

Agenda Item	A5
Application Number	20/00607/VCN
Proposal	Outline application for residential development comprising 213 dwellings (Use Class C3) with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/ pedestrian access to Carnforth Brow/Netherbeck, public open space, creation of wetlands area, construction of attenuation basins, erection of sub-station, installation of a pumping station and associated earthworks and land re-grading and landscaping (Pursuant to the variation of conditions 2, 5, 6, 7, 10, 11, 14, 16, 18, 24, 25, 26 and 27 on planning permission 18/00365/OUT to take account of amendments to the layout of the residential development, changes to the housing mix, alterations to the associated earthworks and land re-grading scheme, amendments to the drainage scheme and changes to public open space and landscaping (including the removal of additional hedgerow)
Application site	Land east of Scotland Road, Carnforth, Lancashire
Applicant	Rowland Homes Ltd
Agent	Mrs Helen Binns
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	Approve

1.0 Application Site and Setting

- 1.1 The application site relates to a 16.8 hectare parcel of land comprising undulating pastoral land located north of the main built up area of Carnforth on land designated as open countryside. The site lies beyond the Carnforth and Leeds railway line which abuts part of the southern boundary to the site. The south western corner of the site sits alongside a small existing employment area known as the Midland Units (office and industrial uses). Scotland Road (the A6) runs adjacent to the western boundary with further commercial premises (Travellers Choice coach depot) directly opposite the southern part of the site. To the north lies Truck Haven services which is separated from the site by the River Keer. Beyond Truck Haven services the strategic highway network (A601M) connects to the A6 where further employment premises are located, together with Pine Lakes leisure complex. Open pasture land, Netherbeck Holiday Park and a small cluster of existing dwellings sit alongside the eastern boundary of the site off Carnforth Brow.
- 1.2 The existing site can be accessed via field accesses off Scotland Road and Carnforth Brow. A public right of way (PROW) (1-3-FP-26) currently passes through the site alongside the southern boundary before it crosses the railway line and links back to Carnforth Brow. This PROW shall be diverted as part of the development. The Diversion order has been considered and the works to undertake the diversion have commenced, although formal certification of the works remains outstanding. Only when this occurs shall the Diversion Order be effective.

- 1.3 The site comprises several agricultural field parcels. Tree cover is largely restricted to the southern and eastern boundaries and internal field hedgerows. 8 individual trees and a 1 tree group are protected by a Tree Preservation Order (650 (2018)), although the outline planning permission granted consent for the removal of a number of these trees. The northern third of the site is also identified as priority habitat (Coastal Floodplain Grazing Marsh) and part of a much larger Nature Improvement Area. The River Keer lies outside the application site but abuts the northern boundary. A smaller watercourse (Nether Beck) passes through the site in a general west-east direction with a series of connected ditches within the northern parcel of the site. This part of the site is around 5m Above Ordnance Datum (AOD) and subsequently lies within flood zones 2 and 3. The southern part of the site is between 10m and 20m AOD and lies within flood zone 1.
- 1.4 Following the approval of the outline planning permission, the Council has adopted a new Local Plan. The site does not benefit from any housing or other land-use allocation. Instead, the site is subject to Countryside Area and Natural Improvement Area designations (as was the case when the outline planning permission was granted). The site is not within the Conservation Area nor are there any listed buildings within or near likely to be affected by the proposals. It is, however, very close to the south-eastern boundary of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and the nature conservation sites associated with Morecambe Bay (Special Protection Area, RAMSAR and Site of Special Scientific Interest). The site is also allocated as a Minerals Safeguarding Area.
- 1.5 Carnforth town centre is located approximately 0.8 to 1km from the site and provides a range of local services and facilities, including a medical centre, supermarkets, post office, some comparison retail, offices, restaurant/cafes/public houses and employment land. The railway station is located around 1.3km from the centre of the site. The closest bus stop on the A6 is around 0.5km south west of the site at its closest point and around 0.9km from the centre of the site. Primary and secondary schools are situated off either North Road or Kellet Road and are also around 1.2 to 1.3km walking distance from the centre of the site.

