of the site (both buildings and playing fields) have been vacant and disused since the school closed.

- 1.3 Current vehicular access is taken from Mainway to the rear of the site. The only access to Mainway is via Main Street and Aldrens Lane, off Owen Road. The site shares an access/private drive with the neighbouring Chadwick High School. The former access and driveway directly off Owen Road is currently blocked and disused.
- 1.4 Surrounding land uses are predominately residential, including high-density terraced housing to the north (Pinfold Lane and Norfolk Street beyond), medium to high-rise apartment development to the east on the Mainway estate and lower density residential development to the west beyond Owen Road. Ryeland's Park and the BP filling station are situated to the west of the site, almost directly opposite the application site.
- 1.5 The open space to the front of the school forms an important setting to the school building. This is framed by mature trees along the boundary with Owen Road and the boundary with Chadwick School and complemented by the line of mature Cherry trees dissecting the playing fields and forming a distinct avenue up to the centre of the former school building. Several mature trees and groups of trees are located within the quadrants of the building and directly in front of the building frontage as they have become overgrown. None of these trees are protected. A single tree adjacent to the northern boundary of the site (within the rear garden of 1 Pinfold Court) is subject to a Tree Preservation Order (201(1991)).
- 1.6 The site falls within areas at risk of flooding (fluvial (floodzone 2), surface water and groundwater). The site is within an Air Quality Management Area Zone 1 and within the Morecambe Bay Duddon SPA Buffer zone for residential development.

2.0 Proposal

- 2.1 The applicant seeks determination from the local planning authority as to whether prior approval is required for the demolition of the former Skerton Community High School buildings and associated bunker.
- 2.2 The site is also the subject of emerging redevelopment proposals by the applicant, linked to wider regeneration ambitions for the Mainway estate. However, the emerging proposals for the application site are not yet at the planning application stage. It is the applicant's position that the demolition of the redundant buildings would accelerate their site enabling works ready for any future regeneration of the site. The local planning authority has encouraged the applicant to pursue any demolition as part of their wider planning proposals, however, Class B, Part 11, Schedule 2 of the Order provides a legitimate mechanism to enable the demolition of buildings where eligible.

3.0 Site History

- 3.1 The most relevant planning history relates to the recently refused prior approval application for the demolition of the former Skerton Community High School buildings, caretakers house and bunker. This application was refused for the following reasons:
1. *Insufficient information has been provided to justify the removal of the mature trees and landscaping within the immediate vicinity of the school that are categorised as Cat A and B specimens. Thus, the Local Planning Authority does not consider the remediation and visual appearance of the site following the demolition of the buildings to be acceptable.*
 2. *Insufficient information has been provided regarding the demolition and remediation of two bunkers that are known within the site. The Local Planning Authority cannot be certain how these elements of the demolition process will be remediated and, as such, it is not therefore possible to conclude that the method of demolition and remediation of the site is acceptable.*
- 3.2 A submission for pre-application advice relating to the future redevelopment of this site has been received by the Local Planning Authority.

Application Number	Proposal	Decision
23/00982/PAD	Prior approval for the demolition of former Skerton High School, caretakers house and bunker	Prior Approval Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Arboricultural Officer	<p>A summary of the main areas of concern are set out below:</p> <ul style="list-style-type: none"> • Rather than comment on the trees within a covering letter and a separate tree removal plan, a full Agricultural Impact Assessment should have been produced to accurately evaluate the impact of proposed tree losses. • Due to the identified landscape importance of the trees, it is not clear why more cannot be retained within the development. • Removal of nesting habitat is not a justification for pre-emptive felling.
County Archaeology	<p>At the time of compiling this report, no formal representations have been received. A verbal update will be provided if comments are submitted before the committee meeting. However, County Archaeology has discussed deficiencies identified in the submitted report with the case officer and an amended report has been submitted and consulted upon. A verbal update will be provided.</p>
Environmental Protection Team	<p>No objection to the submitted Method Risk Assessment and Environmental Management Plan subject to the following conditions:</p> <ul style="list-style-type: none"> • All plant, machinery and equipment to be used shall be of such types and so installed, maintained and operated as to prevent the transmission of unacceptable noise or vibration. • Noise limitations of 55dB(A) LAeq,16hr in order to avoid 'Serious Community Annoyance', or; 50dB(A) LAeq,16hr to avoid 'Moderate Community Annoyance' during the day. • Watching brief for contaminated land.
Cadent Gas	<p>No objection. Advice received to inform the applicant there is gas infrastructure within the area of the site, which may be subject to legal easements and other rights. The applicant must take note of the comments from Cadent Gas.</p>
Lancaster Civic Vision	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The existing building, particularly the front elevation, is a significant example of twentieth century civic architecture. • Within the overall redevelopment of the Mainway area, it should be possible for architects and landscape designers with imagination to produce a scheme which could incorporate sections of the facade of the main building, thus maintaining the fenestration and recording the importance of this building to its surrounding community, which it faithfully served for nearly 100 years. • The Historical Report should be preserved in the City Museum. • External features, such as the gateposts, could be reinstated. • We are fast losing stylish buildings (Art Deco) to be replaced with uncertain build quality and longevity. • The school, the front lawns and Cherry trees deserves protection for future generations.

4.2 The Order requires the applicant to post a site notice informing the public of their intention to demolish identified buildings. At the time of compiling this report, the local planning authority has not received any representations in response to the publicity undertaken.

5.0 Analysis

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

- Permitted development and procedural matters.
- Method of demolition and restoration of the site.
- Protected species.

