

Agenda Item	A5
Application Number	20/01442/FUL
Proposal	Demolition of existing dwelling and erection of 78 dwellings (C3) with associated vehicular and pedestrian access, internal roads, footpaths and parking, re-grading of land and retaining structures, drainage infrastructure and the provision open space and equipped play area.
Application site	Land North Of Wherside Road Watery Lane Lancaster Lancashire
Applicant	Oakmere Homes
Agent	Mr Daniel Hughes
Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Approve

(i) **Procedural Matters**

The proposed site and its immediate surroundings were visited by representatives of the Planning Regulatory Committee on the Monday 21st February 2022.

1.0 Application Site and Setting

1.1 The application site is located on the northern fringe of the built-up area of Lancaster, lying to the north of the Ryelands and west of the Skerton suburbs, approximately 1.3 miles to the north west of the city centre. The application site relates to a 4.1 hectare greenfield meadow consisting of a small group of connecting fields, sub-divided by post and wire fencing or hedgerows with a distinctive pond in the northern most field. The site is positioned to the rear of properties on Watery Lane (east) and Wherside Road (south) within the urban area of North Lancaster. Between the site and properties on Wherside Road is a slither of land used as a small-holding. The site borders Lancaster Crematorium and Barley Cop Woods to the north with the Vale of Lune Rugby Club and associated playing pitches to the west. A mature bank of woodland along the western boundary separates the proposed development from the Vale of Lune Rugby Club. The landscaping buffer and gardens around the crematorium, along with Barley Cop woods, also form strong landscape features to the north of the site. The topography of the site is notable within the urban landscape. It occupies a prominent and elevated position above the surrounding residential and area. The site slopes up from Watery Lane to its highest point (mid-way in the site at approximately 34m AOD) and then falls sharply towards the Vale of Lune Rugby Club (approx. 20m AOD).

1.2 Access to the site is via Watery Lane itself, leading to the south via Scale Hall Lane to the A589 Morecambe Road around half a mile to the south, linking the city with Morecambe to the north west

and to the strategic road network at Junction 34 of the M6 motorway (via the A683 Bay Gateway) around 2 miles to the north east.

1.3 The site is located approximately 2km to the centre of Lancaster City Centre with local shops (Spar c350m), and schools (Rylands Primary School c420m, Lancaster and Morecambe c680m), located much closer to the site. The site is located within 160m of the closest bus stops on Watery Lane (Route 8 City Centre – Rylands – St Chads) and c325m to the bus stops on Torrisholme Road (Services 1, 1A, 100). The closest cycle route is located approximately 650m south east of the site at Rylands Park. There are no public rights of way through the site. The closest is Footpath 1, which links Watery Lane to Barley Cop Lane, through Barley Cop Wood.

1.4 The site is an unallocated site (white land) within the Lancaster District Local Plan. It is not constrained by landscape, heritage or any nature conservation designations and lies within floodzone 1 (suitable for development). There are no definitive public rights of way through the site but informal paths are apparent. There has previously been informal access between the site and Barley Cop Woods, though this is now closed off by post and wire fencing.

2.0 Proposal

2.1 The application seeks full planning permission for the erection of 78 dwellings with associated access, infrastructure, open space and landscaping. To facilitate the access into the site, a single detached dwellinghouse (39B Watery Lane) is proposed for demolition.

2.2 The breakdown of the proposed development is as follows:

- 8 No. one-bedroom cottage-style apartments
- 2 No. one-bedroom bungalows
- 4 No. two-bedroom houses
- 40 No. three-bedroom houses
- 24 No. four-bedroom houses
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The proposed housing types comprise two-storey (some split-level) detached and semi-detached houses, cottage-style apartments and bungalows. The proposed materials consist of reconstituted buff stone, off-white render under grey concrete tile roofs. An equipped play area shall be provided in the centre of the site, with amenity greenspace and landscaping provided largely to the west and along the boundary with Barley Cop Wood. The proposal seeks to retain the existing pond within the centre of the site, together with all the trees and hedgerows around the periphery of the site. Owing to the site topography, extensive earthworks are required to create the development platforms across the site.

2.3 The proposed access shall be formed between 39A and 41A Watery Lane. The access consists of a simple priority controlled junction comprising a 5.5 metre carriageway width with 1.8 metre footways to either side, a 5 metre radii and viability splays of 33 metres in both directions. The existing carriageway in the vicinity of the proposed access is proposed to be realigned to provide a 6.5 metre carriage width (to secure an appropriate access design).

3.0 Site History

3.1 The applicant approached the local planning authority for pre-application advice for residential development of up to 104 dwellings in late 2018. The advice offered at this time acknowledged that if the Local Plan was found sound and adopted (thus removing the Green Belt designation) the site would not be subject to an strategic allocations, therefore, offering more scope for future development, subject to all other considerations being acceptable. Our pre-application advice equally raised concerns over the access arrangements and the potential effects this would have in terms of design and residential amenity. Later pre-application discussions focused on a reduced number of dwellings (80) and mainly design matters. Aside from this recent pre-application engagement, a number of relevant applications relating to this site have previously been received by the Local Planning Authority. All of which were refused and are noted by some of the public representations opposing the scheme. These are set out in the table overleaf:

Application Number	Proposal	Decision
2/1/5016	Erection of 41 houses and 15 bungalows	Refused on open space and landscape impacts
1/76/675	Erection of two pairs of semi-detached houses and five detached houses	Intrusion of open space and impact on residential amenity
1/75/871	Outline application for residential development (51 houses)	Intrusion of open space and impact on residential amenity

4.0 Consultation Responses

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

Consultee	Response
County Highways (LCC)	<p>Initial concerns have been addressed. LCC offer no objection, subject to the following conditions:</p> <ul style="list-style-type: none"> • Construction Method Statement • Scheme for the site access and off-site highway works • Arrangements for the future maintenance of estate roads (captured by s106) • Scheme for the full engineering, drainage, street lighting and construction details to adoptable standards of the internal estate roads • Roads to be provided to base course before first occupation and completed in full before completion of the development. • Drives and parking areas to be constructed in a bound porous material and to be available and maintained for as long as the development is occupied. • Provision of cycle and EV charging (minimum of 7kW) to each dwelling • Framework Travel Plan
United Utilities	<p>Following the submission of amended drainage details, United Utilities have been able to remove their initial objection. UU have no objection to the development subject to the implementation of the amended drainage scheme with an appropriate management and maintenance regime.</p>
Lead Local Flood Authority	<p>No objection subject to a pre-commencement condition to ensure the final drainage scheme takes account of how surface water from driveways, gardens and areas of public open space will be managed.</p> <p><i>NB: this matter has now been addressed but formal comments from the LLFA are yet to be received.</i></p>
Arboricultural Officer	<p>No objection, subject to the following comments:</p> <ul style="list-style-type: none"> • Pleased to see increased separation between the development and Barley Cop Wood and increased planting to provide a suitable buffer; • Existing woodland to the west now includes degree of successional planting with additional tree planting, with the remainder of the tree planting still in a circular area, surrounded by species rich grassland. The Arboricultural Officer suggests planting should be used as a buffer to the woodland area to create a diverse edge habitat. • Queries whether fencing could be used to prevent tramping within the woodland areas. • Provision of a clear Tree Protection Plan.
GMEU	<p>Initial concerns included: Insufficient information in relation to the following:</p> <ul style="list-style-type: none"> • to assess the ecological impacts of the proposal, namely lack of Great Crested Newt surveys;

