

Agenda Item	A10
Application Number	23/00222/FUL
Proposal	Construction of a permanent flood defence bund and associated works
Application site	Land North Of Lentworth Drive Lancaster Lancashire
Applicant	Environment Agency
Agent	
Case Officer	Mr Patrick Hopwood
Departure	Yes
Summary of Recommendation	Approval, subject to conditions.

(i) **Procedural Matters**

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

1.0 Application Site and Setting

1.1 The site to which this application relates is an open grassland area between Lentworth Drive and Burrow Beck in the Hala area of Lancaster, and part of Barton Road playing fields. Both sections of the site are designated as Open Spaces and Green Spaces in the Local Plan.

2.0 Proposal

2.1 This application seeks planning permission for the construction of a permanent flood defence bund to replace the existing temporary sandbag bund. The bund measures approx. 300m in length, 9.5m in width, and a height of 1.6m, although these dimensions vary along the course of the bund. The bund will be comprised of an earth embankment, capped with topsoil and grass seeded.

2.2 The proposal follows on from flood events in August and November 2020, and pre-application advice in 2021 and extensive ongoing discussions between the City Council, Applicant and relevant stakeholders.

3.0 Site History

3.1 No relevant applications relating to this site have previously been received by the Local Planning Authority, although there has been positive pre-application discussion prior to the submission of the application.

4.0 Consultation Responses

4.1 At the time of writing this report, the following responses have been received from statutory and internal consultees:

Consultee	Response
Lead Local Flood Authority	No objection and supports the proposals
County Highways	No objection subject to conditions for construction management plan and wheel washing/road sweeping.
Sport England	No objection to the application which is considered to meet Exception 3 of our adopted Playing Fields Policy, and paragraph 99(b) of the NPPF, subject to the following conditions: <ul style="list-style-type: none">• Provision of drainage details in relation to land adjacent to and affecting the playing pitch.• Construction Management Plan.• Continuity of use Scheme for the playing field, or alternative temporary provision during the construction phase.
Environment Agency	No objection , satisfied that the proposal would not exacerbate flood risk elsewhere.
United Utilities	No response received.
South Lancaster Flood Action Group	Support on the basis that the proposal seeks to manage/mitigate existing flood risk. Comments in relation to tree planting, footpath access and longevity of bund.
Lune Rivers Trust	Support to reduce flood risk.
Property Services	No response received.
Public Realm	Comments Recommends 15° maximum for mowing of banking and a strong landscape seed mix for grass variety.
Engineering Team	No response received.
Arboricultural Officer	No objection given the public benefit.

4.2 At the time of writing this report, the following responses have been received from members of the public:

- 10 letters of **support** have been received, commenting that the bund will protect properties/residents and businesses. Two letters of support also queried the termination point /length of the bund.

4.3 Any further consultee or public comments will be summarised by way of a verbal update.

5.0 Analysis

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

- Flood Risk
- Protection of Open and Green Spaces
- Trees and Biodiversity
- Impact on Playing Field
- Highways

5.2 Flood Risk (NPPF Section 14; Policies DM33 and SP8)

5.2.1 Policy SP8 sets out that Council will work with all relevant parties to address the issues of flood risk and implement schemes that will reduce flood risk. Policy DM33 and NPPF Section 14 also seek to minimise and manage the risk of flooding. The Council is keen to ensure that the devastation caused by the flood events in August 2020 (and subsequent events) are not repeated and that the district's flood resilience is improved.

5.2.2 The proposed flood bund will remove the properties on Lentworth Drive from the flood extents of Burrow Beck, and significantly reduce the risk of these properties flooding. The length and height of

the bund have been determined by flood risk modelling (taking into account allowances for climate change) and will be sufficient to protect properties from the 1% flood event plus 300mm freeboard. The submitted flood risk assessment also demonstrates that flood risk will not be increased elsewhere as a result of the proposal. Therefore, the principle of the proposal to protect properties from flooding is fully supported by the Council, subject to other matters being satisfactorily addressed.

5.3 Protection of Open and Green Spaces (NPPF Sections 8, 12 and 15; Policies SC3, SC4, T2 and DM27, DM29 and DM43)

5.3.1 Lentworth Drive Open Space and Barton Road Playing Fields are both designated as Open and Green Spaces with the Local Plan. The siting of the bund on the periphery of these sites departs from the overall aims and objectives of the green space network, and as such the proposal is considered to represent a departure from the Local Plan.