5.2 **Permitted development and procedural matters**

5.2.1 Class B, Part 11, Schedule 2 of the Order states that any building operation consisting of the demolition of a building is 'permitted development', subject to some exclusions (sub-section B.1) and conditions (sub-section B.2). The proposed development is not affected by the exclusions set out in Class B.1, and in accordance with condition B1(i), the developer (in this case Lancaster City Council) has applied to the local planning authority for a determination as to whether the prior approval will be required. If it is required, details of the method of demolition and any means of restoring the site need to be approved. These are the only considerations applicable to such applications. It is not a planning application whereby the proposal is assessed against national and local planning policy and wider material planning considerations. The objection and concerns raised by Lancaster Civic Vision are understandable, but under the provisions of Order the principle of demolishing the building is not a consideration the local planning authority can take into account.

5.2.2 The application has been submitted with the necessary, mandatory information and the following supporting documents/plans:

- Bat Scoping Survey
- Bat presence/absence surveys
- Arboricultural Method Statement
- Amended Tree Constraints Report and Plan
- Amended Environmental Management Plan - Demolition and Site Clearance Works
- Method Statement and Risk Assessments
- Demolition Timeline
- Level 2 Historic Building Record
- Hoarding Plan
- Cover letter

5.2.3 This follows the local planning authority previously determining prior approval for the method of demolition and means of site remediation was required during the determination of the recently refused application. The additional supporting information seeks to address the earlier refusal reasons, which focused mainly on the remediation of the site.

5.3 **Method of demolition and site remediation**

5.3.1 **Method of demolition**

This application is accompanied by a Method Statement, a Programme of Works, an Environmental Management Plan, Tree Constraint Report, Tree Protection and Retention Strategy and covering letter. The details contained within the submitted documents set out the way in which the proposed demolition will take place in a safe manner having regard to potential effects on nearby residents, existing trees and visual amenity, the operation of the adjacent school and highway safety. The phased programme of works indicates that demolition of the school's superstructure is due to commence January 2024 and that all works will be carried out in compliance with 'British Standard 6187:2011 Code of practice for full and partial demolition'. The whole process is anticipated to last approximately 14 weeks.

5.3.2 The method statement indicates before any demolition occurs asbestos removal will be undertaken in accordance with the relevant regulations followed by a soft-strip of all the buildings identified for removal. Demolition of the superstructure is anticipated over 4 weeks and will involve the removal of these buildings to 1.5 metres below existing ground levels (including foundations). After which, all material will be appropriately recycled and removed from site (where possible) leaving the areas of land finished in crushed stone and enclosed with hoardings, except for the site of the bunker which will be surfaced with top soil and excluded from the hoardings.

5.3.3 A summary of the key measures associated with the method of demolition prescribed in the application includes: -

- Working hours of 08.30 – 18:00 Monday to Friday. No works will be permitted to occur on weekends or Public Holidays unless agreed in advance by the LPA.
- Monitoring of sound levels at each site boundary with noise levels not to exceed 55dB(A) LAeq,16hr in order to avoid 'Serious Community Annoyance', or; 50dB(A) LAeq,16hr to avoid 'Moderate Community Annoyance' during the day.
- Equipment to be fitted with latest silencers, fully serviced and maintained to manufacturers standards.
- Hydraulic rams rather than impact hammers for breaking and crushing material to be used where possible.
- Waiting lorries to switch engines off.
- Dust control during demolition works, such as tool head suppression systems and ground-based water atomiser.
- No burning or any material on site.
- Fuel to be held in bunded tanks.
- Measures and procedures to manage unforeseen contamination.
- Waste management including asbestos removal to be carried out on site to accord with relevant regulations and best practice and the re-use of important architectural features from the site.
- Traffic Management including vehicle routing and traffic marshals to operate the site's access.
- Tree protection measures and method statement.
- Neighbouring consultation – letter drops to ensure neighbours are aware of works and who to contact in case of problems.

These measures aim to minimise impacts on the environment (noise, air and water pollution), minimise and manage traffic impacts and reduce the effects on neighbouring residential amenity and are typical good practice construction management measures. An amended EMP (v3) has been submitted which incorporates the measures the Council's Environmental Health Officer had recommended as conditions. Accordingly, the submitted risk assessment, method statements and amended environmental management plan associated with the proposed development are considered acceptable.

5.3.4 One of the previous reasons for refusal was on the grounds of insufficient information being provided to understand where the air raid shelters were located and as such how the method of demolition and remediation of the site would take these elements into account. This application has been supported by a Level 2 Historic Building Record recognising both the school building and air raid shelter are considered non-designated heritage assets. Whilst the prior approval process does not invite consideration of the impacts of the development upon heritage assets specifically, it is helpful to understand the presence of potential archaeological interests to help inform the method of demolition and site restoration. However, the presence or absence of archaeological interests would not prohibit demolition under the prior approval process despite the efforts of the applicant to ensure appropriate building recording is undertaken.

5.3.5 The report submitted confirms one air raid shelter located beneath the playground/recreation ground to the norther-western part of the site. This shelter forms part of the demolition works and will be filled in using aggregate from site as part of the remediation works then covered with site-won topsoil. The Historic Building Report has been considered by the County's Historic Environment Team who have indicated amendments are required to ensure it is of a suitable standard to be entered onto the Historic Environment Record. The applicant has submitted an amended report, which is pending consultation with the County Historic Environment Team. If comments are received ahead of Planning Committee a verbal update will be provided. As this type of application cannot consider heritage matters, officers have recommended the final report be submitted as part of the applicant's Heritage Statement required for the forthcoming proposals for the wider regeneration of the site.