	<ul style="list-style-type: none"> • amendments and additional consideration needed in relation to woodland habitat to the north; • further clarification needed in relation to the retained pond • clarification needed in relation to the BNG calculations • proposed landscaping fails to maintain and develop habitat connectivity through the site. <p>Following the submission of further information, GMEU have raised no further concerns in relation to the impact on Great Crested Newts or other protected species.</p> <p>GMEU have confirmed the applicant's BNG report is inadequate and contains errors, resulting in the percentage net gain likely to be less than suggested. This matter is ongoing, and a verbal update will be provided.</p>
Natural England	No objection and concur with the Council's HRA. A condition must be secured to deliver the required mitigation (homeowner packs).
RSPB	No comments received.
Woodland Trust	No comments received.
LCC Planning Policy Team	Issues raised: <ul style="list-style-type: none"> • loss of open space; archaeological interests; need for a heritage statement (archaeological desk-based assessment). • Conflicting information over the housing mix/affordable housing mix • Notes the council only has a 3 yr supply of housing and para 11 of the NPPF is triggered.
LCC Strategic Housing	No formal comments received.
LCC Waste and Recycling Team	At present, the waste management of several areas of the development is falling short of what is required, and is not viable or sustainable in the long term. Amendments to the layout of the scheme are recommended. No further comments provided following the submission of amendments and further consultation.
Sport England	No objection – concludes that the proposal will have no prejudicial impact on the use of the adjacent playing field.
Lancashire County Council School Planning Team	No objection - no education contribution required (as of 24 January 2022).
Lancashire Historic Environment Team (Archaeology)	No objection subject to condition securing the implementation of a programme of archaeological works.
Environmental Health Service	No objection on the grounds of air quality, noise or ground contamination subject to mitigation as set out in the submission. The mitigation (listed below) shall be secured by condition. <ul style="list-style-type: none"> • EV charging points rated at a minimum of 7kW • Travel Plan (inc. range of measures) • Construction Emissions Management Plan • Acoustic mitigation in accordance with submitted assessment • Implementation of the recommendations set out in the submitted Phase II Site Investigation report.
Property Services	No comments received.
Public Realm	No objections subject to the provision of on-site amenity space (1409.8 square metres, equipped play area (to be enclosed), link to Barley Cop Woods and an off-site contribution towards Rylands Park (changing facilities to support the sports pitches) totalling £123,174.30.
Lancashire County Council Historic Environment Team	Comments received recommending the application not be determined until a Heritage Statement has been provided given the potential for locally significant archaeological remains/interest.
Conservation	No comments
Civic Society	Objection on the following grounds: <ul style="list-style-type: none"> • Loss of open green space • Uniformly bland and unimaginative house designs

	<ul style="list-style-type: none"> • Houses densely arranged on site leaving little space between plots • Access is scarcely adequate for construction traffic and emergency vehicles • Increase traffic • Flood risk concerns downstream
CSTEP	<p>No objection</p> <p>The amended ESP when supported by the NSAfC KPIs is acceptable and demonstrates a commitment to support local employment and upskilling during the construction of the development.</p>
Morecambe Bay Clinical Commissioning Group	<p>No objection, subject to a contribution of £25,609 towards the extension and reconfiguration at Lancaster medical practice for additional clinical capacity.</p>
Lancashire Constabulary	<p>Comments received in relation to 'secure by design' measures, including:</p> <ul style="list-style-type: none"> • Safe permeability through the development • Design and integration of open space and landscaping • Access control and suitable boundary treatment to segregate public from private space • Provision of security lighting to the dwellings and street lighting • Physical security to the dwellings (types of windows/doors/glazing/alarms) • Site security during construction
Lancashire Fire and Rescue Service	<p>No objection – standing advice issued in relation to Part B5 Access and facilities for the Fire Service (Building Regulations)</p>
Cadent Gas	<p>No objection</p>

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

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

Principle issues including,

- similar proposals have been rejected historically because of the loss of open space and impacts on residential amenity and if approved would result in poor planning of the area - these issues remain the same.
- the land is within Green Belt and should be resisted.
- the SHLAA concluded the site was undeliverable.
- concerns over loss of a single house to provide access for 80 dwellings.
- loss of green open space (referred to as 'public space' by some). The woodland and field have brought the community together (especially during the pandemic) – its loss would have huge impacts. The green space is highly valued, described as 'unique and precious' to the community.
- loss of green space which will negatively impact community well-being.
- brownfield sites should be developed in favour of greenfield sites which lead to significant environmental damage.
- benefits to the community do not outweigh the costs against it.
- existing homes were purchased because they were previously in the Green Belt and thought the land would be protected.
- lack of affordable homes.
- The public use the site to observe firework displays, recreational walks and dog walking, nature study groups, children observing nature in its natural setting.
- The Council's Open Space Assessment describes it as one of the last remaining open space measures in the immediate area. Failure to designate the site as a Local Green Space does not undermine its value to the community, a reassessment of the designation of this site should be taken.
- The site is not sustainable and is around 2.5 miles to Lancaster city centre.
- Lack of a housing need noting excessive amount of student accommodation and empty homes in the city which could be provided as family homes instead.

Highway concerns including:

- additional traffic served by a small access and narrow road heavily congested with parked cars (Watery Lane) will lead to adverse highway safety impacts (to people and property),
- the junctions onto Torrisholme road are narrow and cannot accommodate additional traffic,
- increase in traffic will exacerbate existing difficulties for emergency vehicles and the local bus service navigating Watery Lane,
- active bus stops are over 400m from the site (contrary to the TA),
- challenges to the robustness of the TA and the traffic survey undertaken,
- lack of visitor parking on the new estate which is likely to exacerbate parking on Watery Lane
- a second access route should be considered to mitigate impacts to Watery Lane.

Amenity concerns including:

- harmful visual impacts elevated above the local area affecting the skyline of the site (and views from Torrisholme Barrow),
- its scale and density would be completely out of character.
- loss of outlook, overlooking and loss of privacy from the development at a higher elevation,
- loss of light, increased noise and disturbance, light and air pollution, removes emergency escape routes to the rear of exiting property, loss of views, access arrangement adversely affect residential amenity (noise/headlights),
- loss of peace and tranquillity to the area and immediate homes.

Environmental concerns including:

- increase flood risk.
- loss of valuable wildlife habitat and species.
- impact on wider biodiversity by loss of biodiversity corridors and linkages between habitats.
- bird and bat boxes are tokenistic.
- excessive earthworks required given sloping nature of the site (to the detriment to existing natural features).
- loss of green space fails to help mitigate against the impacts of climate change.
- negative impacts on Barley Cop Woods,
- landscape impacts – the site offers a similar landmark feature to Torrisholme Barrow.
- no consultation with the Friends of Barley Cop Woods and link from the development to the woods in the wrong location and would include trees to be felled.
- long term landscape and habitat management to be included in the s106 and potentially enabling collaboration with local groups, such as Friends of Barley Cop Wood.

Infrastructure (and other) concerns including:

- lack of school places.
- impact on GP resources.
- impacts on existing drainage infrastructure.
- robustness of soakaway testing for drainage, the pond should be treated as a watercourse (spring with flowing water).
- impacts on house prices, if approved houses losing their views over the field should have their Council Tax band reduced.
- loss of privacy to mourners visiting the Crematorium and consideration of the Crematoria Act.

A petition opposing the scheme has also been received with 25 signatures.

Following the submission of amendments and re-consultation, a further 35 representations have been received opposing the development. A summary of additional comments to those already raised above are as follows:

- Granting consent would be a disgrace it is unsustainable development and must be rejected.
- Reference to the Local Green Space Assessment is made – noting the assessment of LGS should be reviewed.
- Visual impacts would be imposing and overbearing.

- Concerns over public comments not been considered and lack of faith in the planning process.
- Concerns that the application has taken over a year to determine, suggesting the decision is already made and it is a foregone conclusion to support the scheme (once the drainage scheme is acceptable).
- Traffic impacts will worsen despite the 'experts' suggesting otherwise.
- Loss of two units is not substantive to address concerns.
- Local children play on the field – its loss to housing will have impact on the quality of lives of many.
- The environmental impacts are significant with zero added value to the local community.
- Comments reinforcing errors in the submission, particularly in relation to the pond, which local residents state is spring-fed.
- Drainage scheme does not resolve previous concerns.
- A public enquiry should take place if the application is approved.

1 letter of support has been received (with no further comment).

5.0 Analysis

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

- Principle of development and housing need
- Transport and accessibility
- Biodiversity
- Residential amenity
- Flood risk and drainage
- Landscape, open space and design
- Other Matters

5.2 Principle of Development (Housing Matters) 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) and DM3 (Delivery of Affordable Housing).

5.2.1 The proposed site is unallocated (white land) in the Local Plan. It lies within the urban area of Lancaster and therefore the proposed development complies with the overall development strategy for the district (policy SP3), which seeks to promote an urban-focussed approach to new development. As part of the Local Plan evidence base, the Strategic Housing and Employment Land Availability Assessment (SHELAA) did not consider the site deliverable for housing (largely on highway grounds) and as such the site is excluded from policy SP6 (housing allocations). At this juncture it is also important to note that prior to the adoption of the current Local Plan, the site formed part of the North Lancashire Green Belt (NLGB). For this reason, the land was protected from significant development. However, following the NLGB Review (2018) and the adoption of the Local Plan, the proposed site has been removed from this designation with the NLGB boundary moving north beyond the Bay Gateway. In land use planning terms, the principle of housing in the urban area of Lancaster on an unallocated site can, in principle, be supported. In this case, the main issues relate to the technical constraints associated with development the site for housing. These considerations will be addressed below.