2.0 Proposal

- 2.1 Outline planning permission was granted for 213 dwellings including consideration of the access, layout and landscaping of the development. Scale and appearance have been reserved for subsequent approval (the reserved matters).
- 2.2 The applicant has applied to vary the original planning permission under the provisions of Section 73 of the Town and Country Planning Act 1990. A Section 73 application provides a useful mechanism to consider minor material amendments to development (i.e. amendments where its scale and/or nature results in development which is not substantially different from the one which has been approved). It is only possible to make such changes to a development where there is a relevant condition that can be varied.
- 2.3 The proposed changes result in the need to vary several approved plans and documents which are controlled by planning conditions 2, 5, 6, 7, 10, 11, 16, 24, 25, 26 and 27 on the outline planning permission. The proposed amendments affect the layout and landscaping of the development only. The approved access is not affected by the changes. The amendments are largely a result of necessary engineering works (earthworks) to deliver suitable development platforms to enable efficient buildability and to maintain development viability. Such issues were unknown at the outline stage. The proposals also comprise changes to the mix of dwelling types, housing layout and dwelling orientations, the location of some open space, removal of existing landscape features, alterations to the drainage basins and pumping station location and rationalisation of public paths through the open space.
- 2.4 In addition, the application is also able to provide additional information in respect of ground conditions, land contamination, parking provision and the extent of adoptable roads within the scheme to enable conditions 14, 18 and 26 to be varied from pre-commencement conditions to compliance conditions.
- 2.5 In summary, the applicant seeks to modify the relevant conditions as follows:

Condition 2 – to update the approved plans list with the submitted amended plans.

Condition 5 – to update the condition to reflect submitted plans (no change to the access details).
 Condition 6 – to update the condition to reflect submitted illustrative highway plans (no change to the indicative highway works).
 Condition 7 – to update the condition to reflect amended tree removal and retention plans.
 Condition 10 – to update surface water drainage condition to reflect amended schematic plans and FRA Addendum.
 Condition 11 – to update foul drainage condition to reflect amended schematic plans and location of pumping station.
 Condition 14 – to amend from pre-commencement condition to compliance condition based on phase II site contamination investigation submitted.
 Condition 16 – to update landscaping condition to reflect amended plans.
 Condition 18 – to amend the condition to compliance condition based on parking plan submitted.
 Condition 24 – to update FRA condition to reflect updated FRA Addendum.
 Condition 25 – to update the earthworks, site levels and finished floor level plans to reflect the submitted amended details.
 Condition 26 – to update this condition to refer to the submitted Road Adoption Plan.
 Condition 27 – to update the noise and vibration condition to reflect the amended noise and vibration assessment based on the amended layout.

3.0 Site History

3.1 The only relevant planning history relates to 18/00365/OUT, which this application seeks to vary. The changes do not trigger the need to re-examine the EIA Screening Opinion.

Application Number	Proposal	Decision
18/00365/OUT	Outline application for residential development comprising 213 dwellings (Use Class C3) with associated vehicular and cycle/pedestrian access to Scotland Road and cycle/pedestrian access to Carnforth Brow/Netherbeck, public open space, creation of wetlands area, construction of attenuation basins, erection of sub-station, installation of a pumping station and associated earth works and land regrading and landscaping	Approved
17/01383/EIR	Screening opinion for erection of up to 250 dwellings	Not EIA development

4.0 Consultation Responses

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

Consultee	Response
Carnforth Town Council	Objection for the following reasons: <ul style="list-style-type: none"> The proposed housing mix and tenure split will not meet the longer-term housing need in the town (based on their Neighbourhood Plan housing needs evidence prepared for the Carnforth Neighbourhood Plan). With the shift to larger detached units, the claim that the extent of build-up area and greenspace is unchanged needs to be substantiated. Safety concerns over the cycle/pedestrian access onto Netherbeck/Carnforth Brow.
Highways England	No objection
Lancashire County Council (Highways)	No objection
Arnsdale and Silverdale AONB Partnership	Extent and number of trees have been altered and reduced. The AONB Partnership recommends that the proposed copses are expanded and additional sites included across the housing site to help reduce the visual impact on the AONB. The whole site should represent a natural, native woodland appearance

