

Agenda Item	A6
Application Number	20/00762/FUL
Proposal	Erection of a 2-storey supported living facility (C3), erection of a bin and cycle store, creation of access road and parking, and alterations of existing ground levels including retaining walls and gabion terraces, associated landscaping and service infrastructure
Application site	University of Cumbria, Bowerham Road, Lancaster, Lancashire
Applicant	University of Cumbria & NWSDL
Agent	Clare Bland
Case Officer	Mr David Forshaw
Departure	Yes
Summary of Recommendation	Approval but delegated back to the Head of Planning and Place to allow the consultation period to expire

1.0 Application Site and Setting

- 1.1 This is one of two applications on the agenda for separate developments at the University of Cumbria (UoC) campus. This application was deferred from the last meeting due to late concerns expressed by the LLFA and United Utilities which officers felt could not be overcome through imposition of conditions. The applicant has submitted additional information relating to the proposed drainage system and location of existing water mains which has been assessed by the LLFA and United Utilities.
- 1.2 This site is in the north east corner of the campus close to the sports centre. It is currently the site of two unused tennis courts with housing on three sides on Anderson Close, Coulston Road and Clougha Avenue. The fourth side is open grass within the campus sports ground which drops down to the level of the nearby MUGA.
- 1.3 The site is within areas identified in the Strategic Policies and Land Allocations DPD (SPLA) policies SC3 Open Space, Recreation and Leisure and EN5 Key Urban Landscape. It is outside the EC6 developable area of the campus.

2.0 Proposal

- 2.1 The development proposed is a two storey L shaped building with inverted pitches to the roof. The accommodation is for young adults with learning difficulties and 3 full time equivalent staff in self contained living units. There will be 13x1 bed apartments (one for staff), bin and cycle store and a new access off Anderson Close. The site will be surrounded by 2m high decorative fencing and railings to the boundary with the sports grounds and 1.8m close boarded fencing along the boundaries with housing. Also proposed is a re-working of the current slope down to the MUGA including construction of a retaining wall to the car park and gabions which will provide seating accessed by new steps.
- 2.2 The new access will be taken from the turning head of Anderson Close serving a car park with 11 spaces (two disabled). The grounds of the facility will be landscaped with hard and soft features

including seating areas and new tree, shrub and ornamental planting.

- 2.3 A footpath for use by the public to access the wider campus will be retained within the scheme although outside the immediate grounds of the building. Therefore, public access to and through the campus from Anderson Close will be maintained.

3.0 Site History

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

Application Number	Proposal	Decision
20/00554/FUL	Demolition of buildings including Sarah Witham Thompson, Gressingham and Melling Halls, Black Box Theatre, Old Dining Room and the Long Corridor and erection of a 4 storey Extra Care residential building (use class C3), partial demolition, conversion and change of use of the Art Studio from education facility (use class D1) to ancillary space associated with the Extra Care residential building and change of use and conversion of Barbon Hall and Hornby Hall from education facility (use class D1) to provide affordable residential apartments (use class C3) with associated landscaping, parking, access and service infrastructure	Decision pending
20/00550/FUL	Demolition of buildings including William Thompson Tower, William Thompson Offices, Primary Curriculum Building, Estates & Secondary Centre buildings and erection of an 8, 9 and 10 storey building comprising residential student accommodation in cluster flat arrangements with ancillary laundry room, cycle store, refuse store, management office and reception, plant room and associated landscaping, access and service infrastructure	Decision pending
20/00425/EIR	Screening request for a replacement student residential block in area A following the demolition of the existing 10 storey William Thompson Tower and surrounding buildings	ES not required
18/01225/PLDC	Proposed lawful development certificate for the erection of a fence and gates	Granted
18/01220/PREMTG	Demolition of existing teaching and accommodation blocks, conversion of 2 barrack buildings to 17 2-bed apartments, erection of 23 4-bed 3 storey townhouses and 2 4-storey student accommodation buildings comprising a total of 30 5-bed cluster flats	Closed
18/00399/PRETWO	Demolition of existing teaching and accommodation blocks, conversion of 2 barrack buildings to 17 2-bed apartments, erection of 23 4-bed 3 storey townhouses and 2 4-storey student accommodation buildings comprising a total of 30 5-bed cluster flats	Advice provided
15/01007/PAD	Prior Approval for the Demolition of part of the Askwith Building, The Range and the nursery building	Granted
15/00913/FUL	Partial demolition of the Askwith Building and erection of a new three storey teaching block with associated landscaping and replacement car parking and the erection of a single storey extension and installation of new windows to the retained part of the Askwith Building	Permitted
06/01202/FUL	Erection of a new 4 storey Gateway building, incorporating a One stop shop for student contact, catering facilities and offices	Permitted
04/00346/FUL	Demolition of principals house, construct art, design and	Permitted