5.2.2 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes and chapter 5 sets out the priorities that local planning authorities should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need (OAN). Policy SP6 of the SPLA DPD sets out the Council's OAN and its housing requirements over the plan period, which amounts to 10,440 new dwellings required over a 20-

year period. Despite local objection over housing needs, there is a clear and evidenced housing need in the district. The most recent five-year housing land supply position statement confirms that the Council is currently only able to demonstrate 2.6 years' worth of supply of deliverable housing. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole (Paragraph 11d of the NPPF – the tilted balance). Given the acute undersupply of housing in the district, the delivery of 78 new dwellings weighs substantially in favour of the proposal.

5.2.3 Affordable Housing and Housing Mix

Policy DM1 of the DM DPD states the Council will support proposals for new residential development which ensures land is used effectively taking into account the characteristics of locations and specific circumstances of individual sites including viability and are located where the natural environment, services and infrastructure can be, or could be, made to accommodate the impacts of development. Policy DM1 offers support for new housing development where it promotes inclusive and balanced communities and meets evidenced housing needs (set out in the Strategic Housing Market Assessment (SHMA)).

Table 4.1 within policy DM1 (based on the SHMA) provides an indicative approach to housing mix. This is set out in the table below with comparisons made to the proposed development.

Dwelling Type	Strategic Housing Market Assessment guidance (%)	Original Submitted scheme (%) of 80 dwellings	Current Proposal (%) of 78 dwellings
1 / 2 bed house	20	7.5	2.56
3 bed house	35	46.25	51.28
4 bed plus house	25	28.75	30.76
Bungalow	10	5	5.12
Flat	10	12.5	10.25
Total	100	100	100

5.2.4 The proposed scheme does not strictly align with the housing mix aspirations of the SMHA and policy DM1. This is partly a result of design negotiations leading to a loss of the two-bedroom apartments and two-bedroom dwellings in favour of one-bedroom cottage style apartments and a greater number of 3-bedroom dwellings. The scheme has also been subject to detailed viability considerations. Increasing the number of smaller properties and bungalows to comply with the SHMA would have been preferable, however, this would worsen the financial viability position, which has already evidenced no affordable housing as part of the development. Whilst there remains a significant portion of four-bedroom units, the three-bedroom dwellings form the predominant house type, which accords with the indicative aspirations of table 4.1. Therefore, refusal based on the proposed mix is not considered justified given the terms of the tilted balance set out in the NPPF.

5.2.5 In terms of affordable housing, for greenfield sites in Lancaster, the policy position (DM3) requires 30% of the total number of dwellings to be affordable homes, unless this has a disproportionate and unwarranted negative impact on the viability of the proposed development. In accordance with policy DM3, the application has been supported by a financial viability appraisal (FAV) to evidence why the development cannot support any on-site affordable housing contribution (the applicant's position). This has been independently assessed by the Council's Viability expert (CP viability), with support from an independent Quantity Surveyor, who concurs with the applicant's overall conclusion that the development is unable support any affordable housing. For transparency, the Council's viability expert has re-run the appraisals appended to the FVAR based on the amended housing mix and reduced housing numbers. This does not alter the viability outcome. The applicant's proposed profit margin to bring the site forward is 17.5% on net revenue for the market dwellings. This is accepted by the Council's expert as a reasonable profit margin. In terms of land values, the applicant allowed for a benchmark land value of £250,000 per developable acre (or £155,709 per gross acre). However, the applicant did not justify this position. Subsequently, the Council's expert has reviewed this and concluded a reasonable benchmark land value (based on existing use value (£10,000 per acre) plus a premium (15 times the existing use value) would equate to £946,500 for the net developable area and a further £38, 211 when

combined with the remaining land (at its existing use value). The overall benchmark land value would be £984,711 (or £97, 197 per acre). The Council's expert has reappraised the viability with appropriate adjustments to the assumptions in the appraisal, but this does not alter the negative viability outcome.

5.2.6 The viability pressure on this scheme is so high due to the sales values being lower than other parts of the city in this particular location and the external/site specific and abnormal costs being relatively high (despite some reductions through the independent FVAR). The consequence results in a residual land value considerably below the benchmark land value, rendering the scheme unviable with affordable housing and other planning policy contributions.

5.2.7 The lack of affordable housing is very disappointing. However, in accordance with both policy DM3 and the NPPF, the applicant has justified this position. A refusal on the grounds of a lack of affordable housing could not be substantiated. The provision of affordable housing and other contributions would simply render the development undeliverable. Officers are considering an affordable housing claw back mechanism in the s106, however, there remains ongoing discussion with the applicant over this matter. A verbal update will be provided.

5.3 **Traffic impacts, access, parking and sustainable travel** (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 SP10 Improving Transport Connectivity and T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM57 Health and Well-being, DM58 Infrastructure Delivery and Funding, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan.)

5.3.1 The Local Plan transport/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. The proposed development includes the provision of footways within the access design to enable safe and convenient walking environment between the development and the surrounding area. As part of negotiations, off-site highway works to enhance the pedestrian environment will be provided as part of the development. This shall include a new central pedestrian refuse on Torrisholme Road, together with reductions to the radii and tactile paving at the junctions of Barbon Place, Rylands Road and watery Lane. There are no proposals to enhance the cycle network as part of the scheme, though provision for cycle parking is catered within the layout of the scheme. To offer further enhancements, the applicant is agreeable to a planning condition requiring a new path between the development and Barley Cop Woods. Due to the steep gradient of the site to the west and land ownership constraints, it is not feasible to create new pedestrian/cycle connections between the development and the residential area to the south (Pendle Road/Ingleborough Road).

5.3.2 Despite the local topographical constraints, the proposed site falls within the urban area of Lancaster within recommended Department of Transport walking and cycling distances. There is equally good access to regular public bus services, which supports the locational sustainability of the site. This, combined with modest enhancements to the pedestrian route between the site and Rylands Park (along Torrisholme Road) and the potential for a pedestrian connection to Barley Cop Wood, ensures compliance with policies DM60 and DM61 of the DM DPD. Whilst the proposal does not make any contribution to the enhancement of local cycle routes, the development would not adversely impact existing cycle networks or cycle users. Cycle parking provision will be provided for each dwelling in accordance with policy DM62. Subsequently, the lack of provision for cyclists within the housing layout and off-site within the highway network would not lead to a material conflict with policy DM61. The applicant's Framework Travel Plan and the provision of EV charging points for each dwelling contributes to the sustainability of the site (and the promotion of more sustainable modes of travel).

5.3.3 Policy DM60 requires development proposals to be accessed safely during construction and operational phases of development. It equally requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the

NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be served.