	and planting along Scotland Road should be at suitable height to provide good screening.
Natural England	No comments to make on the variation of conditions.
Arboricultural Officer	No objection in principle, subject to revisions to the landscaping offer within the built development.
United Utilities	No objection in principle but note that plot 6 is within 15m of the new pumping station and that this would not meet their criteria for Sewers for Adoption.
Environmental Agency	No flood risk objections subject to the outdoor gym being repositioned outside the 8m easement from the watercourse.
Lead Local Flood Authority	No objection subject to the imposition of the original drainage conditions.
Lancashire County Council (School Planning Team)	No comments to the proposal at this stage. The School Planning Team note any changes to dwelling mix and bedroom mix that may impact on the school place position in the area will be picked up as part of the reserved matters calculation required as part of the s106 agreement attached to the outline planning permission 18/00365/OUT.
Lancashire County Council (Archaeology)	No objection and recommend the previously imposed archaeology conditions (12 and 13) should be remain in force.
Conservation Officer	No further comments to those made on the outline application 18/00365/OUT.
Lancaster City Council Waste and Recycling Team	Following submission of further information, no comments on the basis that the Highway Authority is satisfied with the dimensions of the road layout.
Environmental Health Service (Noise)	No objection subject to the noise mitigation measures detailed in the submitted noise and vibration assessment being conditioned.
Contaminated Land Officer	No objection and agrees with the conclusions and recommendations of the submitted reports.
Network Rail	Initial Holding Objection removed. No objection to the development subject to a series of recommendations relating to the railway's asset protection.
Greater Manchester Ecology Unit (GMEU)	No objection subject to ensuring the greenspace and grazing marsh land is delivered and that there is some delivery of greenspace before first occupation. GMEU recognises the loss of hedgerow G10 is disappointing but would not merit a refusal of planning permission provided the loss is off set with new planting. The HRA conclusions are unaffected by the proposals.
Public Rights of Way Officer (Lancashire County Council)	At the time of compiling this report, no comments have been received.
Ramblers Association	At the time of compiling this report, no comments have been received.
Wildlife Trust	At the time of compiling this report, no comments have been received.
Electricity North West	At the time of compiling this report, no comments have been received.
Cadent Gas	At the time of compiling this report, no comments have been received.
Lancashire Constabulary	At the time of compiling this report, no comments have been received.

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

1 letter of objection raising the following concerns:

- Brownfield sites should be developed ahead of greenfield sites.
- Netherbeck is a dangerous watercourse as it is tidal.
- Proposed access location effected by flooding and traffic on Scotland Road.

1 letter of support from the adjacent bus depot (Traveller's Choice) commenting on the opportunity of a new mains water supply on Scotland Road.

2 letters neither objecting nor supporting the proposal. The following comments have been raised:

- Safety concerns relating to the pedestrian link to Netherbeck and the availability of space to provide safe passage for pedestrians under the railway bridge.

- Queries received in relation to the ownership and extent of highway verge relied upon for the indicative off-site highway works along Carnforth Brow.

5.0 Analysis

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

1. Principle Matters and Housing
2. Landscape
3. Flood risk
4. Design, Open Space and Amenity
5. Access and Parking
6. Ecology

5.2 **Principle of Development (Housing) NPPF paragraph 7 – 12 (Achieving Sustainable Development), 47 (Determining applications), 54-57 (Planning Conditions and Obligations) and Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District and SP6: The Delivery of New Homes; Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM3 (Delivery of Affordable Housing) and DM4 (Residential Development Outside Main Urban Areas).**

5.2.1 Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is, ultimately, open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess minor material amendments to an earlier planning permission. It is not an opportunity to re-examine the principle of the development. The provision of 213 dwellings within the southern part of the site (flood zone 1) with its main vehicular access taken off Scotland Road has been established. The proposals continue to restrict the housing development to flood zone 1 with the amount of developable area remaining at approximately 7.4ha and the remaining area (extending to approx. 9.4ha) being retained for public open space and nature conservation. The principal material considerations will focus only on the changes to the scheme proposed as part of this Section 73 application.

5.2.2 The development continues to propose 213 dwellings comprising a mix of one, two, three and four-bedroom properties. The applicant continues to provide 40% of the total number of dwellings as affordable homes, in accordance with the terms of the s106 planning agreement attached to the outline planning application. The precise details of the affordable housing scheme is a matter to be addressed at a later date (reserved matters stage/s106). However, as part of this submission, the applicant has indicated the tenure split would be 49% rented and 51% shared ownership. Given the development continues to offer 40% affordable housing (30% is the current policy position), the proposed tenure mix is reasonable and is considered to comply with the policy (DM3) expectations (60:40 or 50:50 rented: intermediate split).

5.2.3 Carnforth Town Council has raised concerns over the proposed housing mix and tenure split based on their own housing needs assessment (HNA) (part of their preparation for a Neighbourhood Plan), which recommends a split of 70% rented and 30% intermediate housing. Policy DM1 seeks a housing mix which will create balanced communities based upon the Strategic Housing Market Assessment (SHMA). It is recognised that there may be other evidence available on housing needs, such as local surveys carried out by parish councils that focus on the needs of households within a defined area. Such surveys can be a valuable source of information on local need providing they are carried out in accordance with a robust methodology and the results are statistically valid. The Carnforth HNA draws on a lot of the same data as the SHMA. However, it does not include a housing needs survey and has not been subject to consultation or viability testing. Whilst it is a material consideration, the SHMA is a more robust assessment as it has progressed through various stages of plan making. Subsequently, whilst the Town Council's HNA is a material consideration it does not outweigh the evidence set out in the SHMA and the Local Plan, particularly given the stage of preparation of the Neighbourhood Plan.