5.3.2 However, subject to access still being retained to allow the community to continued access, it is considered that the proposal complies with the relevant policies of the Local Plan. The applicant has undertaken extensive community engagement prior to the submission of this planning application. The footpath linking Lentworth Drive and Gressingham Drive via the footbridge will be retained, with a DDA-compliant ramped gradient over the bund. Access to the open and green space will also be possible from the south, maintaining desire lines and popular walking routes along the bank of the beck. Temporary post and wire fencing will be placed around the bund until grass cover is fully established, although this will be later removed to allow access over the bund itself. The Local Plan map does record an aspirational cycle route alongside the beck, however it is considered that this could still be implemented with the flood defence bund in place.

The use of a grass covered bund rather than a wall structure, will ensure that visual impacts of the flood defence bund are minimised and softened. The Council's Public Realm Team have confirmed that they will be able to maintain the existing grass and trees, as well as the grass and the bund, post-development.

5.4 Trees and Biodiversity (NPPF Section 15; Policies DM43, DM44, DM45 and SP8)

5.4.1 The submission is accompanied by an Arboricultural Implications Assessment, which confirms that the proposed development will require the removal of five partial tree groups and two partial hedgerows this includes two tree groups classed as moderate quality (Category B) and three tree groups and two hedgerows classified as low quality (Category C). Policy DM45 sets out that where tree loss is adequately justified, replacement tree planting at a ratio of 3:1. The loss of trees is regrettable, however the benefits of the proposal in terms of flood risk reduction are considered to outweigh this justified loss subject to replacement planting.

5.4.2 The Environment Agency are proposing the replace any removed trees using their own ratio of 5:1, which betters the Council's own replating ratio, and is welcomed. Final details of tree planting have not yet been provided however the applicant has indicated that removed tree groups will be replaced alongside the bund, as well as tree planting within the hedgerows. Conditions are recommended for tree protection measures and to secure final details of the replanting scheme.

5.4.3 A Preliminary Ecological Appraisal and update note have been submitted with the application, which found no evidence of water voles, otters, badgers, hedgehogs and reptile species on the site. However, a series of recommendations have been made, including checks for the identified species, and pollution control measures. It is also proposed to improve areas of habitats affected by the works. Final details of biodiversity mitigation and enhancement can be secured by a further planning condition. Overall, subject to tree replacement and ecological mitigation, the proposal is acceptable in terms of trees and biodiversity impacts.

5.5 Impact on Playing Field (NPPF Section 8; Policies DM27 and SC3)

5.5.1 The northernmost part of the bund lies within the edge of Barton Road Playing Fields. Initially, Sport England objected to the application, due to potential impact on the playing fields.

5.5.2 Additional information has since been submitted by the applicant, demonstrating that the alignment of the bund does not conflict with the previously marked out football pitch. On the basis of this information, the LPA are content that the proposed bund would not affect the football pitch should it be reinstated nor would it affect the usability of the wider playing fields given its relatively minimal

encroachment into the playing fields site. Sport England have also been reconsulted and now raise no objection, subject to conditions for drainage details in relation to the land affecting the playing pitch, a construction management plan, and a continuity of use scheme or alternative temporary provision.

5.6 Highways (NPPF Section 9; Policy DM29)

5.6.1 County Highways have requested that construction management details are approved via a planning condition to ensure that road safety is maintained during the construction phase. The applicant has chosen to provide these details prior to determination, and subject to these been acceptable to County Highways, it is proposed to include a condition requiring compliance with these approved details.

6.0 Conclusion and Planning Balance

6.1 The proposed flood defence bund will result in significant flood protection to properties on Lentworth Drive, whilst not increasing flood risk elsewhere. The design of the bund minimises visual impact and retains access to the existing open space and playing fields. Subject to details of planting and biodiversity enhancements, the scheme is also acceptable in terms of trees and ecology. As such, the scheme is considered to comply with the relevant national and local policies and is recommended for approval.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard three year timescale	Control
2	Development in accordance with plans and details	Control
3	Tree protection plan	Control
4	Biodiversity mitigation and enhancement details	Control
5	Landscaping and replanting scheme	Control
6	Playing field drainage details	Control
7	Playing field construction management plan	Control
8	Playing field continuity of use/alternative temporary provision	Control
9	Highways construction details	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. For the reasons stated in the report, the proposal departs from the Development Plan. However, taking into account the other material considerations which are presented in full in the report, it is considered that these outweigh the provisions of the Development Plan, and in this instance the proposal can be considered favourably.

Background Papers

None