- 5.3.6 A Tree Constraints Report, amended Tree Protection Plan, Tree Retention Strategy and Arboricultural Method Statement also supports the application. The submitted report identifies 49 individual trees, 14 groups and three mature hedgerows within the grounds of the former Skerton High School. The majority of which are considered to have a moderate to high value in the landscape, with several being good examples of their species. Seven individual trees are identified as Category A due to their significance and value within the site, 21 Category B, and 21 Category C.
- 5.3.7 The application indicates twelve individual trees, seven groups and a small section of hedgerow are marked for removal. Of the individual trees to be removed one is considered category A (T41). During the determination of this application, amendments have been secured to retain one other large Category A tree to the site frontage (T44) and a further Category B tree (T48) to the rear of the site, which are capable of protection and retention as part of this development. The justification for the tree removal has been explained and is broadly a result of anticipated and inevitable damage that would be caused to the existing unprotected trees and groups of trees by the demolition works. This is due to their unmanaged condition, their proximity to the buildings including the air raid shelter and access required around them by large demolition machinery. The applicant states that *'the machinery and plant, essential for completing demolition and material processing, must work progressively along the perimeter walls, and a working arc and clear reach is required to complete operations. Due to the growth and location of obstructive trees, the removal of the trees noted above is necessary to undertake the demolition work. In addition, the demolition work involves excavation of the substructure (below-ground foundation walls). Unfortunately, the necessary excavation and remediation of the ground along the perimeter walls, will inevitably lead to irreparable damage to the integrity of nearby trees. As a result, it is unavoidable that the demolition works will adversely impact these trees'*. The local planning authority can only consider the proposed method of demolition in relation to the retained trees. The detail submitted is reasonable and acceptable for the purposes of this prior approval application.
- 5.3.8 The method statement and environmental management plan submitted has established the existing site conditions and formulated an appropriate method for removing the buildings from the site which has regard to the site circumstances. The demolition proposed will result in the loss of trees and some disruption to the local area, neighbouring land uses, and increased traffic flows locally whilst deliveries are being made and materials are removed during the demolition process. However, if the works of demolition are carried out in accordance with the submitted method statements, and given the temporary nature of the development, the method of demolition is considered acceptable.
- 5.3.9 Means of remediation
Where prior approval is required, the local planning authority can seek details of the restoration of the site following demolition. Following the demolition of the buildings, the submitted method statement indicates crushed material and aggregate from the site will be used to fill in the footprint of the school buildings and bunker, with topsoil covering the bunker site. The submission proposes a two-metre high, solid, dark green painted timber hoarding erected around the perimeter of the building footprint until such time the site is redeveloped. This is a typical approach and one that, in principle, is reasonable given the works are permitted by virtue of the Order.
- 5.3.10 It is recognised that the previous application was refused on the grounds insufficient information had been provided to justify the removal of mature trees and landscaping within the immediate vicinity of the school categorised as Category A and B specimens. On this basis, the Local Planning Authority determined it could not ascertain whether the remediation and visual appearance of the site following the demolition of the buildings would be acceptable. Justification for felling has been included within a covering letter supporting the application. As set out above, there are broad assumptions that some trees would be required to be removed because the works associated with demolition would inevitably damage the trees. The applicant also indicates that not removing trees prior to the bird nesting season would prejudice commencement of the site's redevelopment and that the retention of trees would significantly hamper the number of new units and the viability of the future scheme. The applicant ideally wants to remove more trees to ensure the site is "shuffle-ready" if their redevelopment proposals secure planning permission soon. Whilst this may not be a favourable set of circumstances, the trees in question are not currently protected and could be removed without any approval from the local planning authority – though unlikely given the applicant is the Council.

5.3.11 The applicant has discussed a tree mitigation strategy which is embedded in the wider regeneration proposals. The intentions of this strategy are policy compliant and promising, but these wider plans are not formally before the local planning authority to be considered. Accordingly, it is not possible to secure the applicants intended replacement tree planting strategy through this process. However, the applicant has committed to implementing a separate tree replacement planting scheme based on the council's replacement tree policy if planning permission for the sites regeneration has not been secured within 24 months of the decision relating to this prior approval. The local planning authority has every confidence a comprehensive regeneration scheme will be forthcoming soon.

5.3.12 The applicant has reconsidered the demolition methods and the practical impacts on existing trees to enable some additional tree retention on site. This will provide improvements to the interim remediation of the site. The retention of additional trees to the frontage of the former school building will help screen the proposed hoarding around the building and will provide a reasonable condition for the site while redevelopment opportunities are explored. It is, therefore, considered that the details pertaining to site remediation would be acceptable.

5.4 Protected Species

5.4.1 Although protected species are not specifically referred in Schedule 2 Part 11 Class B of the Order, Regulation 9 of 'The Conservation of Habitats and Species Regulations 2017' still applies. This states that the "competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the [Habitats] Directives". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions. Article 3 of the Order provides a reminder of this duty insofar as it relates to development permitted by virtue of the Order.

5.4.2 This application is accompanied by a bat survey report and presence/absence surveys relating to the main school building, trees and the existing sub-station. These surveys did not extend to the caretaker's house and as such, this building has been removed from the prior approval demolition application. The submitted surveys and reports concluded there were no indications of use of the site by bats for roosting or barn owls for nesting. It advises that the site should be rechecked for nesting birds if demolition work is to commence in the period March- September inclusive.

6.0 Conclusion and Planning Balance

6.1 Any planning permission granted under Article 3(1) and Schedule 2, Part 11, Class B is subject to the standard conditions set out in paragraph B.2. These conditions include a requirement that the development is carried out in accordance with the details approved and within five years. For the reasons set out above, and having taken all relevant matters into account, it is recommended that prior approval is required for the method of demolition and the sites remediation, and that such can be granted.

Recommendation

That Prior Approval is required and **GRANTED**.