5.2.4 The breakdown of the proposed housing mix is as follows:

Affordable Homes (85 units):
 8 x one-bedroom apartments
 7 x two-bedroom bungalows
 25 x two-bedroom dwellings
 45 x three- bedroom dwellings

Open Market Homes (128 units in total):
 40 x three-bedroom dwellings
 88 x four-bedroom dwellings

The table below (taken from the applicant's submission) provides a summary of the changes between the approved housing mix and the proposed Section 73 housing mix.

	House Type				Dwelling size			
	Bungalow	Mews/ Semi	Detached	Apartment	1 bed	2 bed	3 bed	4 bed
Section 73	7	75	123	8	8	32	85	88
Approved	8	107	90	8	12	61	60	80
	-1	-32	+33	-	-4	-29	+25	+8

Overall, there is a good mix of housing types ranging from apartments, bungalows, mews houses, semi-detached and detached dwellings. The Section 73 amendments result in a greater number of larger detached market dwellings and a subsequent reduction in the number of smaller semi-detached dwellings. The affordable housing mix includes more 3-bedroom properties than the approved scheme with a subsequent reduction in 1 and 2-bedroom units. However, overall, the development continues to include a range of different property types and sizes. Contrary to the concerns raised by the Town Council, the revised housing mix better reflects the conclusions of the SHMA for Carnforth and is therefore acceptable and compliant with DM1 and DM3 of the DM DPD.

5.2.5 Policy DM2 requires all new homes to meet the Nationally Described Space Standards and for at least 20% of the dwellings to be meet the M4(2) requirements set out in Building Regulations for accessible and adaptable dwellings. This was not a policy requirement at the time of the outline planning application being granted. Officers are currently in negotiation with the applicant over these requirements and a verbal update will be provided.

5.3 **Landscape and Design considerations** NPPF: Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN2 (Areas of Outstanding Natural Beauty) and EN3 (The Open Countryside); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).

5.3.1 The above referenced planning policy seeks to protect and enhance designated landscapes and other unique and valued landscapes which contribute to the place. This site does not fall within a designated landscape but forms part of the setting to the Arnside and Silver AONB. These policies collectively seek to ensure development proposals are in scale and in keeping with the landscape character and are appropriate in terms of its surroundings in terms of sitting, scale, massing, design and landscaping.

5.3.2 The proposed site forms an unallocated parcel of land beyond the established built up area of the town within designated countryside area. It is also within close proximity to the Arnside and Silverdale AONB. The landscape and visual impacts of the development when viewed from within the AONB was a significant material consideration at the time of the outline planning application being considered. Localised viewpoints of the development from Scotland Road and Carnforth Brow were equally important. To overcome initial concerns raised by Natural England strong structural landscaping was included within the layout and landscaping of the development. The inclusion of the proposed structural landscaping did not overcome the AONB Partnership's concerns. They maintained their concerns that the approved development would have negative impacts of the

character and setting of the AONB. Notwithstanding this, on balance, planning permission was granted conditionally. The outline planning permission (as part of the layout and landscape proposals) secured significant new native and structural woodland planting along the western boundary (as well as the east and southern boundaries) together with important “green fingers” of new structural planting within the developable areas. This landscaping formed part of the package of mitigation necessary to ensure the urbanising effect of the development is softened and the landscaping and visual effects, particularly when viewed from the AONB (Warton Crag), reduce to over time. The applicant continues to recognise the landscape-led approach required for the development of this site and has submitted their amendments with an updated Landscape and Visual Impact Assessment (LVIA). Critically, the proposed development maintains all the approved areas of open space to the north of the site, together with the buffer landscaping to Scotland Road, the railway and Carnforth Brow. Furthermore, the Section 73 amendments do not alter the amount of land (3.3 acres) dedicated to the structural green fingers within the developable area. However, the Section 73 proposals show some slight narrowing and dissecting (by new roads) of the green fingers to provide the amended layout.