- 5.3.4 The sole means of vehicle access to the development site is a new priority junction from Watery Lane in the location of 39B Watery Lane. The access design has been the subject of pre-application discussions with the local highway authority (LHA). The access comprises a 5.5m wide carriageway with 1.8m footways to both sides. Buildouts are proposed on Watery Lane to secure an appropriate radii and visibility splays of 33 metres (for 85% speeds on 23mph south bound and 24.4mph north bound), together with a junction table and the widening of the existing footway along Watery Lane between Belmont Close and Malham Close. These embedded design features are aimed to keep background and development traffic vehicles speeds low to minimise conflict at the proposed junction, particularly in relation to the close proximity of the new access to the driveway of 41 Watery Lane. From a highway safety perspective, the proposed access is considered acceptable and compliant with policy DM60 and paragraph 110 of the NPPF. Subject to securing the access proposals and associated off-site highway works (by planning condition), the LHA considers the proposal acceptable and notes the new access would not present a served impact to highway safety.
- 5.3.5 The proposed development will generate an estimated 370 two-way movements per day, with the AM peak (08:00-09:00) equating to 41 two-way movements and the PM peak (16:00-18:00) equating to 82 two-way movements. The proposed trips would disperse across the network in three directions (east and then North/South; west and at Scale Hall Lane (south)). Many residents objecting to the scheme have raised valid concerns over the location and design of the access and the potential highway safety implications arising from increased traffic along Watery Lane. Some objectors have also cited concerns over the narrow and constrained nature of Watery Lane (due on on-street parking) being unable to cope with the impacts of the development traffic. The LHA has assessed the application, including the Transport Statement and Road Safety Audits and the Construction Method Statement, and has raised no objection to the development. Despite strong opposition to the scheme on highway safety grounds, given the position from the LHA, there would be no substantive planning reason to resist the proposal on highway safety and capacity grounds.
- 5.3.6 Turning to the estate layout, the applicant has amended the proposals to address initial concerns raised by the LHA in respect of the internal road layout and footway provision. The revised proposals do improve the provision of footways in some locations of the scheme, however, they do not go far enough to meet the County's adoptable standards. The Council's Waste and Recycling team also raised concerns over the road layout. Notwithstanding this, the LHA has confirmed (having regard to the recommendations of the submitted Road Safety Audit), the lack of footways and divergent footways would not pose a highway safety concern given the low level of traffic movements in and around the areas of concern (plots 19-32, 55-69), sufficient forward visibility at the junction near plot 19 the provision of a change in surface material to the roads to reflect its shared surface. The applicant's amended surface treatment plan does not include such provision, however, this can be controlled by planning condition. The Council's Waste and Recycling team have not commented further on the amended scheme. However, given the highway authority are satisfied with the access and estate road geometry/swept path analysis, visibility and turning provision, it would be difficult to substantiate a refusal on the basis of the waste and recycling teams initial concerns. All dwellings will be provided with cycle storage provision and Electric Vehicle charging points. A condition for the implementation of the agreed provision is recommended.
- 5.3.7 The applicant has designed the development to ensure most of the proposed dwellings have sufficient parking provision in accordance with DM62 (and appendix E). These are maximum standards which, given the sustainable location of the site, there is no reason to expect all dwellings to have the full quantum of parking. Such would go against the promotion of alternative sustainable modes of travel, including walking and cycling. Notwithstanding this, officers are satisfied sufficient parking is provided to prevent significant on-street parking within the site and spilling out into neighbouring areas.

5.4 **Biodiversity (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment and**

EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland).

- 5.4.1 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. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm can not 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 can not 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.
- 5.4.2 The proposed site is not designated or protected for its nature conservation. The closest designated sites relate to Lancaster Canal (a Biological Heritage Site (BHS)) and the River Lune (also a BHS). There is a mature group of protected trees along the western boundary of the which are of significance (TPO No. 612(2017)). The site lies approximately 2.3km northeast of the Lune Estuary Site of Special Scientific Interest (SSSI) and the Morecambe Bay Special Area of Conservation (SAC), RAMSAR site and Morecambe Bay and Duddon Estuary Special Protection Area (SPA) (National and European designated sites).
- 5.4.3 Due to the proximity of the site to the European designated sites, the applicant has submitted a shadow Habitat Regulations Assessment (sHRA), including an Appropriate Assessment, to assess the potential of likely significant effects (LSE) on the integrity of the designated sites arising from the development. At its closest point, the site is located approximately 2.3km from the SPA, SAC and Ramsar Site. Given the sites separation from the designated sites, combined with the intervening development and infrastructure, the development will not, therefore, result in any direct impact of these designated areas. Whilst it is understood that the interests features of the designated sites (SPA birds) may rely on areas outside of the SPA boundary in some circumstances for foraging and feeding, in this case, due to the location of the site away from the Bay and the intervening development, the site is not judged to be Functionally Linked Land (FLL). The potential for indirect effects have also been assessed, this concludes potential LSE arising from noise, air and waterborne pollution would be screened out of the assessment. This is because there are no direct pollution or hydrological pathways between the application site and the European designated sites. LSE are therefore limited to indirect disturbance to the qualifying species arising from an increase in population and the potential for recreational distance along the coastline. The potential for LSE arising from recreational disturbance can not be ruled out. The impacts, however, are relatively low and can be adequately mitigated by the preparation and provision of homeowner packs. The Council have undertaken its own HRA and Appropriate Assessment (as the competent authority) and conclude the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached any planning consent.
- 5.4.4 In terms of the ecological value of the site itself, despite comments to the contrary, the grassland habitat is of relatively low ecological value. The most significant ecological features include the trees and woodland areas surrounding the site, which are to be protected and retained (where they fall within the site) and the pond in the northern section of the meadow. The initial ecology assessment was deemed inadequate and did not adequately assess the impacts of the proposal on amphibians, in particular Great Crested Newts (GCNs). GMEU (our ecology advisers) also raised concerns over the fragmentation of ecological corridors and habitats, inadequate buffering of the woodland to the north and the accuracy of the applicant's biodiversity net gain (BNG) assessment.

5.4.5 In summary, it is now accepted that no further survey effort is required in respect of GCNs noting GNCs would not be impacted by the development. The survey effort in respect of protected bats is also accepted. GMEU have raised no concerns in relation to other protected species, although the proposed precautionary mitigation set out in the ecology report will need to be secured via an appropriately worded planning condition (Construction Environmental Method Statement (CEMP)). The applicant has adequately evidenced (through their Arboricultural Implications Assessment) the protected trees to the west can be protected and the buffer to the woodland to the north would ensure no negative impacts on the woodland and the species it supports. In this regard the scheme would comply with policies DM44 and DM45 of the DM DPD. However, the fragmentation of existing habitat and ecological corridors will be severed by the development. This largely relates to the existing green corridors that exist between the existing pond and the woodland and tree belts to the north and west. The impact of this will undoubtedly affect the wider ecological value of the site and the use of the land by wide ranging species. The applicant has attempted to mitigate the impacts by the provision of new bird and bat boxes, extensive landscaping, and the creation of a new pond on the western bank of the site. The existing pond shall be retained but works are proposed to the pond therefore likely to affect its current value. The ecological value of the mitigation remains a matter of discussion in respect of BNG considerations. However, Notwithstanding this, the fragmentation of habitat and loss of ecological corridors does conflict with policy DM43 and DM44.

5.4.6 Policy DM44 states *'there should, as a principle, be a net gain of biodiversity assets wherever possible'* and goes on to state *'where a proposal leads to significant harm planning permission should be refused'*. The applicant's latest BNG assessment concludes a net gain of 23.26%. Some of the assumptions in the assessment are reasonable, however, there remains some disagreement over the types and values attributed to certain habitats in the pre and post development scenarios within the assessment. At this stage, it is not possible to confirm the actual percentage increase in biodiversity assets in the post-development scenario. However, there is a strong commitment from the applicant to address this outstanding issue. Currently, planning policy does not stipulate the percentage increase required for net gain and the 10 percent net gain stipulated in the Environment Bill is not yet a mandatory requirement. Provided the applicant can demonstrate a meaningful BNG across the site, the effects of the development on nature conservation would be limited to the fragmentation of ecological habitats. Such would result in some harm and conflict with the development plan, but would not lead to significant harm to justify a refusal of planning permission. A verbal update will be provided in relation to the outcomes of further negotiation in relation to BNG.

5.5 **Residential Amenity** (NPPF: Chapter 8 paragraph 92 and 98 (Promoting Healthy and Safe Communities), Chapter 12 (Achieving Well-Designed Places) paragraph 130 and paragraphs 183 – 187 (Ground Conditions, Pollution and Agent of Change); Development Management (DM) DPD policies 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 Planning policy DM29 and paragraph 130 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. Starting with the amenity of future users of the development – the proposed scheme has been amended to ensure adequate interface distances exist between the proposed dwelling (taking account of the land levels), that each property has sufficient private garden space (according to the requirements of policy DM29) and that all dwellings meet the Nationally Described Space Standards. Taking the NDSS first – the applicant has demonstrated that all the house types meet the required NDSS standards and, in accordance with DM2, over 20 percent of the total number of dwellings (the Brathay housetype) are M4(2) compliant. In this regard the development fully accords with planning policy. Planning policy recognises that access to private gardens and open space as part of new development is important for the health and well-being of communities. In this case, all of the proposed dwellinghouses have access to a private garden over the minimum 50 square metres. Most of the dwellings have gardens no less than 10 metres in length. There are some plots (notably those on the curves of the central development parcel) where the gardens have an awkward configuration or are tiered (due to the levels). However, such would not render the scheme unacceptable from an amenity point of view. Finally, interface distances between the proposed dwellings have been designed, where possible, to achieve the minimum recommend standards set out in policy DM29. For example, the distances between the plots forming the central circular parcel of development

range from 23 metres to 38 metres (accounting for the level differences). The separation distances are tighter towards the curved ends of this section of the site and do not strictly comply with policy, however, the orientation of the plots protects future residents from direct overlooking and loss of privacy between habitable spaces/property. The layout of the south eastern corner (plots 62-65 and 66-69) has been carefully considered as the interface between the two-storey dwellings (plots 62-65) is close to the gable ends of plot 66. Here, however, the housetypes to the rear (plots 66-69) are proposed as bungalows and so reduce the extent of overbearingness.