Agenda Item	A12
Application Number	23/00817/FUL
Proposal	Erection of a 1.5 storey side extension, rear single storey infill extension.
Application site	Littlebirch 71 Westbourne Drive Lancaster Lancashire LA1 5EE
Applicant	Mr Joseph Edmondson
Agent	Mr Dan Brown
Case Officer	Mr Mark Jackson
Departure	No
Summary of Recommendation	Approval, subject to conditions

(i) **Procedural Matters**

This form of development would normally be dealt with via the scheme of delegation; however, the applicant is an employee of Lancaster City Council and, therefore, the application is required to be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

- 1.1 71 Westbourne Drive is a semi-detached bungalow located in Lancaster, within the boundaries of Marsh Ward. The site is located approximately 350 metres to the southwest of Lancaster train station. The property faces Westbourne Road to the northwest, although the driveway and gardens face Westbourne Drive to the southwest. The side garden and pedestrian access to the front door abut Westbourne Road which is set approximately 0.8 metres higher than the subject site. A stone wall measuring approximately 2 metres high (from ground level of the subject site) separates the site from the Westbourne Road; this wall curls around from Westbourne Road to Westbourne Drive.
- 1.2 The property comprises of stone walls, a tile roof and white uPVC windows throughout. The property has been extended before. The property benefits from a generous sized garden to the front and side, sited next to a long driveway that is sufficient enough to park three cars on it. There is a very small yard area to the rear of the property, which is marked by modest height boundary treatments.
- 1.3 The site is located within a in a residential area where properties vary significantly in design and appearance. The property is within Canon Hill Conservation Area and also within a defined area that is liable to surface water flooding.

2.0 Proposal

2.1 This application seeks consent to construct a side extension (height to match the main ridgeline of existing bungalow) and a rear single storey infill extension. The proposal seeks to use a palette of materials that are found within the wider area, including coloured render and concrete tiles to match the existing.

3.0 Site History

3.1 Approval was given in 2010 for the demolition of the original garage to facilitate the erection of a side/ rear extension.

4.0 Consultation Responses

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

Consultee	Response
Conservation Team	No comments provided in relation to the proposal.
County Highway	Concerns with regards to visibility to junction in relation to the increased height of the wall. No objections to the extensions and alterations. Three Car parking spaces should be provided within the site

4.2 Two representations have been received in connection with this proposal. The main material planning considerations can be summarised as:

- There is a mention of an area to be used for a beauty treatment business. Should this proposal include a change of use?
- Car parking in this area of Lancaster is problematic and especially on Westbourne Road, which is a private road;
- Four car parking spaces is excessive, but in likelihood the cars in practice will obstruct the private road;
- Visibility into the road is problematic;
- Is the internal living arrangement adequate.

4.3 The application seeks permission for the physical alterations to the dwelling and no change of use is proposed in this application. At this stage there is no indication that a material change of use of the residential property has occurred or is likely to occur in the future. The small area indicated for a beauty treatment business is very small and is connected to the main dwelling. At this stage, it is not therefore considered that the use of this part of the dwelling would not be an ancillary use to the C3 Use Class property to suggest a material change of use needs to be applied for and formally assessed.

All other comments raised are discussed further in the subsequent planning assessment.

5.0 Analysis

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

- Design, Heritage and Streetscene Impact
- Residential Amenity
- Flood Risk
- Highways

5.2 Design, Heritage and Streetscene Impact (NPPF paragraphs 126, 130, 134, 202 & 203 and policies DM29, DM38 & DM41 of the Development Management DPD (2020))

5.2.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed Building, Conservation Area or their setting, the local planning authority must pay special attention to the desirability of persevering or enhancing the character or appearance of the heritage asset or its setting. Policy DM38 states that any development proposals and / or alterations

to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas. Specifically, they will be required to demonstrate 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;
- Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area;
- 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

Good design is expected by policy DM29 which states that new development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.

5.2.3

scale.

5.2.4

Since the application was first submitted, the application has been amended, removing a dormer window and the boundary fence to the front of the dwelling.

The property is set within a street whereby the properties vary in terms of their heights scale and massing; furthermore, there is no strong building line along Westbourne Drive. The property has been altered previously, as have the immediate neighbouring properties that are similar in age and architectural style. The extensions are considered to be proportionate and sensitively sited upon the dwelling enabling them not to be considered harmful to the character and appearance of the original dwelling. Although the materials would include through coloured render, the variety of materials present in the street and the use of render locally, are considered acceptable and not harmful to the character of the wider conservation area. It is also considered that the property itself is not a characterful property that significantly defines the characteristics of the area for which the conservation area seeks to preserve and enhance.

5.2.5

In terms of the NPPF, although the proposal is not a designated heritage asset, the wider conservation area taken as a whole is. The level of harm is considered to be 'less than substantial' and in accordance with paragraph 202 of the NPPF and it is considered 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.'

5.2.7

While it is acknowledged that the applicant wishes to make alterations to their property, these are largely for private benefits and as such, there are no significant public benefits to the scheme that would outweigh them small visual harm that has been identified. However, although there is no public benefit, the impact is not considered to be detrimental to the heritage asset to the extent that the proposal could be considered unacceptable in this respect.

5.3 Residential amenity (NPPF paragraphs 126, 130 and 134 and policy DM29 of the Development Management DPD)

5.3.1 Policy DM29 requires all new development to 'ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.'

5.3.2

The proposed extensions are modest in size and either set away significantly from the common shared boundaries or represent an infill extension set under the roofscape of the existing rear extension. As such, the proposal is not considered to be significantly overbearing/ overdominant to the neighbouring

5.3.3

properties or create unacceptable loss of light or outlook.

The windows proposed would have outlooks onto high boundary treatments or out onto the front garden. They do not directly overlook any neighbour's private amenity space and are therefore considered to be acceptable in this regard.

5.4 Flood risk (NPPF paragraphs 159, 167 and 168 and policy DM33 of the Development Management DPD)

5.4.1 Policy DM33 states that proposals for new development in areas at risk of flooding will be required to provide suitable flood prevention measures that ensure the proposal does not increase the risk of flooding. Although the site is not in a defined Flood Risk Area, there is risk of surface water flooding.

5.4.2 As this is defined as a 'minor extension' (household extensions or non-domestic extensions less than 250sqm.), the proposal should follow the standing advice from the Environment Agency. The development has provided level thresholds, but indicates that external ramps are to be provided to ensure that the extensions are not at any greater risk of flooding than the present dwelling. Owing to the nature of the proposal, it is considered that the proposal does not give rise to any increased risk of surface water flooding and is therefore acceptable in this regard.