5.3.3 The layout and landscape changes have largely arisen because of the applicant’s re-evaluation of the approved earthworks and re-grading of the site. The approved cut and fill proposals achieved development platforms that sought to reflect the undulating character of the developable area of the site. The proposed changes to the site’s topography do not compromise this. The applicant’s re-assessment of the site levels has been driven by making the buildability of the scheme more efficient (and viable), including the deliverability of a suitable gravity-fed surface water drainage scheme. The amendments still secure a varied composition of buildings across the site, to add interest and character to the development. Like the original proposal, this will be complemented by extensive landscaping particular around the periphery of the site. Consequently, the development does adversely affect the landscape character. Disappointingly however, the changes to the approved earthworks have led to an increased loss of existing landscape features within the site.

5.3.4 The Section 73 proposals result in the removal of 8 trees and 286m of lapsed hedgerow and 364m of current hedgerow. The main loss compared to the approved scheme is the loss of G10 (subject to the TPO), which comprises a heavily outgrown old hedge (some 286m in length) and forms a strong linear landscape feature within the site and is visually attractive. The proposed mitigation for hedgerow loss includes approximately 2107m of new native hedgerow planting – this is a net gain of 1957m of hedgerow. It is acknowledged that the new hedgerow planting will be more fragmented than the hedgerows lost due to the nature and layout of the development. Hedgerow planting is largely limited to the edges and within the developable area. No additional hedgerow planting is proposed within the wetland bird conservation area proposed in the northern section of the site as it is important to maintain the openness of the coastal floodplain grazing marsh habitat.

5.3.5 The land re-modelling does not significantly detract from what was previously approved and continues to provide varied site levels within the built development to reflect the drumlin landscape character and to add interest and character to the scheme itself. The amended earthworks do, however, compromise the ability to retain the central hedgerow running north-south through the site. Mitigation for the loss of tree and hedgerows is plentiful and exceeds that of the approved scheme. However, it is recognised that the loss of mature landscape features cannot be replaced and have the same visual effects in the short term. New planting will take time to establish. The AONB Partnership maintain their original concerns and recommend proposed copses within the development to be expanded to help reduce the visual impact on the AONB. Furthermore, they recommend all new planting is native to provide a woodland appearance and that trees planting along Scotland Road are of suitable height to provide good screening. The Council’s Tree Officer accepts the loss of G10 but insists that high quality replacement planting must be secured. The loss of 8 trees is equally accepted given the level of commitment proposed for replacement woodland planting within the site.

5.3.6 The approved and proposed planting typologies schedule included a range of ornamental street tree planting. Whilst changes to the structural landscaping have not changed significantly with the Section 73 application, the changes are such that officers are renegotiating the species mix in favour of incorporating more native woodland planting into the scheme. Additional standard trees within the hedgerow planting have also been requested to reflect existing landscape corridors on the site and in the locality. It is contended that these requests will, to a certain degree, overcome the concerns raised by the Council’s Arboricultural Officer and those of the AONB Partnership. The

applicant has accepted this position as well as the inclusion with an additional condition for a detailed planting scheme to be agreed based on the indicative planting schedules submitted as part of this application. This additional condition will secure the final number, species, size, grouping and spacing of all new planting. There will be a requirement, as part of this condition, for a number of heavy standard trees within the structural landscaping areas to secure immediate visual relief and landscape mitigation. This could also include the requirement for mature instant hedgerow planting in the area along the A6 where hedgerow translocation has been dismissed for the provision of the bus layby.

5.3.7 The proposed development continues to maintain the same development envelope as the approved scheme. It continues to incorporate strong structural landscaping corridors within and around the periphery of the developable area and, despite changes to the existing site topography, the development platform levels continue to vary across the site to reflect the drumlin landscape character. Overall and subject to the additional mitigation and planning conditions pertaining to the final planting scheme, the proposed changes to the layout and landscaping are considered acceptable and compliant with local and national planning policy listed at the head of this section.

5.4 **Flood Risk and Drainage - NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).**

5.4.1 National and local flood risk policy aims to direct new development to area of least risk of flooding and for all major development to incorporate sustainable drainage systems with appropriate climate change allowances, so drainage systems are effective for the lifetime of development. The fundamental aim is to reduce the risk of flooding and to protect development from flooding or causing an increase in flood risk elsewhere.