	technology building, including extensions and alterations to Martinaue building and links to new teaching block (approved on application 03/00131/FUL)	
97/00324/FUL	Removal of Condition No 11 on Permission No 96/00525/CU to allow use of tennis courts for netball during winter months	Refused
96/00525/CU	Formation of new car park from existing tennis court to provide 56 parking spaces together with creation of three new tennis courts	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to use being supported living only, upgrade of bus stops on Wyresdale Road and provision of cycle store
Environmental Health	Require conditions relating to minimisation of dust and provision of electric vehicle charging points
Police	Security advice provided
Fire	Standard advice provided
Contaminated Land Officer	Standard conditions required
Civic Society	Supports development of the unused site; building is of pleasing design although concerned about its height; will cause extra traffic on already congested Anderson Close
County Heritage	Request condition securing a programme of archaeological works
Conservation Team	No comments
Arboricultural Officer	No objection to the revised scheme
Strategic Housing	Supports provision of a specialised housing need
LLFA	The revised drainage strategy proposes to discharge at the minimum greenfield rate with excess volume stored on site. No infiltration testing has been carried out which is the first level of drainage hierarchy and the potential for this needs to be confirmed at detailed design stage. The LLFA has no objection subject to conditions including requiring pre-commencement approval of the detailed drainage system.
Natural England	No objections subject to condition securing mitigation through resident's pack and notice board
United Utilities	No objection subject to conditions requiring pre-commencement approval of the detailed drainage system and investigations to locate and measures to protect the pressurised water mains laid within the site. This will enable all parties the opportunity to work together to reach a suitable outcome.
Public Realm	Acknowledges that there is a year round undersupply of playable community courts, but it is recognised that this site is not suitable to meet that need.

4.2 A total of 70 neighbour responses have been received. Of these all were objections apart from one making comments. The objections can be summarised as:

- Increase in traffic in area and on Anderson Close
- Worsened parking in area and on Anderson Close
- Access along Anderson Close poor (appeal for use of Clougha Avenue was dismissed)
- Transport survey carried out outside term time
- Loss of access to university grounds for recreation
- Loss of tennis court facility
- Existing student noise problems at night
- Light nuisance
- Bats forage across the site
- Overlooking/loss of privacy
- Loss of view

- Potential pre-historic features in adjacent field
- Overshadowing/loss of light
- Houses at lower ground level
- Loss of green space
- Noise, traffic and damage during construction
- Design out of character
- Loss of trees on and off site and hedge which screens floodlights
- Air pollution
- Worsening of existing garden and road flooding
- Bin store location
- Neighbours' extensions not shown on plans
- Will there be a different generation of residents and curfew imposed
- Loss of privacy
- Over shadowing
- Loss of trees
- Loss of habitat
- Unacceptable access
- Design out of character
- Over development
- Loss of amenity
- Loss of green space
- Contrary to policy
- Prevention of access from garden onto the site
- Effect on window in kitchen extension in boundary with site
- Noise disturbance
- Effect on traffic safety, parking and congestion
- Worsening of existing flooding
- Loss of tennis courts
- Use of the courts was changed from student use to public use
- Amended plans have not overcome objections
- Lack of proper consultation with neighbours by UoC
- Alternative sites are available on the campus
- Effect of sports ground use and floodlights on proposed residents
- A 2m right of way should be maintained at the rear of Clougha Avenue properties
- Nuisance from 24 hour a day business being operated
- Loss of public right of way across campus
- Lack of engagement by the University
- Residents are interested in purchasing the site for a community project
- No sunlight/daylight assessment has been carried out

One comment supports the provision of a pedestrian crossing.