5.5.2 In assessing the amenity of future residents, the applicant has also provided an acoustic assessment and lighting assessment to ensure the proposed development is compatible and visa versa with the neighbouring rugby club (agents of change principle). From a noise perspective the closest façade to the rugby pitch is 94 metres. Account for distance and the significant level difference between the two sites, the resulting sound levels would be significantly below recommended guideline values (for daytime outdoor areas - 50dB(A) $L_{Aeq,16hr}$ and daytime indoor levels - 35dB(A) $L_{Aeq,16hr}$). This indicates a No Observed Effect Level (NOEL) will be experienced at the proposed dwellings from rugby matches. No mitigation is required. The effects of the existing flood lighting at the rugby club on future residents has also been considered. This concludes two of the floodlights do provide a degree of glare directly at the proposed site with some overspill to the northern section (plots 31,32, 53 and 54). The effect is minor and amounts to approximately 9 hours a week during darker winter months. Mitigation is proposed in the form of tinted glazing and landscaping. The precise details of such are recommended to be controlled by planning condition.

5.5.3 Finally, the applicant has also submitted Preliminary Risk Assessment and Site Investigation (SI) to assess and understand the potential risks to future users of the site in respect of land contamination. The assessment concludes the potential risks from contamination are to be very low, despite some potential risks associated with made ground from the infilling of the ponds on site. Mitigation is set out in the submitted SI, which is recommended to be secured by planning condition. The Council's Environment Health Officer is satisfied with the outcomes of the assessments and raised no objections to the development. Overall, the layout and relationship of the dwellings to each other, and the relationship of the development to the rugby club is considered acceptable and conforms with the policy requirements of DM2, DM29 and DM31 of the DM DPD as well as paragraphs 130 and 183,185 and 187 of the NPPF.

5.5.4 Turning to existing residents. The most neighbouring residents most affected by the development are those on Watery Lane, which immediately back the proposed site, and in particular the two dwellings adjacent to the proposed access (No39A and No41 Watery Lane). These neighbouring properties are two-storey dwellings, positioned at a lower elevation to the site. The rear gardens of these properties generally tier up towards the site boundary. The boundary treatments are mixed along the eastern edge of the site, including closed boarded timber fencing (varying heights) and some open post and wire treatments overlooking the proposed meadow. The level difference is quite substantial between the finish floor levels (FFL) of existing property on Watery Lane and the proposed development. For example, the FFL of the existing dwelling (No 39a Watery lane) is 24.65m Above Ordnance Datum (AOD) with a ridge height of 31.3m AOD. The existing level at the eastern boundary of the site (relative to NO. 39a) is 27.3m AOD with the land rising to approximately 33.3m AOD at the crest of the hill. The proposed dwelling behind Nos 39/39A Watery Lane has a proposed FFL of 27.8m AOD (a difference of 3.15m). As shown in the site sections (and the external works plans) the proposed dwellings will then step up the site (following the existing site contours) resulting the in the development sitting above the surrounding dwellings to the east. The effects of the proposal will substantially alter the visual outlook currently enjoyed by those existing residents bordering the eastern boundary of the site.

5.5.5 However, the test is whether the relationship of the development significantly adversely affects residential amenity. During the determination period of this application, the applicant has sought to make positive, yet modest, changes to the layout to improve the interface distances and the scale of development along the eastern boundary. The apartment blocks in the northern extent of the site have been re-orientated to reduce the bulk and massing of development in this location. This has provided more space between the buildings to allow for more landscaping thereby reducing some of the overbearingness of the scheme. Interface distances have been increased to account for the level differences and a swale and landscaping buffer is proposed between existing and proposed dwellings. Furthermore, the housetypes at plots 1 and 70 have been revised

and garages repositioned to improve the impacts on neighbouring residents. The following table sets out a series of estimated interface distances (north to south along the eastern boundary) between the development and existing residents:

Plot No. – Existing House No.	Requested Separation (plus difference for level change) (metres)	Proposed Separation (metres)
Plots 11-14 – 63 Watery Lane	12 (plus circa 8)	c21.7
Plot 9 – 55 Watery Lane	21 (plus c8)	c28
Plot 1 – 41/43 Watery Lane	12 (plus c8 -9)	c24 (to house and c21 to garage)
Plot 70 – 39 Watery Lane	12 (plus c6-7)	c19.6
Plots 68/69 – 33/35 Watery Lane	21 (plus c10-12)	c34

The proposed interface distances offer a reasonable degree of separation and would adequately protect the amenity of future and existing residents. In this regard the proposal conforms with the requirements of policy DM29. The visual impacts are minimised further by the inclusion of a landscape strip (wide enough to enable maintenance access).

5.5.6 Aside from the physical location of buildings and its relationship to existing residents, 39A and 41 Watery Lane will also be impacted by the location of the proposed access and the noise and light pollution associated with passing traffic. The proposed access geometry takes up all the space left by the demolition of the existing house. This results in the edge of pavement immediately abutting the boundaries to these two dwellings and their associated gardens. The proposal includes the provision of new acoustic boundary treatments no less than 2 metres high (from the level of the new access road) alongside the access road. The precise detail of the acoustic boundary treatment is not provided at this stage and would be the subject of planning condition. The acoustic assessment indicates an hourly average sound level during the maximum traffic flow for the site of 55.4dB(A). The inclusion of a 2m high acoustic fence along the length of the access road will provide a sound reduction of 17.8 dB to the garden amenity areas and 10.7dB to the first-floor, ensuring the sound levels at the property (garden and internal) fall below the recommended sound levels resulting in a NOEL. This acoustic mitigation will also help minimise the impacts of headlights glaring into the rear of these neighbouring properties. As the acoustic fence does not extend to the rear of these existing properties (only the side), a condition is also recommended to ascertain the boundaries treatments and landscaping to prevent further glare from head lights in this location. A further condition is recommended in respect of street lighting and lighting in the areas of open space. The details of such will be required to safeguard residential amenity and nature conservation.

5.5.7 The relationship of the development to existing properties to the south is not judged to be harmful. Whilst their views and outlook will alter, these properties are more than 50 metres from the southern boundary of the site and are separated by an area of paddock/small holding.

5.5.8 Whilst the visual amenity experienced by these existing residents will substantially alter (by virtue of the change in use of land and the buildings themselves), the development is considered to comply with the requirements of policy DM2, DM29 and DM31 of the DM DPD and paragraphs 130 and 183 – 187 of the NPPF and consequently, will not result in significant harm to residential amenity.

5.6 **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) and DM35 (Water Supply and Waste Water) and the draft policies DM33 and DM34 of the Climate Emergency Review of the Development Management Development Plan Document Publication Version (January 2022)).

5.6.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and 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.

5.6.2 The proposed site is in floodzone 1 and is therefore a sequentially preferable location for residential development. Given the scale of the development, a Flood Risk Assessment (FRA) accompanies the application. This sufficiently evidences the site is at low risk of tidal, fluvial, groundwater and pluvial flooding. However, there are areas around the site (such as Powder House Lane) that suffer considerable flooding. Consequently, it is essential the development does not increase the risk of flooding off-site. This largely relates to the management of surface water flooding. Policy requires consideration to be given to the SuDS hierarchy which advocates drainage by infiltration, to a surface water body, a surface water sewer and only when the other options are not feasible, to a combined sewer. The site is a greenfield site which has no formal drainage network and no connection to surroundings drainage infrastructure. In this case, the applicant has demonstrated infiltration will not be feasible (due to the underlying geology and superficial deposits of boulder clay) and the lack of a suitable surface water body in the vicinity of the site to provide direct discharge. Subsequently, the proposal is for a control discharge to the existing sewer with attenuation provided on site, including a combination of attenuation baskets and an above-ground attenuation swale and basin.

5.6.3 The surface water drainage scheme has been split into two sections, east and west. The east section will be served by geocellular attenuation baskets and an attenuation swale for half of the houses and oversized pipes and an attenuation swale for the highway. The discharge from this section is to the existing adopted combined sewer in Watery Lane and has been restricted to 5l/s all return periods up to 100 years plus 40% climate change with a 10% allowance for urban creep. The west section of the site will be served by geocellular attenuation baskets for plots, with an attenuation basin central to the site and an attenuation swale running parallel to the main carriageway within the site designed for return periods of 100 years plus 40% climate change. The discharge from this section is to the existing adopted combined sewer in Watery Lane and has been restricted to 5l/s all return periods up to 100 years plus 40% climate change with a 10% allowance for urban creep.