5.5 Highways impacts (NPPF Section 9: Promoting sustainable transport and Section 12: Achieving well-designed places; Development Management (DM) DPD Policies DM29: Key design principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling and DM62: Vehicle Parking Provision)

5.5.1 The proposal seeks consent for extensions and alterations to the dwelling only. The Highways Authority have requested that three car parking spaces are provided within the site; these are based on the maximum parking guidance. The property can accommodate three car parking spaces and this is considered to be acceptable.

Although it has been indicated that some form of ancillary business to the main residential use may be carried out in future, the proposal does not seek to change the use of the dwelling (or part of) at this stage. The plans indicate that only a very small room may be used for a beauticians and, as such, it is unlikely that the ancillary use would generate significant traffic movements to have a detrimental impact upon on street car parking and highway safety. Should a material change of use occur, the impacts of such a change of use would be required to regularised through a formal planning application.

6.0 Conclusion and Planning Balance

6.1 The proposal will provide extensions and alterations to an existing dwellinghouse that are not considered to give rise to any significant adverse impacts upon the visual amenity of the street/conservation area or residential amenity of neighbouring properties. The proposal would not exacerbate flood risk in the area and, as such, is seen to comply with the relevant local and national policies. With consideration being given to all other matters, the proposal is therefore recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans	Standard
3	Materials to match	Control
4	Details of the bin and bike store	Control

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s).

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

Background Papers

None

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
17/00827/FUL	Bay Horse Garage, Abbeystead Lane, Dolphinholme Demolition of garage (retrospective) and erection of nine dwellings including landscaping, parking and access for Marcus Worthington (Ellel Ward)	Application Permitted
20/00895/FUL	1 Bulk Road, Lancaster, Lancashire Demolition of vacant former pub and erection of 5 storey building and 1st floor above existing building to rear comprising of ground floor commercial unit (Use Class E) and 22 self contained flats for student accommodation for Mr Zubeir Mister (Bulk Ward)	Application Refused
22/01275/FUL	19 - 21 New Street, Lancaster, Lancashire Change of use of mixed use unit comprising of ground floor opticians, first floor offices (class E) and first, second and third floor maisonette (Class C3) to mixed use unit comprising of ground floor retail (class E) and bin/bike store, 1 4-bed maisonette (C4) and 1 3-bed maisonette (C4) on the first, second and third floors, construction of a dormer extension and installation of a roof light to the rear elevation, replacement and repair of windows to the front and replacements doors for Mr George Theobold (Castle Ward)	Application Refused
22/01276/LB	19 - 21 New Street, Lancaster, Lancashire Listed building application for the erection of dormer to rear elevation, replacement of windows to front elevation, repairing of windows to the rear elevation, replacement of external doors, installation of roof light to rear elevation, replace pipework, recover flat roof, re pointing of natural stonework, roof finish, leadwork and pointing made to match existing, replace interior partition walls, upgrade historic panel doors, historic stairs floored over. Installation of obscure glazing, raise floor, repairs to fireplace replacement of ceiling, erection of timber handrail and removal of existing plaster rear cottage/ workshop for Mr George Theobold (Castle Ward)	Application Refused
22/01495/FUL	Hampson Farm And Hampson Hotel, Hampson Lane, Hampson Part retrospective application for the temporary siting of twelve static caravans in use as agricultural workers accommodation and installation of a wastewater package treatment plant, and for the change of use of barn to agricultural workers accommodation, together with the proposed change of use of barn and the former Hampson Hotel to agricultural workers accommodation, extension of the existing car park and installation of a wastewater package treatment plant for Drinkwater Mushrooms Ltd (Ellel Ward)	Application Permitted
23/00027/DIS	Field At Grid Reference 350809 465524, High Road, Halton Discharge of condition 8 on approved application 18/01422/FUL for Miss Josie Scrimgour (Halton-with-Aughton Ward 2015)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00139/DIS	Land At The Rear Of 17 Clarksfield Road, Bolton Le Sands, Carnforth Discharge of conditions 3, 4, 5, 6, 9 and 10 on approved application 23/00263/FUL for Mr Dominic Houseman (Bolton And Slyne Ward)	Split Decision
23/00164/DIS	Borwicks, Quernmore Road, Caton Discharge of part condition 3 on approved application 22/01001/LB for Mr & Mrs J Cottle (Lower Lune Valley Ward)	Application Permitted
23/00165/DIS	Borwicks, Quernmore Road, Caton Discharge of part condition 3 on approved application 22/01000/FUL for Mr & Mrs J Cottle (Lower Lune Valley Ward)	Application Permitted
23/00170/DIS	121 Aldcliffe Road, Lancaster, Lancashire Discharge of condition 4 on approved application 22/00634/FUL for Mr J Singh (Castle Ward)	Application Permitted
23/00171/DIS	University Hospitals Of Morecambe Bay NHS Foundation Trust, Royal Lancaster Infirmary, Ashton Road Discharge of condition 3 on approved application 23/00565/FUL for University Hospitals Of Morecambe Bay NHS (Scotforth West Ward)	Application Permitted
23/00175/DIS	10 And 12 Damside Street, Lancaster, Lancashire Discharge of condition 3 on approved application 22/01400/FUL for Mr Adrian Burt (Castle Ward)	Application Permitted
23/00181/DIS	Sofidel UK, Caton Road, Quernmore Discharge of conditions 3, 4 and 5 on approved application 23/00063/FUL for GVS Real Estate UK (Lower Lune Valley Ward)	Application Permitted
23/00184/DIS	Lancaster Castle , Castle Park, Lancaster Discharge of condition 3 on approved application 17/00688/FUL for Mr Adam Brooks (Castle Ward)	Application Refused
23/00185/DIS	Lancaster Castle, Castle Park, Lancaster Discharge of condition 3 on approved application 17/00689/LB for Mr Adam Brooks (Castle Ward)	Application Refused
23/00187/DIS	6 Elmslack Lane, Silverdale, Carnforth Discharge of condition 3 on approved application 23/00127/FUL for Mr and Mrs Calista Dobson (Silverdale Ward)	Application Permitted
23/00189/DIS	Higher Barn, Aughton Road, Aughton Discharge of conditions 3,4,5 and 7 on approved application 21/00395/FUL for Mr Jeffrey Metcalfe (Halton-with-Aughton And Kellet Ward)	Split Decision
23/00533/FUL	Land To The North Of Capernwray House, Hobsons Lane, Capernwray Change of use of agricultural land to site 10 holiday lodges with associated hardstanding, erection of a reception building, relocation of access off Borron Lane, construction of a parking area and internal access roads, installation of a package treatment plant and drainage infrastructure for Mrs M Smith (Kellet Ward 2015)	Application Withdrawn
23/00630/FUL	36 Newsham Place, Lancaster, Lancashire Retrospective application for the retention of raised decking to the rear for Mr Joe Dawson (Bowerham Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