5.0 Analysis

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

- Principle of development
- Design and visual impact
- Effect on neighbours
- Traffic and parking
- Other material considerations

5.2 **Principle of Development SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy; SC3: Open Space, Recreation and Leisure; EN5: Key Urban Landscape; DPD Policies DM8: Accommodation for Older People and Vulnerable Communities; DM27: Open Space, Sports and Recreational Facilities; DM46: Development and Landscape Impact and National Planning Policy Framework Sections 2, 5, 8, 9,**

11, 12, 15 and 16.

- 5.2.1 The site is identified as an open space, recreation and leisure facility and therefore the presumption in SPLA policy SC3 is for its protection from development. DMDPD policy DM27 does not permit the loss of such facilities unless an assessment is undertaken which demonstrates it is surplus to requirements, no longer has an economic, environmental or community value, the loss would be replaced by a better or equivalent facility or the development is for alternative recreation provision. This reflects the requirements of paragraph 97 of the NPPF. Such an assessment has been submitted by the applicant, the summary of which is set out in paragraphs 5.2.2 to 5.2.7 below.
- 5.2.2 Recent background papers which were prepared to inform the DMDPD are the Open Space Assessment Report (OSA), Open Space Study Standard Paper (OSSSP) and Playing Pitch Strategy and Outdoor Sports (PPSOS). The OSA includes the campus in the amenity green space category as a site “offering opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas”. The campus was not assessed in the OSA for quality or value and only considered against the category of its given primary purpose as amenity greenspace. Although the campus offers more formal recreation facilities such as the MUGA it was not assessed within the provision for children and young people category in the OSA. This category has good provision within the area and therefore had the campus been included within this category it would have scored more highly. The OSSSP follows the OSA and identifies deficiencies and surpluses in existing and future open space provision throughout the district.
- 5.2.3 The PPSOS is a supply and demand assessment of playing pitch facilities in accordance with Sport England’s Playing Pitch Strategy. The PPSOS states that at the time of assessment there were ‘a total of 80 tennis courts identified in Lancaster located across 21 sites including sports clubs, parks and schools. This did not include the application site. The assessment describes the tennis courts as “disused”, defined as sites that are not in use or available for community hire and, once disused for 5 years or more, will be categorised as “lapsed sites”. It says they were last used in 2016 although the university was not consulted on this. However, specifically for tennis the PPSOS does not include these courts in its assessment of provision but says they are disused due to their proximity to residential properties and restrictions as a result. The study concludes that courts in the City not used by clubs have spare capacity for growth in demand and that club courts are sufficient in number to accommodate current and future levels of demand.
- 5.2.4 The follow up Playing Pitch and Outdoor Sports Strategy – Strategy and Action Plan summarises that ‘there are sufficient club courts in Lancaster District to accommodate current and future levels of demand’. It indicates that although demand can be met by existing supply there is an undersupply of courts available for use throughout the year due primarily to the nature of the court surfacing and lack of floodlighting. The assessment suggests that the University should ‘Explore options to reinstate use, subject to presence of demand’. Being so close to housing and subject to previous complaints regarding noise and disturbance from its use it is not possible to reinstate the use as a tennis court and it is also not considered suitable for alternative playing pitch uses for the same reason of conflict with residential amenity.
- 5.2.5 In terms of the environmental value, it is an unused overgrown hard surfaced area enclosed by 3m high chain link fencing. It does not provide any opportunity for informal activity or enhance the appearance of a residential or other area. It is not considered to add any quality or value to the wider amenity space. Being so close to housing and subject to previous complaints regarding noise and disturbance from its use it is not suitable for alternative playing pitch uses.
- 5.2.6 In assessing its economic value, it is a fact the courts have not been used since at least 2012 (evidence provided from UoC) and provide no economic value to the owner or community. Their use resulted in complaints from residents due to noise and disturbance. To address this, restricted hours were imposed but bookings and use reduced and complaints continued so the courts were closed. Only use during popular times for tennis or alternative sports would render the courts viable but this would cause further problems for neighbours.
- 5.2.7 In terms of community value, the courts have been closed for longer than stated in the PPSOS and ought to be referred to as lapsed. Notwithstanding this, the assessment did not consider the courts to be available for community use and they were not taken into account when calculating that demand can be met by existing supply. The deficiency in facilities able to be used all year will not be

able to be met here due to incompatibility with the surrounding houses.