5.6.4 Due to the site topography, exceedance routes have been carefully considered to avoid flood water (exceeding the design period of the drainage scheme - 1 in 100yr plus 40% for climate change) entering proposed and existing dwellings. The proposed drainage scheme has been carefully considered and is now considered to comply with the requirements of planning policy. The scheme has also been assessed and considered by statutory consultees (United Utilities and the Lead Local Flood Authority) whom are now satisfied the proposals are acceptable. A condition is recommended to ensure the implementation of the proposed drainage scheme in full before first occupation.

5.6.5 The foul drainage system will be a traditional gravity piped network that will be split into two sections. Again, there are no objections raised by United Utilities in this regard. A planning condition would secure the implementation of the scheme.

5.6.6 The highways and drainage network are not proposed to be put forward for adoption (under separate legislation this is at the discretion of the applicant). Subsequently, the maintenance and management of all the highway and drainage infrastructure will be a combination of homeowners and an estate management company. A planning obligation would be required to secure the provision of a management company along with the long-term maintenance of such infrastructure. This is commonplace and no different to other planning proposals. A planning condition is also recommended to secure the maintenance plan for the sustainable drainage system.

5.7 **Landscape, Open Space and Design** NPPF: Chapter 8 paragraphs 92 -94, 98-100 (Open Space and Recreation), Chapter 11 (Making effective use of land) paragraphs 124-125, Chapter 12 (Achieving Well-Designed Places) paragraphs 124-136) Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD EN3 (The Open Countryside), Policy EN4 (North Lancashire Green Belt); Development Management (DM) DPD policies DM29 (Key Design Principles) and DM27 (Open

- 5.7.1 **Landscape** – Paragraph 174 of the NPPF states planning decisions should *contribute to and enhance the natural local environment by protecting and enhancing valued landscapes....and recognising the intrinsic character and beauty of the countryside.* Paragraph 175 emphasises the point that Local Plans should clearly distinguish between the hierarchy of international, national and locally designated sites and to allocate the land with least environmental or amenity value. In this case, the proposed site does not benefit from any landscape designation (at national or local level). However, policy DM46 does state that outside protected and designated landscapes, the Council will seek to protect and enhance landscapes and townscapes which are values, unique and provide a distinct sense of place. It goes on to state that in such landscapes development should be in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, scale, massing, design, materials, appearance and landscaping.
- 5.7.2 In assessing whether the landscape meets the tests of DM46 to require its retention and enhancement, it is useful to reflect on the work and evidence that informed the adopted Local Plan. Many objectors raise concerns over the loss of the meadow noting it should not be developed due to its Green Belt designation or its landscape value. The site had been in the North Lancashire Green Belt (NLGB) for some considerable time over several plan periods. However, as part of the preparation of the current Local Plan, a review of the NLGB was undertaken. This concluded, through rigorous assessment, that the site no longer met the objectives of Green Belt land. The decision to remove the site from the Green Belt was made upon adoption of the Local Plan in July 2020. The NLGB boundary now lies to the north of the Bay Gateway.
- 5.7.3 The site was also considered in the Local Green Space (LGS) Assessment Report (including Phase One and Phase Two sites) published in May 2018 to accompany the submission of the Local Plan (this superseded the Summary Report (Phase One) and includes all sites that were submitted and assessed by the Council). The site was referred to as ‘Barley Cop Meadow’ (LGS_48). the assessment (which considers the evidence with regards to Beauty, Historic Significance, Recreational Value, Tranquillity and Richness of Wildlife) concluded:
“The site is located on the northern edge of Lancaster within the adopted green belt, this is however under review as part of the green belt review. Whilst there is no doubt that the area is of value the extent to which this would be sufficient to warrant LGS designation is questionable. The LGS designation has been created to identify those extra special areas of space which can be shown to be of particular value to the local community. Failure to designate as a LGS does not undermine the local value of the area (our emphasis). The Land Allocations DPD will need to investigate whether alternative green space designation in the area can be extended to incorporate this area”.
- 5.7.4 The site (site reference LPSA 314) was put forward as part of the call for sites process for the Strategic Housing and Employment Land Availability Assessment (SHELAA). To inform this assessment, site-specific evidence was collated to assess the landscape, ecological and archaeological value of the site. The site was concluded to be ‘Undeliverable’. As the evidence used to inform this decision demonstrates, the site was considered from an ecological and landscape perspective. The landscape assessment concluded: *“The site is rough poorly maintained pasture rising from the western edge of post war housing estate to a rest and sloping down further westwards towards playing fields, separated from the housing by a small strip of pasture (Site 316). The pasture is divided by poorly maintained post and barbed wire fencing. The site has a sense of abandonment and low quality. Sensitive development here would be possible with appropriate landscape treatment. The site has a prominent position due to its elevated position. Housing development should be located towards the lower edges of the site with the higher parts of the site retained for amenity.”* Access to the site also contributed to the conclusion of it being an Undeliverable site.
- 5.7.5 With regards to alternative green space designation, from a landscape perspective there are two types of local landscape designations; Key Urban Landscape (KUL) and Urban Setting Landscape (USL). The definitions of which are set out below:

Key Urban Landscapes (KULs): KULs include those areas within the main urban area which are integral to the built form of the district, providing a setting for important features and/or heritage assets. They play an important role in defining the townscape of the main urban area and are inextricably linked to the experience of the wider setting of these features. These areas also provide amenity value for local residents and the wider community. The amenity value of these areas is protected via other policies within the Local Plan.

Urban Setting Landscapes (USLs): In comparison, USLs are 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.

As demonstrated above, the landscape value of this site was assessed but it was deemed to be of low quality. Furthermore, when considering the below definitions for KUL and USL, with regards to KUL the site was not considered to be integral to the built form of the district in the context of the KUL definition. Nor was it considered to define the townscape of the main urban area. In terms of USL, land further north which runs parallel to the Bay Gateway, setting the visual frame for the urban area, was considered to be USL. The proposed site was considered to be separate to this USL area and as such was not designated as USL. Therefore, through the Local Plan process, it was concluded that a local landscape designation was not considered appropriate for this site. Consequently, we are left with an unallocated site that equally does not benefit from the blanket countryside area designation either.

- 5.7.6 As noted by members of the public opposing the scheme, the Local Green Space Assessment did provide a useful assessment of the value of the site. This is helpful in considering whether the site warrants protected under policy DM46. The site is relatively self-contained on the edge of the existing built-up area but easily distinguishable from the surrounding land uses. It was noted to provide one of the last remaining elevated open space meadows in the immediate area that offers 360-degree views of Morecambe Bay with the Lake District beyond, views towards the city and its historic townscape and the Lune Valley, the Forest of Bowland, Clougha and beyond. It was also noted to offer a tranquil area of open space offering sanctuary for nature of which the site was plentiful.
- 5.7.7 The site lies within the Morecambe Coast and Lune Estuary National Character Area (LCA) in a Low Coastal Drumlin Landscape Character Type (LCT). This LCT forms a transitional landscape between the coast, the Suburban LCT immediately to the south and the Drumlin Field LCT to the north east. The Low Coastal Drumlins are around 40m high. This site is slightly lower but not dissimilar in scale and form to Torrisholme Barrow. The alignment of drumlins in this LCT gives it a distinctive grain and the strong pattern of pastureland emphasises the undulating topography. Trees and shrubs are limited in this predominately agricultural landscape, although small copses occur on the tops and sides of the drumlins. Industrial development are large areas of housing features in this LCT too. The site falls within the Carnforth-Galgate-Cockerham Landscape Character Area (LCA). This LCA is described in the Landscape Strategy for Lancashire as a landscape that supports an extremely high proportion of built development. It goes on to state that buildings on top of drumlin hills are particularly visible, whilst woodland is limited to small plantations, woods of former estates or fragmented woodland in unusual hilltop and hillside settings. The adjacent Suburban LCT is very much an urban landscape predominately made up of housing (from the 1930s onwards) and associated transport networks. Early suburban housing was predominately semi-detached two-storey dwellings set in large plots with gardens front and rear - often framing wide streets along principal transport corridors. In the late 1950-60s, suburban housing was typically denser with straight and strong street patterns, build behind the early suburban housing described above. Materials and architectural detailing varies across buildings in this LCT and sadly local identity often lost.
- 5.7.8 The development of the application site will cause a substantial change to the landscape character of the site itself (from an open greenfield meadow to a housing estate) which would be harmful. However, the extent to which the development would adversely affect the character of the wider Low Coastal Drumlin LCT is questionable given housing forms one of its main characteristics (described in 5.7.7). Mitigation to minimise the level of harm to landscape character is provided in the form of extensive landscaping to buffer and bolster the existing woodlands the lie on the lower slopes of the drumlin hill (to the north and west). The exact landscaping scheme needs

some further refinement but overall, it is capable of delivering a strong and diverse landscape edge to the site. With mitigation, the impact on landscape character is considered to be of moderate harm at the site itself and negligible harm to the wider LCT.