5.4.2 The proposed Section 73 amendments continue to adhere to the original Flood Risk Assessment (FRA), restricting the proposed dwellings and associated highway infrastructure to the area of the site within flood zone 1. Flood zones 2 and 3 continue to be utilised for extensive areas of public open space and a new wetland nature conservation area. The two dry attenuation basins are situated within flood zone 2 (as per the original scheme). The surface water drainage strategy continues to follow the same principles of the approved scheme with surface water discharging to the watercourse (at a controlled greenfield rate). Foul water from the site also remains unaltered from the approved scheme and will connect to the existing combined sewer within Scotland Road. The location of the pumping station for the foul water has changed as part of the Section 73 proposals. This has largely been dictated by the proposed site levels and access via the internal road network. A further amended layout has been provided to demonstrate that the closest habitable building is a minimum of 15m from the pumping station (as per the requests from United Utilities). Subject to the above requirement, United Utilities has raised no objection to the proposal.

5.4.3 The proposed layout shows minor changes to the proposed shape and depth of the attenuation basin, although the crest levels remain not less than 8.50 metres AOD as required by the original FRA and the EA. These changes are based on the submitted drainage drawings. However, as the drainage drawings are not accompanied by the necessary evidence (as per the requirements of the surface water drainage condition), these conditions and the final size of the basins are not matters that can be concluded or approved at this stage. The applicant has accepted this position. The drainage condition shall be re-worded to reflect the amended schematic drawings submitted but with full details reserved to the condition stage. The principles of the surface water drainage strategy remain unaltered. The Lead Local Flood Authority and the Environment Agency have raised no objections to the amendments sought by this application. The EA had commented that the outdoor gym equipment needed to be relocated outside the 8m easement area of Netherbeck. An amended plan has been provided to address these comments. In conclusion, the section 73 proposals do not alter the fundamental flood risk and drainage impacts arising from the development. Subject to the re-imposition of the FRA condition and the surface water and foul drainage conditions, the development is acceptable and compliance with national and local planning policy.

- 5.5 **Design, Open Space and Amenity** NPPF: Chapter 8 paragraph 91 (Promoting Healthy and Safe Communities), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places), and paragraphs 178 – 183 (Ground Conditions and Pollution); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.5.1 National and local planning policies seek to secure high quality designed development that positively contributes to place-making and the wider health and well-being of its community. Policy requires development to deliver a good standard of amenity for all and to be attractive, accessible and safe places. Policy recognises that the delivery of open space contributes significantly to good design and sustainable communities.
- 5.5.2 The approved development restricts the southern part of the site for housing, reserving all the land to the north and to the north east for open space, landscaping, drainage infrastructure and wetland habitat. The section 73 proposals do not fundamentally alter the zoning of the built development and its associated open space, drainage and biodiversity areas. There are modest changes to the layout of paths around the open space and the position of outdoor recreational equipment compared to the approved scheme, but such changes do not affect the design of the development. Within the built development, the layout maintains its green corridors and pedestrian routes through the development and linking into the extensive areas of open space. There are no changes to the type, amount or nature of the public open space (amenity green space, trim trail, equipped play area and bike track). In this regard, the proposal remains fully compliant with design and open space requirements of national and local planning policies.
- 5.5.3 The amended layout of the proposal has been altered because of the land re-modelling but also to fit the applicant's standard house types and their proposed housing mix. The general composition of the built development has not altered significantly. The layout and orientation of dwellings maintains an outward looking approach to the west, north and east (facing Scotland Road, Carnforth Brow and the floodplain to the north) with the internal dwellings fronting estate roads and the green corridors through the scheme. The interface distances between the proposed dwellings are largely acceptable and reflect similar interface distances to the approved scheme. Garden sizes are proportionate to the scale and size of the proposed dwellings. In most cases the development provides an acceptable level of private amenity space for each property. Where gardens are on the smaller size, the amount of accessible open space within the scheme adequately compensates for this and would not result in adverse impacts overall.
- 5.5.4 The density of the development remains as approved, although with the change in housing mix, there are areas that are markedly denser (in the centre and southern edge of the scheme) than other parts of the development. Modest changes have been made to try and mix some smaller units into the areas that are predominately detached dwellings. Whilst there are clear clusters of smaller dwellings in the centre of the scheme, given the layout and the integration of the green corridors, this would not lead to poor design and would still deliver well balanced communities. Overall, the development represents an efficient and effective use of land and also represents good design. Officers remain confident that the development will be an attractive and distinctive place to live and visit.
- 5.5.5 The internal arrangements of the development demonstrate that an acceptable standard of amenity can be provided for future residents. Like the approved scheme, consideration of the proximity of the proposed new dwellings to the adjacent transport corridors and employment land is also necessary. Paragraph 180 of the NPPF requires planning policies and decisions to aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, along with policy DM29 of the DMD, which seeks to ensure existing and proposed residents benefit from a satisfactory standard of amenity. In this case, the proposed site sits alongside the A6 and the Carnforth to Leeds railway line. These transport corridors generate noise and therefore the development should, where necessary, mitigate against such impacts. The application site also sits next to the Midland Units which are used as offices and industrial uses. A revised acoustic report has been submitted to reflect the Section 73 amendments to the layout. This concludes the noise impacts associated with the transport corridors and the adjacent employment sites can be mitigated against through the use of acoustic glazing, mechanical ventilation and acoustic boundary treatments (between 1.8m and 2,4m high) to ensure the dwellings achieve a no observed adverse effect level (NOAEL). The