- 5.2.8 The submitted assessment is reasonable. The DMDPD background assessments are up to date and confirm there is sufficient existing and future provision of amenity greenspace (which this site forms part of through the larger provision by the wider campus). Furthermore, overall provision would not be prejudiced by the loss of the site due to its size and it has no value as amenity green space in its own right.
- 5.2.9 With regards tennis, these courts did not form part of the background assessment and there is sufficient existing and future provision without them. There is a deficiency in courts available for year round use but loss of these courts will not increase that deficiency. Therefore, there is no justification for securing a financial contribution towards alternative or improved provision elsewhere.
- 5.2.10 The Key Urban Landscape (KUL) designation is conferred through SPLA policy EN5 and development within it is controlled by DMDPD policy DM46. It covers the UoC campus outside the identified developable area from Wyresdale Road to the north east to Bowerham Road to the south west. KUL areas will be conserved and important natural features safeguarded. Development will only be permitted where they preserve the open nature of the area and character and appearance of its surroundings.
- 5.2.11 The site forms a small part of the wider designation. The application includes a Townscape Appraisal which compares the site to the wider KUL using the evaluation criteria which was used in designating the original KUL. The appraisal describes the site as a discrete enclave of land on the fringe of the campus, surrounded on three sides by existing built form. It is considered to have a very limited visual relationship with the rest of the KUL or the wider City region. The courts are disused, in disrepair and inaccessible to the public. The site contains no notable mature trees and any vegetation can be retained with the development. The appraisal does not consider it in keeping with the rest of the campus wide KUL and says it detracts from the character of the area.
- 5.2.12 The 2 stage appraisal carried out in 2012 which informed the KUL designation scored the whole designation as 29 out of a maximum of 45 using the published evaluation criteria. The same exercise has been completed in the submitted appraisal relating to the site itself. This scores the site at 15 out of a possible 45. There is no reason or evidence to dispute this result. Assessing a small part of a wider designation would not always result in a lesser score and this demonstrates what the site feels like on the ground; that it can be viewed differently from the rest of the KUL due to its somewhat isolated relationship, being effectively fenced off and tight knit surrounding development.
- 5.2.13 It is accepted the site does not contribute positively to the KUL designation and its development would not diminish the inherent characteristic or significance of the rest of the KUL. Neither would its development necessarily justify development of other parts of the KUL. Therefore, the development is not considered to substantially reduce the open nature, character or appearance of the wider KUL and is not contrary to policies EN5 or DM46.
- 5.2.14 The proposal is to provide supported living accommodation for young adults with disabilities, giving them 24/7 shared background support depending on their individual needs. Support would focus on helping residents engage in social activities and interaction to promote independence whilst ensuring access to personalised care was available.
- 5.2.15 Lancashire County Council's Care and Support Strategy 2018– 2025, and recently approved Vision document, "Care, Support and Wellbeing of Adults in Lancashire" seeks to develop a range of quality housing to better meet people's care and support needs to promote health, wellbeing and independence for young and older adults. The Strategy aims to provide smaller scale flat schemes rather than the current model of shared households. The Council's Strategic Housing Market Assessment similarly identifies the need for accommodation for young adults with disabilities.
- 5.2.16 The Council's Housing Strategy Team states: *"...the Commissioning Lead for People with Learning Disabilities and Autism has also been directly consulted and has provided a supporting statement confirming that the proposed apartment scheme will make a significant contribution to increasing the supply of much needed self-contained supported living accommodation with round the clock support for this vulnerable group, in a very sustainable and appropriate location. The target identified in the Homes Strategy is to provide 50 new supported living apartments in Lancaster district over the next*

five year period". Housing Strategy Team supports this proposal which aligns to the council's Homes Strategy 2020-25 by increasing the specialist housing required in Lancaster district.