23/00642/FUL	153 Main Street, Warton, Carnforth Erection of single storey side and rear extensions for Mr.& Mrs. G. Ogden (Warton Ward)	Application Permitted
23/00674/PLDC	28 Farmdale Road, Lancaster, Lancashire Proposed lawful development certificate for the demolition of detached garage, erection of a garage to side elevation, construction of a dormer extension to rear elevation and installation of rooflights to front elevation for Mrs. K. McDermott (Bowerham Ward)	Lawful Development Certificate Granted
23/00708/FUL	1 Border Court, Lancaster, Lancashire Change of use of landscaped area to form part of residential land in association with 1 Border Court and erection of boundary fence and associated hardstanding for Andy Churton (Marsh Ward)	Application Permitted
23/00709/FUL	Richmond Hall, Lancaster Road, Cockerham Erection of an agricultural store building for Mrs Victoria Walmsley (Ellel Ward)	Application Withdrawn
23/00711/ELDC	Field Off, Keer Holme Lane, Priest Hutton Existing lawful development certificate for siting of polytunnel for horticultural use and siting of an agricultural worker's caravan for Mr Timothy Nikrooz (Warton Ward)	Lawful Development Certificate Refused
23/00734/FUL	Halton Community Association, The Centre, Low Road Erection of fencing and gate for Mr Luke Mills (Halton-with-Aughton And Kellet Ward)	Application Withdrawn
23/00756/FUL	Former Co-op Warehouse, John Street, Carnforth Part retrospective application for change of use of commercial building basement to two flats (C3) and ancillary bike store for Marshaw Developments Ltd (Carnforth And Millhead Ward)	Application Refused
23/00789/NMA	Land North Of Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Non-material amendment to planning permission 20/00405/REM for changes to plots 10,11,15,16,17 and 19 to substitute house types for Oakmere Homes (Northwest) Limited (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/00794/FUL	10 Salford Road, Galgate, Lancaster Partially retrospective application for the creation of access and dropped kerb for Mr Lloyd Smith (Ellel Ward)	Application Refused
23/00812/FUL	14 Guidem Park, Lancaster, Lancashire Erection of a single storey rear extension for Mr and Mrs David Hewison (Bulk Ward)	Application Withdrawn
23/00813/FUL	21 Yealand Road, Yealand Conyers, Carnforth Installation of three replacement windows to side and rear elevations for Mr and Mrs Dawn Hancock (Warton Ward)	Application Permitted
23/00814/LB	21 Yealand Road, Yealand Conyers, Carnforth Installation of three replacement windows to side and rear elevations, installation of draught proofing and secondary glazing to the front door and installation of draught proofing to seven windows to the front and rear elevations for Mr and Mrs Dawn Hancock (Warton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00816/FUL	12 Guidem Park, Lancaster, Lancashire Erection of a single storey rear extension for Mr and Mrs Luke Kettlewell (Bulk Ward)	Application Withdrawn
23/00862/FUL	BARCLAYS, 38 - 42 Market Street, Lancaster Installation of a replacement external ATM for Barclays Bank Plc (Castle Ward)	Application Withdrawn
23/00863/LB	BARCLAYS, 38 - 42 Market Street, Lancaster Listed building consent for the replacement of an external ATM for Barclays Bank Plc (Castle Ward)	Application Withdrawn
23/00895/ELDC	29 South Avenue, Morecambe, Lancashire Existing lawful development certificate for use of property as a childrens home for D Ogunbiyi and L Corrigan (Bare Ward)	Lawful Development Certificate Granted
23/00900/FUL	Clear Water Fisheries, Kellet Lane, Over Kellet Erection of 5 single storey modular office buildings with decking and construction of a gravel car park for Mr Mollart (Warton Ward)	Application Refused
23/00914/FUL	Water Brow Wood, Eskrigge Lane, Gressingham Installation of two ground mounted solar arrays for Mr Melville Kenyon (Halton-with-Aughton And Kellet Ward)	Application Refused
23/00916/FUL	Flat 3, 44 West End Road, Morecambe Installation of replacement windows to front elevation for Mr Nigel Higginson (West End Ward)	Application Withdrawn
23/00932/FUL	10 Villas Court, Lancaster, Lancashire Demolition of existing rear conservatory and erection of a single storey rear extension for Mr M Khoda (Castle Ward)	Application Permitted
23/00933/FUL	Gatehouse, Natterjack Lane, Middleton Erection of single storey rear extension, detached outbuilding and hardstanding for Mr Ward (Overton Ward)	Application Refused
23/00962/LB	Global Link, 29 Queen Street, Lancaster Listed building application for the retention of an internal security camera to the rear courtyard for Ms Gisela Renolds (Castle Ward)	Application Permitted
23/00963/LB	Global Link, 29 Queen Street, Lancaster Listed building application for the installation of an extraction vent to the side elevation for Ms Gisela Renolds (Castle Ward)	Application Permitted
23/00974/VCN	25 Coach Road, Warton, Carnforth Demolition of existing garage, erection of a part single part two storey side/rear extension and erection of a replacement front porch (pursuant to the variation of condition 2 on planning permission 21/00712/FUL to amend the plans to alter approved extension, alter windows to east elevation, add a door to the north elevation and change from window to door in west elevation) for Mr & Mrs Richardson Hogg (Warton Ward)	Application Permitted
23/00981/HRA	Downlands Farm, Moss Road, Heaton With Oxcliffe Regulation 77 application for agricultural determination 23/00224/AD for Mr Grant Thornton (Overton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/00998/FUL	Wellington View Farm, Bay Horse Road, Ellel Creation of a new access for Mr Russell Anderson (Ellel Ward)	Application Permitted
23/01013/LB	Midland Hotel , Marine Road Central, Morecambe Listed building application for the replacement of external doors to the rear, liquid coat to stairwell roof and replacement of rotunda bar roof felts and insulation for Mr Connor Hewiston (Poulton Ward)	Application Permitted
23/01019/PAA	Wellington View Farm, Bay Horse Road, Ellel Prior approval for the change of use of agricultural buildings to 3 dwellings (C3) for Mr Russell Sanderson (Ellel Ward)	Prior Approval Granted
23/01030/FUL	9 Dallas Road, Lancaster, Lancashire Erection of a porch, installation of new and replacement doors and windows, rendering of front and side elevations and replacement fascias, soffits and guttering for Mrs Z Patel (Castle Ward)	Application Permitted
23/01036/FUL	3 Rossmoyne Road, Lancaster, Lancashire Construction of raised decking to the rear with fencing for Mrs Kelly Pickering (Scotforth West Ward)	Application Permitted
23/01038/FUL	3 First Terrace, Sunderland Point, Morecambe Demolition of existing 2 storey side extension and rear porch and extension of raised terrace, erection of a single storey side extension, installation of new first floor window to northern elevation, replacement windows and doors, installation of a flue and erection of a detached outbuilding with associated access track and parking area for Mr and Mrs Thompson (Overton Ward)	Application Permitted
23/01039/PAM	Land Adjacent Trimpell Sports And Social Club, Out Moss Lane, Morecambe Prior approval application for the installation of a 25m lattice mast and associated equipment, cabinets and boundary fencing for Icon Tower Infrastructure Limited (Westgate Ward)	Prior Approval Refused
23/01040/LB	Lancaster Railway Station, Westbourne Road, Lancaster Listed building application for restoration, alterations and restaurant fit out to platform 6 building including installation of mechanical and electrical equipment, platform resurfacing and railings, and associated internal and external works for Network Rail (Castle Ward)	Application Permitted
23/01043/FUL	Land Adjacent 90 Main Street, Warton, Carnforth Demolition of boundary wall, reduction in height of existing side boundary wall and erection of a new side boundary wall and reduction in ground levels. for Mr William Prew (Warton Ward)	Application Permitted
23/01044/LB	Land Adjacent 90 Main Street, Warton, Carnforth Listed building application for demolition of boundary wall and reduction in height of existing side boundary wall and erection of a new side boundary wall. for Mr William Prew (Warton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