- 5.7.9 The visual effects of the development on the landscape will vary depending on the sensitivity of the receptor in certain viewpoints. The most sensitive receptors are the existing neighbouring residents that border the site. Residential receptors further away from the site (at lower elevations but enjoying the views up towards the site) will equally be affected - as will recreational receptors within and using the surrounding open space. Receptors travelling along local roads/paths will experience a change in view, particularly from Torrisholme Road, together with sensitive receptors (employees and mourners) in the neighbouring crematorium and cemetery.
- 5.7.10 The prominence of the development in views from neighbouring residents to the east will vary (depending on the level differences, landscaping and the distance between existing and new development). However, it is reasonable to conclude that, most certainly, from the rear upper floor windows and the upper tiers of neighbouring gardens, the proposed housing will be highly visible and dominant. The development will be visible in the full view in most cases and will be a permanent change. The visual effects arising from the development in these immediate views would therefore be significant. Embedded design mitigation, such as appropriate interface distances and low level planting will help minimise the impacts, but given the elevated nature of the site, the visual effects of the development would not reduce significantly as a result of this mitigation.
- 5.7.11 Receptors using and within the designated open space land to the north and west, including the crematorium, will experience a change in their views which would result in some harm. However, given the separation between the development and these areas of open space and/or the extent of existing woodland planting, views of the development will be filtered and/or will be seen within the wider townscape setting/backdrop. Depending on where the site is viewed from within the open space, it will generally form part of a wider view. As such the level of harm is considered to be moderate adverse. The visual effects arising from development on transient receptors is considered to be negligible (the site will be visible but in a filtered and partial view for a limited period of time). The development on the crest of the drumlin hill contributes to the prominence the development will have in the landscape. Overall, there will be substantial harmful visual effects arising from the development, but the effects are limited to the immediate local area and in particular, neighbouring residents. Whilst existing landscape features help to filter views further from the site, due to the elevation of the development, there will remain a moderate level of harm to the visual amenity of the landscape. However, given urban development is a characteristic of this landscape character type, in many views, the development will be seen in the backdrop or foreground (depending on the view) of existing built development.
- 5.7.12 Policy DM46 states that the Council will seek to protect landscapes that are valued, unique and provide a distinct sense of place. The Local Plan evidence provides some useful justification to support (or otherwise) the consideration of whether the proposed site is a landscape that warrants protection. Firstly, officers are acutely aware residents opposing the scheme consider the site to be of high value for its nature, openness, benefits to health and well-being and landscape qualities. The Local Green Space Assessment recognised some of these values, such as it being one of the last meadows in the area offering beautiful 360-degree panoramic views over the district and towards the Lake District and Bowland Fells. For this reason, the site has a degree of uniqueness. However, the site is not technically publicly accessible therefore who benefits from these views is limited. As such arguing the site offers distinct sense of place is challenging to substantiate. Finally, for the reasons set out above, the landscape value of the site is not considered to be significantly high quality to warrant protection under the terms of policy DM46.
- 5.7.13 The final test of policy DM46 is therefore that new development outside protected and designated landscapes should be in scale and keeping with the landscape character and appropriate in terms of siting, scale, massing, design, materials and external appearance and landscaping. Given the prominence of the site to neighbouring development (and the Suburban LCT), the scale, massing, design and materials of the proposed dwellings are considered in keeping. However, contrary to the landscape evidence forming part of the preparation of the Local Plan, the development has not been limited to the lower sides of the drumlin hill. Instead, the development will extend up and over the crest of the hill. This causes a degree of harm to the landscape character, however, it is

not dissimilar to neighbouring development to the east and south. Overall, it is considered that the development will lead to an adverse localised landscape impact and conflict with policy DM46, which is afforded moderate weight.

- 5.7.14 **Open Space** – The provision and access to open space is encouraged strongly in the NPPF given the benefits this has to the health and well-being of our communities. The application site does not benefit from any strategic open space designation. However, it lies adjacent to outdoor sports facilities to the west and designated gardens and woodland to the north. Policy DM27 requires development proposals that are adjacent to designated open spaces, sports and recreational facilities to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The policy also recognises the value of non-designated open spaces, stating that where non-designated amenity spaces have economic, environmental or social value to the community they serve, the Council will seek to protect such spaces. Finally, policy DM27 also sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies.
- 5.7.15 The proposed development has been amended to protect to the woodland areas to the north. A landscape buffer has been incorporated so has not to cause any direct impacts to the woodland itself and the species it supports. The Council's Arboricultural Officer is satisfied with the proposed relationship between the two. It is recommended that a formal path and gate/access arrangement is provided between the site and the adjacent woodland as indicated on the amended site layout plan. This is also supported by the Public Realm team. This ensures access to Barley Cop Wood is managed and avoids unnecessary and inappropriate access/trampling of the woodland and edge habitat along the rest of the northern boundary. It also enables future users to the sit to access the woodlands and equally the wider community access into the site to utilise the retained areas of open space and play areas.
- 5.7.16 The effect of the development on the adjacent rugby club has been assessed under the consideration of the residential amenity section of this report. The applicant's acoustic and lighting assessments conclude the development would not be adversely affected by the use of the adjacent playing pitches. Sport England have been consulted and are equally satisfied there will be no prejudicial impact on the use of the playing field and therefore is satisfied that the proposed development meets Exception 3 of our Playing Fields Policy and raise no objection.
- 5.7.17 The development lies close to the existing crematorium and memorial gardens. The impact once the development is operational, is not considered significant. The crematorium building itself is approximately 190 metres to the northern boundary of the site, with the dwellings a further c10 metres from the boundary. All the existing landscaping will be retained and as such no direct impacts are anticipated. During construction, however, the peace and tranquillity of the memorial gardens could be affected. This can be minimised by appropriate construction methods including the provision of suitable acoustic hoardings to certain parts of the site. Three conditions are recommended in this regard, one for temporary acoustic measures to protect (as best as possible) against the impacts during construction on the adjacent memorial gardens, hours of construction and a further construction method statement. These impacts will be temporary in nature and minimised and controlled by condition.
- 5.7.18 Turning to on-site public open space requirements. Given the scale of the development an equipped and enclosed play area is provided in the centre of the site. This is an improvement on the initial submission which sought to provide the play area behind dwellings and adjacent to Barley Cop Wood. The proposal also provides a significant area of amenity greenspace. This is largely provided along the western boundary. The functionality of this amenity greenspace, as a kick about area, is limited given it lies on the west side of the drumlin hill and is relatively steep. This land will predominately provide a sense of openness and will be landscaped to frame the development and buffer and bolster the western boundary of protected trees. In this sense, whilst the area proposed concurs with planning policy is functionality does not. That said, there is very limited scope to provide a traditional areas of amenity open space within the site due to the undulating nature of the site and the viability challenges to deliver housing. An off-site contribution towards the sports facilities at Rylands Park have been requested. Due to viability constraints,

this contributions has not been pursued. Overall, the conflicts with policy here would not outweigh the benefits of housing delivery in the titled balance.

5.7.19 **Design** – Section 12 of the NPPF, together with policy DM29, places a strong emphasis on the delivery high-quality, beautiful and sustainable buildings and places, noting good design is a key aspect of sustainable development. It is about place making and ensuring development functions well, is visually attractive, creates a sense of place and is safe, inclusive and accessibly. The applicant has positively sought to address a number of design and amenity concerns initially raised by officers. The resultant layout of the housing estate itself meets these policy requirements. The orientation of the dwellings accounts for the sites elevated and prominent position in the townscape and skyline, with extensive landscaping to the north and western boundaries, to help frame and bolster the existing landscape features. Internally, the site promotes good accessibility throughout and ensures areas of open space benefits from suitable natural surveillance. The scale of the dwellings and the use of materials are in keeping with surrounding development.