5.2.17 Policy DM8 supports proposals for accommodation of vulnerable groups that meets a number of criteria. The scheme will be a commissioned service whereby Lancashire County Council will select the most suitable care provider. The premises will be run by Progress Housing Association who will provide an intensive landlord and housing management service. Accommodation will be allocated to individuals who have eligible assessed care needs requiring a high level of care and support at the outset. Lancashire County Council and Progress Housing Group will jointly agree the proposed lettings for the units taking account the specific needs and requirements for each individual. All residents are assumed to qualify for full housing benefit payments. County will have determined that each proposed resident fulfils the threshold for eligible assessed care needs with an agreed care plan in place, and Progress as the landlord will undertake a further needs and risk assessment to ensure the accommodation is suitable and appropriate for each nomination received. The supported living apartments are expected to meet a longer term need and will offer settled accommodation rather than other forms of short term shared accommodation services. If for whatever reason, a need is identified to move an existing resident, the lead organisation would be Lancashire County Council and whilst working with partners, they will decide on the most appropriate solution in this instance. The proposal therefore complies with policy DM8.

5.2.18 In conclusion regarding the principle of the development, it has been assessed against policies designating the site as key urban landscape and open space, sports and recreation use. It is unfortunate that the development will result in the loss of a part of the KUL and a former sporting facility. However, it is accepted that although attached to the KUL it is perceived as a remote part being bounded on three sides by housing and containing a 3m chain link fence that in effect separates it from the rest of the open space. Its loss will not diminish the overall value of the remaining KUL. In terms of sports use, the courts have not been used since 2012 and they have not been included as part of the supply of tennis courts. Alternative sporting uses are likely to cause the same neighbour amenity problems as when the courts were in use. The proposed use provides a specialist housing need in much demand in the district and is supported by policy DM8. On balance, the principle of the development is accepted.

5.3 **Design and Visual Impact** DMDPD DM2: Housing Standards; DM29: Key design principles; DM30: sustainable design; Policy DM46: Development and Landscape Impact; NPPF section 12

5.3.1 The proposal has a modern design comprising two storeys under inverted pitched roofs i.e. the highest part of the roof is above the external walls with the slope falling inwards to areas of flat roof. Proposed materials are grey facing brick with grey feature brickwork, bronze cladding to the vertical roof parts and dark grey to the roof slopes, bronze relief panels around some window arrangements and bronze aluminium fenestration. The detail of boundary and internal fencing can be conditioned to ensure it is appropriate to the setting of the key urban landscape and neighbouring properties.

5.3.2 The building will be on higher ground than the rest of the surrounding campus and therefore visible from longer views. It will be seen in the context of the adjacent housing and other UoC buildings. Unrestricted public access to the campus will be maintained along the proposed re-aligned footpath from Anderson Close from which the building and grounds will be visible from close quarters. The footpath will be on the campus side of the development and distant views across the campus grounds and beyond will not be affected. The modern design of the building and proposed landscaping is acceptable in the context of its setting and will not give rise to any undue visual impact.

5.3.3 11 of the apartments will be Part M4(3) wheelchair user compliant and two apartments (including the staff unit) will be NDSS compliant in compliance with policy.

5.4 **Effect on Neighbours** DMDPD Policy DM 29: Key Design Principles

5.4.1 The siting of the building has been amended to ensure all interface distances with adjoining houses are met. The houses on Anderson Close back onto the site and their closest windows will be located at least 19m from the nearest wall which does not contain windows (well in excess of the required 12m). The only windows facing these properties are in the furthest wing almost 40m away. Houses to the rear on Coulston Road are approximately 1.5m lower with rear facing ground floor windows

and a conservatory. The required interface distance is therefore 24m which the amended layout achieves to the closest of those neighbouring windows. Other windows are further away due to the diverging alignment between the proposed and existing houses. This distance adequately mitigates the effects of the building in terms of any overbearing position above these properties and their gardens. Two trees on this boundary originally proposed to be removed are to be retained which will provide some softening effect.

5.4.2 Housing on Clougha Avenue has much shorter rear gardens at approximately 6.5m in length. The long facing elevation of the development will extend across the full width of the garden of no 9. The proposed wall will have no clear glazed principal windows and be located at least 12m from the rear facing principal habitable room windows to these properties which complies with standards. The rear wall of the proposal will contain an inset mainly behind no 9 and partly to the rear of no 11. This inset takes a 4.5m section of the wall a further 1m away from the houses and provides some relief to the mass of the elevation, especially no. 9.