Council's Environmental Health Officer has raised no objections subject to a condition requiring the recommended noise mitigation. The existing noise condition will be re-imposed but re-drafted to reflect the updated noise and vibration assessment.

- 5.6 **Access and Parking** NPPF: Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-design places); Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies 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;
- 5.6.1 The proposed Section 73 amendments do not alter the approved vehicular access arrangement onto Scotland Road, nor the emergency and pedestrian/cycle connections to Scotland Road and Carnforth Brow. The number of dwellings remains the same and as such there is no change to the traffic impacts (and associated air quality impacts) associated with the development. The original access and off-site highway work conditions (and the planning obligations relating to the traffic signals at the main town centre crossroad) shall remain as part of any amended planning permission. On this basis, there is no requirement to re-examine these considerations as part of the determination of the proposed application.
- 5.6.2 As part of the proposed changes to the layout, the applicant has provided a parking plan and a plan marking up the roads to be designed to adoptable standards. The majority of the proposed estate has been designed to adoptable road standards with sufficient footway provision and suitable highway geometry and turning facilities for emergency services and refuse vehicles. Despite some initial concerns raised by the Council's Waste and Recycling team, given the Highway Authority can confirm the layout is to an adoptable standard, the City Council's Waste and Recycling Team have raised no further comments. The condition relating to adoptable highway standards shall remain but re-worded to reflect the submitted plan marking out which roads to be designed to such standards.
- 5.6.3 The proposed parking plan is based on the Council's maximum parking standards with 3 spaces provided for the 4- bedroom units and 2 spaces for the 2 and 3-bedroom units. There is no additional visitor parking within the development, but roads are of sufficient width to accommodate some on-street parking and with the maximum parking provision being offered with the proposed dwellings, most of the larger properties will have space for visitors within the larger plots. Overall, the parking proposals are an acceptable response to the housing mix and general layout of the development and would not conflict with the Council's parking policy. Conditions will remain for the provision of cycle parking and electric vehicle charging points.
- 5.7 **Ecology** NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.7.1 The ecological implications associated with the redevelopment of the site were considered potentially significant at the original pre-application stage and when considering the original outline planning application. This was on the basis that the site supports priority habitat (Coastal Floodplain Grazing Marsh), forms part of a wider Nature Improvement Area and is relatively close to the European conservation sites associated with Morecambe Bay. Coastal Floodplain Grazing Marsh can be important habitat for wader birds and therefore provides the potential to be considered functionally linked land to the designated sites of Morecambe Bay. The original assessment concluded that the proposed development would not significantly adversely affect nature conservation interests subject to mitigation.
- 5.7.2 The changes proposed as part of this Section 73 application do not fundamentally alter this position despite the scheme resulting in a further loss of trees and hedgerows. The development still caters for a significant amount of landscaping and retains the wetland nature conservation areas to the north. Additional replacement planting is proposed as a consequence of the additional hedgerow loss together with amendments to the planting typologies to service more native species across the development. Overall and subject to securing the proposed mitigation and enhancement measures,

the proposed development is not considered to adversely affect the integrity of the nearby nature conservation sites, nor adversely affect protected species or habitats and would deliver a genuine net gain in biodiversity. There are no objections from Natural England or GMEU in connection with the proposed changes, although GMEU has reinforced the requirements for securing the planned areas of greenspace and grazing marshland before first occupation. This is to ensure displaced wildlife is not displaced for a prolonged period. The planning obligation and original conditions already secure a mechanism to appropriately phase essential infrastructure and biodiversity mitigation/enhancement measures. The Wetland Conservation Area was agreed to be provided before occupation of the 30th dwelling. Overall, the proposal does not conflict with the Development Plan or the Framework with regards the protection and enhancement of the natural environment and biodiversity. All existing ecology and landscaping conditions shall be retained and re-worded to reflect the amended details and supporting documents.