23/01048/FUL	Thwaite End Barn, Main Road, Bolton Le Sands Change of use of existing ancillary living accommodation to 3 dwellings (C3), creation of a parking and garden area, installation of replacement windows and doors and installation of a package treatment plant for Mr Mason (Bolton And Slyne Ward)	Application Refused
23/01055/FUL	Thwaite End Barn, Main Road, Bolton Le Sands Change of use of agricultural building and land to 2 dwellings (C3), creation of a parking and garden area, installation of replacement windows and doors and installation of a package treatment plant for Mr Mason (Bolton And Slyne Ward)	Application Refused
23/01067/FUL	6 Kirklands Road, Over Kellet, Carnforth Replacement roof covering and installation of solar panels to rear, alterations to the external materials to the elevations, replacement chimneystack, erection of a dormer window and first floor extension to front and erection of a single storey rear extension for Mr & Mrs John Greenland (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01070/FUL	Porsche Centre South Lakes, 1 Electric Drive, Carnforth Erection of a temporary building to be used as a valet bay for a period of up to 12 months for Mr Simon Parker (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01079/FUL	12 Brookfield View, Bolton Le Sands, Carnforth Erection of a single storey rear extension, front porch and detached garage/ utility for Mr J. Butterworth (Bolton And Slyne Ward)	Application Refused
23/01080/FUL	Garage, Dalton Road, Lancaster Erection of a replacement detached garage for Mr M Joyce (Bulk Ward)	Application Refused
23/01081/FUL	22 Bay View Avenue, Slyne, Lancaster Demolition of existing detached garage and erection of a garage to the side for Mr And Mrs M Evans (Bolton And Slyne Ward)	Application Refused
23/01084/FUL	Westfield Farm, Kellet Lane, Nether Kellet Part retrospective application for the construction of an earth banked slurry lagoon for Mr Allan Riley (Halton-with-Aughton And Kellet Ward)	Application Withdrawn
23/01087/ELDC	4 Ullswater Road, Lancaster, Lancashire Existing lawful development certificate for use as 6-bed house in multiple occupation (C4) for Afar Properties Limited (Bulk Ward)	Lawful Development Certificate Granted
23/01088/ELDC	North View, 95 Bulk Road, Lancaster Existing lawful development certificate for use as 4-bed house in multiple occupation (C4) for Afar Properties Ltd (Bulk Ward)	Lawful Development Certificate Granted
23/01089/ELDC	43 Ingleton Drive, Lancaster, Lancashire Existing lawful development certificate for use as 5-bed house in multiple occupation (C4) for Rapid Real Estate Ltd (Scotforth East Ward)	Lawful Development Certificate Granted
23/01090/ELDC	19 Lincoln Road, Lancaster, Lancashire Existing lawful development certificate for use as 4-bed house in multiple occupation (C4) for Afar Properties Ltd (Marsh Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