5.4.3 Undoubtedly, the outlook from all neighbouring properties will be markedly different due to there being no development to the rear at present. This will be particularly apparent from nos. 7, 9 and 11 Clougha Avenue. The impact will be greater than if the development was of traditional house gable ends due to the additional length of this elevation. However, the building will be two storeys in height with a sympathetic roof arrangement whereby the closest part of the roof ridge is located end on to these properties at the eastern end which minimises bulk and massing close to Clougha Avenue. Other parts of the roof slope down to a flat roof on the side of the building closest to Clougha Avenue. Given this and the adequate separation, the adverse effect on no 9 and to a lesser extent 7 and 11 Clougha Avenue is insufficient to justify refusal of the application.

5.5 **Traffic and Parking SPLA EC6: University of Cumbria Campus; DMDPD DM60: Enhancing Accessibility and Transport Linkages; DM61: Walking and Cycling; DM62: Vehicle Parking Provision; NPPF section 9**

5.5.1 Vehicular access is proposed from Anderson Close, a cul-de-sac serving part of the UoC campus, 8 houses on Anderson Close and rear parking for 6 houses on Coulston Road. A car park for 11 spaces, including 2 disabled bays is proposed.

5.5.2 The site is well served by public transport. The nearest bus stops on Wyresdale Road require upgrading to provide DDA compliant kerbing which will be secured by condition. County Highways consider the vehicle movements generated will not have a severe impact on highway safety due to the relatively low car ownership by residents. A condition is proposed to limit use of the proposal to supported living to ensure car ownership is kept low.

5.5.3 Concerns expressed by County Highways to the original scheme have been addressed. Swept path analysis shows delivery and refuse vehicles can turn into the site without the need to widen Anderson Close, the internal turning head is now acceptable and the traffic survey was carried out during term time and in accordance with DfT guidance.

5.6 **Other Material Considerations**

5.6.1 **Drainage and flood risk** - Current drainage is through a combined system discharging to an off-site combined public sewer. Infiltration tests are not currently available so it is proposed to limit discharge to greenfield rates for all rainfall events up to the 100-year plus 40% climate change. Water runoff from hard surfaces will flow into a below ground attenuation tank adjacent to and partly under the access road from where the outflow will be controlled to the greenfield rate into the existing campus system. Infiltration may be possible, subject to testing, which will be carried out at the detailed design stage. Infiltration is the first aim in the drainage hierarchy and this must be investigated. Conditions proposed by the LLFA and United Utilities require this to be done and the final detailed drainage design agreed prior to commencement of any operations on site. Foul water will be gravity fed to the combined public sewer separately from the surface water while on site. Flood risk at the site is low. The proposed conditions can be imposed based on the revised drainage strategy, and further work to locate the water mains, and overcome the previous concerns of the LLFA and United Utilities, meeting the requirements of policies DM33 and DM34.

5.6.2 **Heritage** – There are no heritage assets close to the site and all are separated from the development

site by distance and intervening buildings. Archaeological finds have been made in the immediate vicinity. A scheme for the investigation and recording of archaeology will be secured by condition and this aligns with the advice of the County.