5.7.20 Whilst the housing layout within the site itself is generally positive, there are design concerns over the access arrangement. The general street pattern in the area is formed by circular routes with small cul-de-sacs accessed of the main estate roads. The width of the cul-de-sac junctions tend to be between 8-10 metres with the buildings set back from the edge of carriageway making the street feel relatively wide and spacious. In this case, the access will be tightly positioned between the gable ends and boundaries of the existing dwellings, forming a gap of only c10 metres. Whilst the access geometry is acceptable from a highway safety perspective, and the effects of traffic noise can be mitigated, the proposed arrangement, which is overly tight and out of keeping with the area, results in a large 'backland' form of development. Once into the development site, the access street is widened by the creation of a 'green avenue'. This mitigation does not, however, remove the 'backland' character of the development. The level of harm arising from this would be localised but, nevertheless, the development still fails to achieve high quality design that functions well and adds to the overall quality of the area. In this regard, there is a degree of conflict with Section 12 of the NPPF and DM 29 of the Development Plan, which is afforded moderate weight in the planning balance.

5.7.21 Reducing Carbon Emissions - Policy DM30 of the DM DPD states the Council will encourage development to deliver high standards of sustainable design and construction. This policy has been reviewed and amended significantly as part of the emerging Local Plan Review (to address the climate emergency), however at this time, the weight that can be afforded to these policies is limited. The applicant has submitted an Energy Statement which seeks to adopt a fabric first strategy to minimise carbon emissions and energy demand. The proposed fabric and building services specification will permanently reduce emissions by 4.83% and the proposed energy demand by 6.40% (above current Part L Building Regulation Requirements). This demonstrates a betterment that the proposed development will have a reduced reliance on national resources (gas and electricity), however, the measures would not be so significant when assessed against the emerging policy requirements. However, given the current policy wording and the limited weight that can be afforded to the merging review of the Local Plan, the proposed development would comply with policy DM30. A condition is recommended to secure the proposed measures.

5.8 **Other Matters**

5.8.1 Education and Health (DMDPD policies DM1, DM57 and DM58) – Planning policy requires the provision of school places to be given great weight in order 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 school places (financial contributions) would be sought from this development. The NHS request for contributions cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.

5.8.2 Air Quality (SPLA Policy EN9; DMDPD Policy DM21) - The site is not located within any Air Quality Management Area (AQMA) but given the level of traffic anticipated from the development and the proximity to both the city centre, an Air Quality Assessment (AQA) has been undertaken. The AQA addresses air quality impacts during construction and the operational stages of development and concludes with mitigation measures, including electric vehicle charging points to each property, an emissions management plan, promotion of car clubs and active travel options and use of low

emission boilers, the impacts are sufficient minimised. The Environmental Health Officer concurs with these findings and requires implementation of the identified measures by condition.

- 5.8.3 Employment Skills Plans (Policy DM28) – the applicant has submitted and amended their ESP to the satisfaction of CSTEP (our consultee). The applicant has suitably evidenced compliance with DM28 and a firm commitment to promote local employment and upskilling through the construction phase of the development.
- 5.8.4 Planning conditions – there are a number of conditions recommended which secure the proposed development details or mitigation. In addition to these conditions, officers consider a 2-year time limit condition suitable in this instance because of the acute need to deliver housing and the weight this is afforded in the planning balance. Officers also consider it necessary to remove permitted development rights. This is considered justified on the basis of the visual and amenity impacts likely to arise from permitted development due to the sites elevated and prominent position and the proximity of the dwellings to one another given the topography of the site. Furthermore, there are some risks permitted development could compromise the submitted drainage proposal.

6.0 Conclusion and Planning Balance

- 6.1 In accordance with the strategic development strategy for the district, the application site is unallocated in the Local Plan and provides a sustainable location for residential development. The provision of 78 market dwellings, at a time when the Council can not demonstrate an adequate supply of housing, weighs substantially in favour of the development. Whilst regrettable, the lack of viability in this case has been demonstrated through a rigorous assessment by independent external experts so the absence of affordable housing has been justified in accordance with policy. Other benefits arising from the development include modest improvements to the pedestrian route between Watery Lane and towards Rylands Park along Torrisholme Road, a new formal access between the site and Barley Cop Wood (enabling existing and future residents to enjoy the open space on and off site), the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits) as well as appropriate maintenance and management of the landscaped areas.
- 6.2 Subject to the applicant evidencing a realistic biodiversity net gain across the site, the main issues weighing against the proposal relate to the localised landscape impacts and poor design arising from the access arrangements and the resultant conflict with the policies DM46 and DM29 (and the corresponding sections of the NPPF). This harm is afforded moderate weight. The proposal also results in the fragmentation of habitat and loss of ecological corridors, the provision of non-conventional amenity greenspace and the lack of and outdoors sports contribution (though the viability evidence would prohibit this in any case). These negative effects are afforded some weight. The adverse effects arising from the construction phases of the development can be minimised through mitigation and are temporary and therefore is afforded only limited weight in the planning balance.
- 6.3 The case is very finely balanced. Whilst there are clear adverse impacts arising from the development and a degree of conflict with some policies within the Development Plan, these impacts (alone and in combination) are not considered to significantly and demonstrably outweigh the benefits of the proposal (namely, housing), when assessed against the policies of the Framework taken as a whole (the presumption in favour of sustainable development). For this reason, the Planning Regulatory Committee are recommended to support the application.

Recommendation

That Planning Permission BE GRANTED subject to a s106 legal agreement to secure:

- Provision of Equipped Play Area;
- Provision of Amenity Greenspace;
- Setting up of Management Company;

- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure and on-site open space;
- Viability review mechanism (TBC).

and the following conditions:

Condition no.	Description	Type
1	Time limit (2 years)	Control
2	Approved plans	Control
3	Scheme for site access and off-site highway works	Pre-commencement
4	Scheme for the full engineering, drainage, street lighting and construction details to adoptable standards of the internal estate roads	
5	Surface and Foul Water Drainage Scheme	Pre-commencement
6	Submission of a WSI and implementation of a programme of archaeological works.	Pre-commencement
7	Precise details of temporary (during construction) and permanent acoustic mitigation (in accordance with acoustic assessment)	Pre-commencement
8	Construction Environment Management Plan (relating to ecological report mitigation and tree protection) including management of Surface Water during construction.	Pre-commencement
9	Scheme for street lighting and any lighting in the areas of open space	Pre-slab level of dwellings
10	Notwithstanding details submitted, surface treatment plan to be amended to reflect Road Safety Audit recommendations	Pre-slab level of dwellings
11	Notwithstanding details submitted, amended landscaping scheme to be secured to address comments by Arboricultural Officer (TBC)	Pre-slab level of dwellings
12	Notwithstanding the boundary treatments plan, details of the boundary treatments adjacent to plots 1 and 70 (to prevent headlight glare to existing residents) to be submitted and agreed.	Pre-slab level of dwellings
13	Notwithstanding the details submitted, details of the cycle store (for the apartments), which shall be a secure, covered store, shall be submitted and agreed	Pre-slab level of dwellings
14	Precise details of flood light mitigation in accordance with the Lighting Report	Pre-slab level of dwellings
15	A scheme for a path and gate/access linking the development to Barley Cop Wood	Pre-slab level of dwellings
16	Employment Skills Plan	Control / pre-occupation validation of ESP outcomes
17	Roads to be provided to base course before first occupation and completed in full before completion of the development.	Pre-occupation
17	Homeowner Pack	Pre-occupation
18	Implementation of Framework Travel Plan with Full Travel Plan	Pre-occupation
19	Implementation of the recommendations set out in the submitted Phase II Site Investigation Report and validation	Pre-occupation
20	Landscape and Biodiversity Management and Maintenance	Pre-occupation
21	Drainage Maintenance and verification	Pre-occupation
22	Implementation of AIA	Control
23	EV charging points rated at a minimum of 7kW and cycle provision to be provided for each dwelling in accordance with the Vehicle Charging Point Layout Plan	Control
24	Implementation of Air Quality Mitigation	Control
25	Implementation of submitted Construction Management Plan	Control

26	Implementation of Habitat Mitigation (BNG matters TBC)	Control
27	Implementation of all dwellings complying with NDSS and M4(2) as per the approved plans	Control
28	Turning and parking to be provided in full before first occupation, unless an alternative timetable for implementation is agreed.	Control
29	Visibility Splays	Control
30	Removal of Permitted Development	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