23/01091/ELDC	30 Ullswater Road, Lancaster, Lancashire Existing lawful development certificate for use as 4-bed house in multiple occupation (C4) for Afar Holdings Ltd (Bulk Ward)	Lawful Development Certificate Granted
23/01092/ELDC	26 Vine Street, Lancaster, Lancashire Existing lawful development certificate for use as 5-bed house in multiple occupation (C4) for Afar Holdings Ltd (Scotforth West Ward)	Lawful Development Certificate Granted
23/01098/FUL	1 Steward Avenue, Lancaster, Lancashire Erection of a single storey garden room for Mr and Mrs Maudsley (Bowerham Ward)	Application Permitted
23/01099/PAM	Telecommunications Mast, Scotforth Road, Lancaster Prior approval for the installation of a monopole with 3 antennas, 2 dishes and 3 ground based equipment cabinets with associated ancillary development for EE Ltd (Scotforth East Ward)	Prior Approval Refused
23/01106/PAM	ARQIVA (140674) SD5430067180, Far Highfield Farm , Aughton Road Prior approval for replacement of three antennas and ancillary radio equipment on existing mast, installation of one GPS module on existing gantry pole, upgrades to equipment cabinet with associated ancillary development for CTIL (Halton-with-Aughton And Kellet Ward)	Prior Approval Granted
23/01109/FUL	35A Lindeth Road, Silverdale, Carnforth Conversion of garage into habitable room, installation of windows and doors and erection of detached car port to the rear for Mr & Mrs Bargh (Silverdale Ward)	Application Permitted
23/01111/ADV	17 New Street, Lancaster, Lancashire Advertising application for the display of 2 non illuminated fascia signs and 1 non illuminated hanging sign for JD Outdoor (Castle Ward)	Application Permitted
23/01112/LB	17 New Street, Lancaster, Lancashire Listed building application for the fixing of 2 fascia signs to the front/side elevation, 1 hanging sign to the front elevation and repairs to and painting of the shop frontage for JD Outdoor (Castle Ward)	Application Permitted
23/01118/FUL	81 Oxcliffe Road, Heysham, Morecambe Conversion of a garage/workshop into a dwelling with installation of rooflights, replacement windows and doors, construction of canopy, associated parking and landscaping for Terry Lewis (Heysham Central Ward)	Application Withdrawn
23/01121/HRA	Restarigg Farm, Kirkby Lonsdale Road, Over Kellet Regulation 77 application for agricultural determination 23/00978/AD for Mr & Mrs Edward Fox (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/01130/PAC	Lunedale House, Market Street, Morecambe Prior approval for the change of use of first floor bank (Class E) into two flats (C3) for Kingsway Developments Ltd (Poulton Ward)	Prior Approval Granted
23/01148/FUL	Poplar Grove Farm, Gulf Lane, Cockerham Demolition of existing slurry store and erection of a new slurry store with canopy over for Mr Eddie Redmayne (Ellel Ward)	Application Withdrawn

LIST OF DELEGATED PLANNING DECISIONS

23/01149/PLDC	5 Esthwaite Gardens, Lancaster, Lancashire Proposed lawful development certificate for construction rear dormer extension for Mrs L Kendall (Bulk Ward)	Lawful Development Certificate Granted
23/01155/NMA	82 Palatine Avenue, Lancaster, Lancashire Non-material amendment to planning permission 22/01284/FUL to change the cladding on rear dormer to dark grey cedar weatherboarding for J Bebbington (Scotforth East Ward)	Application Refused
23/01158/FUL	13 Leachfield Road, Galgate, Lancaster Cladding of existing dormer with grey composite cladding for Mr B Woodward (Ellel Ward)	Application Permitted
23/01160/AD	Brades Farm, Farleton Old Road, Farleton Agricultural determination for construction of roof extension to cover existing cattle yards for Mr Edward Towers (Upper Lune Valley Ward)	Prior Approval Refused
23/01183/NMA	Scar Close, Crag Road, Warton Non material amendment to planning permission 22/00970/FUL to enlarge a window to the front elevation for Mrs A Carroll (Warton Ward)	Application Permitted
23/01184/PAD	Unit 37, Paragon Way, Lune Business Park Prior approval for the demolition of redundant buildings around perimeter of main building for Mr Adam Kirkbride (Marsh Ward)	Prior Approval Refused
23/01200/PLDC	32 Leyster Street, Morecambe, Lancashire Proposed lawful development certificate for the demolition of a side bay window, detached garage and erection of an attached garage to side elevation for Mr Daniel Nye (Poulton Ward)	Lawful Development Certificate Granted
23/01203/NMA	Cantsfield Grange, Cantsfield Road, Cantsfield Non material amendment to planning permission 23/00280/FUL to change roof materials for Mr Adrian Cresswell (Upper Lune Valley Ward)	Application Refused
23/01206/PLDC	7 St Michaels Place, Bolton Le Sands, Carnforth Proposed lawful development certificate for construction of dormer extension to rear elevation and removal of front porch to create new front entrance for Mr & Mrs J Bewley (Bolton And Slyne Ward)	Lawful Development Certificate Granted
23/01218/AD	Plantopia Nurseries, Stoney Lane, Galgate Agricultural determination for the construction of a track for Charles Newhouse (Ellel Ward)	Prior Approval Refused
23/01228/NMA	Land North Of Old Hall Farm, Kirkby Lonsdale Road, Over Kellet Non-material amendment to planning permission 20/00405/REM for changes to Plot 53 to include small obscure window for first floor bathroom for Oakmere Homes (Northwest) Limited (Halton-with-Aughton And Kellet Ward)	Application Permitted
23/0145/TPO5	20 Westbourne Road, Lancaster, Lancashire Fell 1x Eucalyptus for Michael Curwen (Marsh Ward)	Closed