5.8 **Section 106 Matters and other conditions**

5.8.1 This application has triggered the need for a Deed of Variation of the original s106 agreement. If these proposals are approved, this is mainly to link the S73 permission to the original terms of the planning obligation. In this case, it also requires the substitution of POS Zonal Plan to reflect the modest changes to the green infrastructure. There are no other changes sought to the original planning obligation. For the avoidance of doubt, the original obligation secures the following:

- Affordable Housing Provision – 40% of the total number of dwellings with the precise affordable housing scheme to be agreed at Reserved matters stage.
- Education Contribution – the final assessment and figure to be agreed reserved matters stage.
- Provision and long-term management of a new Wetland Conservation Area
- Provision and management of all on-site Public Open Space (Amenity Green space and Equipped Play Area, Young Persons Provision and the Trim Trail)
- Highways Contribution

5.8.2 The applicant has submitted a full Phase II Site Contamination Assessment and Ground Gas Assessment to enable the original site investigation condition to be re-drafted from a pre-commencement condition to a compliance condition (including verification). The details submitted and the recommendations conclude little remediation is required on site. The Council's Environmental Health Service concurs with the recommendations allowing the original condition to be amended as requested in the submission.

6.0 Conclusion and Planning Balance

6.1 The proposed changes to the scheme do not fundamentally alter the development from what was previously accepted. Whilst the loss of the existing hedgerow through the centre of the site is disappointing, its loss is capable of being adequately mitigated and compensated for through the extensive landscaping and biodiversity enhancements proposed. The pattern and layout of the built development and its integration with the proposed open space, structural landscaping and the new nature conservation area remains largely the same as the approved scheme. The proposed development responds to the landscape character, achieves an acceptable standard of amenity for all and will deliver an attractive and inclusive place to live. Furthermore, the number and type of housing proposed, including the provision of 40% affordable housing, continues to make a very positive contribution to the district's housing supply and accords with the Development Plan and would constitute a sustainable form of development. On this basis, Members are recommended to support the proposed changes to this development.

Recommendation

That the proposed changes to the development and the subsequent variation to conditions 2, 5, 6, 7, 10, 11, 14, 16, 18, 24, 25, 26 and 27 on planning permission 18/00365/OUT **BE GRANTED** subject to a Deed of Variation to the original planning obligation (to link the S73 permission to the original terms of the planning

obligation and to substitute the POS Zonal Plan to reflect the modest changes to the green infrastructure) and the following conditions:

Condition no.	Description	Type
1.	Time Limit	Control
2.	Approved Plans	Control
3.	Phasing plan (to include details of the delivery of the residential development, wetland habitat, landscaping and POS)	Pre-commencement
4.	The existing public right of way to be formally diverted before the commencement of developed.	Control
5.	Full access details to be agreed	Pre-commencement
6.	Off-site highway works details to be agreed	Before slab level of dwellings
7.	Development to be carried out in accordance with amended AIA with TPP and AMS to be submitted for approval.	Pre-commencement
8.	Environmental Construction Management Plan	Pre-commencement
9.	Scheme for ecology mitigation and enhancement	Before slab level of dwellings
10.	Surface water drainage scheme	Pre-commencement
11.	Foul drainage scheme	Pre-commencement
12.	Scheme for archaeological investigation	Pre-commencement
13.	Scheme for archaeological investigation for Wetland Conservation Area	Before works take place in the Wetland Conservation Area
14.	Site Investigation and remediation	Control with validation before occupation
15.	No works to commence within flood zones 3 (as part of the delivery of POS/Landscaping) until full details of any earthworks are proposed to the bike track or footpaths in accordance with the FRA	Before works take place in flood zone 3 area
16.	Development to be carried out in accordance with Landscape Masterplan, with precise planting scheme (based on submitted details) to be agreed.	Before slab level of dwellings
17.	Lighting scheme	Before slab level of dwellings
18.	Parking provision	Control
19.	Boundary treatments and enclosures	Before slab level of dwellings
20.	Details of play equipment, street furniture, paths in the POS areas and nature conservation area	Before first occupation
21.	Drainage Maintenance	Before first occupation
22.	Scheme of cycle provision and EV changing points to be submitted to and agreed	Before first occupation
23.	Submission of full Travel Plan	Before first occupation
24.	Development to be carried out in accordance with FRA and addendum FRA	Control
25.	Development to be carried out in accordance with submitted cut/fill and site level plans	Control
26.	Roads to be built to adoptable standards	Control
27.	Noise mitigation to be implemented	Control
28.	Soil importation	Control
29.	Removal of PD	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