- 5.6.3 Ecology and trees – There are no priority habitats on site and the nearest designated site is 600m away (Lancaster Moor Hospital Grassland BHS) with no connectivity to the development site. An initial Preliminary Ecological Appraisal identified the potential for three trees and an ivy covered wall to have bat roost potential. These were inspected and were found to have negligible potential. In accordance with bat survey guidance, roosts with negligible potential do not require further survey. However, these features will be surveyed again if the development commences in late 2021 or beyond.
- 5.6.4 In terms of bat foraging, it is expected that bats will use the trees and adjacent gardens as stated by neighbours. The development will retain these trees and the proposed planting around the scheme has been designed to improve the foraging habitat. Overall, the development is considered very unlikely to significantly impact the favourable conservation status of bats in the locality which will continue to forage around the periphery of the site.
- 5.6.5 Two trees are proposed to be removed: a white willow and a Norway Maple to create the access. Neither are good specimens. Following negotiations two sycamore trees on the east boundary and the existing hedge on the boundary with no.1 Anderson Close are now to be retained.
- 5.6.6 The site is within the Morecambe Bay buffer zone and a Habitat Regulation Appropriate Assessment has been completed which concludes the recreational pressures from the development on the designated areas can be mitigated by suitable packs distributed to all resident students. The scheme is compliant with policies DM44 and 45.
- 5.6.7 Air Quality – A qualitative air quality assessment for the construction and operational phases has been submitted. This concludes there is a not significant risk if standard mitigation measures are used. The development therefore complies with Policy DM31 of the DM DPD.
- 5.6.8 Sustainability – An energy statement has been submitted which confirms the development has the potential to achieve a 24% reduction from Part L Building Regulations emission requirements through measures including enhanced thermal building fabric, recovery of waste heat, controllable lighting, air source heat pumps and solar panels. This complies with the requirements of policy DM30 and can be conditioned as such.
- 5.6.9 Affordable Housing – The accommodation will be purely supported living and not open market housing. Therefore, a condition is proposed limiting occupation to people requiring supported living care. Affordable housing is not required to be provided because the development is of apartments which is exempt under policy DM3.

6.0 Conclusion and Planning Balance

- 6.1 The impacts of the development proposal on the loss of key urban landscape and supply of tennis and other recreation facilities and the development's impact on neighbours, ecology, highway conditions and visual appearance have been carefully assessed. The site is a distinct part of the KUL, scoring much lower in value than the KUL as a whole. Its loss will not diminish the significance or value of the remaining KUL. The courts were not considered a possibly available resource when the playing pitch study was undertaken, and without them there is adequate provision locally. The only deficiency is in year-round use availability but this would not be possible to provide here, due to the conflict with the amenities of neighbours, as experienced previously. The main negative impact is the potential effect of the long elevation facing rear of properties on Clougha Avenue. However, adopted spacing standards are met. Provision of supported living for a vulnerable sector of the community is a positive consideration of this application and something which officers support wholeheartedly. There are not considered to be any material considerations that would justify refusal and, on balance, the benefits are considered to outweigh the negatives. With this it is recommended to councillors to support the development subject to conditions.
- 6.2 Since receipt of the revised drainage strategy further consultation has been carried out. This will expire after the Committee meeting, so it is proposed to delegate the final decision to the Head of

Planning and Place subject to not receiving any comments that relate to material planning considerations that have not previously been considered.

Recommendation

That Planning Permission **BE GRANTED** in principle subject to the following conditions, but the application be delegated back to the Head of Planning and Place to allow the consultation period to expire:

Condition no.	Description	Type
1	Time limit	Standard
2	Approved plans	Standard
3	Final Sustainable Drainage Strategy	Pre-commencement
4	Construction phase surface water management plan	Pre-commencement
5	Foul water drainage	Pre-commencement
6	Water Main Investigations and protection	Pre-commencement
7	Off site highway works	Pre-commencement
8	Employment Skills Plan	Pre-commencement
9	Contaminated land	Pre-commencement
10	Written scheme of archaeology	Pre-commencement
11	Finished floor and site levels	Pre-commencement
12	Boundary and fencing details	Pre-commencement
13	Access construction details	Pre-commencement
14	Materials samples	Above ground
15	Homeowner packs	Above Ground
16	Drainage Operation and Maintenance Plan and Verification Report	Prior to Occupation
17	Travel Plan	Prior to occupation
18	Security details	Prior to Occupation
19	Car parking management strategy, layout and EV charging points	Prior to Occupation
20	Cycle Store	Prior to Occupation
21	Approved tree works	Ongoing
22	Ecological mitigation measures	Ongoing
23	Hours of construction	Ongoing
24	Landscaping Implementation	Planting season
25	Nesting birds	Specific time
26	Separate drainage	Control
27	Sustainable construction and energy efficiency	Control
28	Nationally described space standards and M4(2) and M4(3) standards	Control
29	Supported Living within C3 Only	Control
30	Obscure glazing in rear elevation	Control

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

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

Background Papers

None.