LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Committee: **PLANNING REGULATORY COMMITTEE**

Date: **MONDAY, 17 AUGUST 2020**

Time: **10.30 A.M.**

PLEASE NOTE

THIS WILL BE A 'VIRTUAL MEETING', A LINK TO WHICH WILL BE AVAILABLE ON LANCASTER CITY COUNCIL'S WEBSITE AT LEAST 24HRS BEFORE THE MEETING.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website http://www.lancaster.gov.uk/publicaccess by searching for the relevant applicant number.

1 Apologies for Absence

2 Minutes

Minutes of meeting held on 20th July 2020 (previously circulated).

3 Items of Urgent Business authorised by the Chair

4 Declarations of Interest

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

5	**17/01074/HYB**	**Land at Royal Albert Farm, Pathfinders Drive, Lancaster, Lancashire** Hybrid application comprising an outline application for up to 71 dwellings with associated upgrading works to Pathfinders Drive, and a full application for the conversion of Derby Home into six apartments (C3) and creation of associated parking.	**Scotforth West Ward**	**(Pages 5 - 23)**
6	**17/00848/OUT**	**Land south of Playing Field Trumacar Lane, Middleton Road, Heysham,** Outline application for the erection of up to 75 dwellings with associated access.	**Overton Ward**	**(Pages 24 - 36)**

7	18/00472/FUL	**Land off Wyresdale Road, Lancaster, Lancashire** Erection of 27 dwellings (C3) with associated access.	**John O'Gaunt Ward**	**(Pages 37 - 51)**
8	18/00877/OUT	**Land to the rear of The Manor Inn, Cockerham, Lancashire** Outline application for the erection of up to 24 dwellings (C3) and associated access.	**Ellel Ward**	**(Pages 52 - 71)**
9	19/01223/OUT	**Land to the east of Lancaster Road and north of Willey Lane, Lancaster Road, Cockerham, Lancashire** Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane.	**Ellel Ward**	**(Pages 72 - 85)**
10	18/01422/FUL	**Land to the rear of Pointer Grove and adjacent to High Road, Halton, Lancashire** Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works.	**Halton-with-Aughton Ward**	**(Pages 86 - 104)**
11	20/00253/FUL	**Lancaster Music Co-op, 1 Lodge Street, Lancaster, Lancashire** Relevant demolition of existing rear extension, construction of buttresses to the rear, installation of a new roof, fascias, guttering, downpipes, chimney flashing and windows and lintels.	**Bulk Ward**	**(Pages 105 - 108)**
12	20/00254/LB	**Lancaster Music Co-op, 1 Lodge Street, Lancaster, Lancashire** Listed building application for the installation for replacement of the valley gutter and the flashing adjacent to the Grand Theatre.	**Bulk Ward**	**(Pages 109 - 112)**

13	**20/00660/FUL**	**40 Strickland Drive, Morecambe, Lancashire LA4 6TD** Erection of a single storey side and rear extension.	**Bare Ward**	**(Pages 113 - 115)**

14 Delegated List (Pages 116 - 122)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Dave Brookes (Vice-Chair), Paul Anderton, Richard Austen-Baker, Mandy Bannon, Alan Biddulph, Abbott Bryning, Keith Budden, Roger Cleet, Tim Dant, Mel Guilding, Janice Hanson, Cary Matthews, Joyce Pritchard and Robert Redfern

(ii) Substitute Membership

Councillors Victoria Boyd-Power (Substitute), Kevin Frea (Substitute), June Greenwell (Substitute), Tim Hamilton-Cox (Substitute), Colin Hartley (Substitute), David Whitworth (Substitute) and Peter Yates (Substitute)

(iii) Queries regarding this Agenda

Please contact Democratic Services: email democracy@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 3rd August 2020.

Agenda Item 5

Agenda Item	A5
Application Number	17/01074/HYB
Proposal	Hybrid application comprising an outline application for up to 71 dwellings with associated upgrading works to Pathfinders Drive, and a full application for the conversion of Derby Home into six apartments (C3) and creation of associated parking
Application site	Land at Royal Albert Farm, Pathfinders Drive, Lancaster, Lancashire
Applicant	Homes and Communities Agency
Agent	Miss Rosanna Cohen
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in December 2017. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The application site relates to 3.38 hectares of predominately grazing land located to the west side of Ashton Road along Pathfinders Drive, approximately 1.6km to the south west of Lancaster City Centre. There are a variety of land uses in close proximity to the site. To the east lies an NHS complex consisting of the Orchard and four former barns which have been converted to offices, with the residential development to the north of this in the form of apartments. To the south of the NHS facilities lies the De Vitre and Royal Albert Cottages which are adjacent to Ashton Road. To the south and west lays open countryside. The site rises to the west from along Ashton Road where land levels are in the region of 39 metres above ordnance datum (AOD) and rise to 55 metres AOD towards the western boundary. The site has a gradual gradient with this being in the region of 1:8.

1.2 The site consists of two large fields namely used for grazing land for horses and sheep which are irregularly shaped, together with a smaller field to the south-east corner. The site is bound by trees to the north and north west. The development site also incorporates Derby Home which is curtilage listed in connection with the former Royal Albert Hospital (Grade II*), which is the only built form within the application site. The site is elevated from Ashton Road with the lowest part of the site to the east. The existing access to the site is via Pathfinders Drive, which serves the NHS facilities in the form of 'the Orchard' and North and East Barns.

1.3 The site is largely unconstrained and is allocated for housing in the adopted and soon to be adopted Local Plan. The Morecambe Bay Site of Special Scientific interest (SSSI), Special Protected Area (SPA), Special Area of Conservation (SAC) and Ramsar designation is located 1.25km to the west of the site. It is not located within any nationally designated landscape or Green Belt, nor does it fall within Flood Zones 2 or 3. The site is not protected by any international or local conservation status and no part of the site falls within a Conservation Area. There are trees which are covered by Tree Preservation Orders (TPO) on the site (TPO number 269/T17 through to T80, W1, W2 G1 through to G8). There are a number of listed buildings in close proximity to the site namely Storey Hall – located 90 metres to the north east (Grade II), North, West, South and East Barn – located 90 metres to the east (Grade II), the gatehouse to the former Royal Albert Hospital site - located 150 metres to the east (Grade II) and finally the former Royal Albert Hospital which is Grade II* and this is located 275 metres to the east.

2.0 Proposal

2.1 The application is made in a hybrid form which comprises of the outline application for the erection of up to 71 dwellings on the greenfield element of the site; with amended access provision which includes the upgrading of the existing Pathfinders Drive to 5.5 metres in width, together with a new 2m wide footway. An indicative layout plan has been supplied to show how the site could be realistically developed and contains a mixture of detached and semi-detached properties.

2.2 Derby Home is considered to be curtilage-listed in connection with the Jamea Al Kauthar Islamic College (formerly the Royal Albert Hospital) which is Grade II*. The detailed conversion is therefore being considered under this planning application for the conversion of Derby Home to 6 apartments and associated car parking provision. The scheme would provide for 3 x one bedroom, 2 x two bedroom and 1 x three bedroom apartment.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in December 2017 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, County Councillor Gina Dowding and Councillor Tim Hamilton-Cox both spoke against the application. Justin Cove, agent for the application spoke in support and Ward Councillor Ronnie Kershaw spoke finally against the application.

It was proposed by Councillor Helen Helme and seconded by Councillor Mel Guilding:

"That the application be approved."

Upon being put to the vote, 10 Members voted in favour of the application and 1 against, with 3 abstentions, whereupon the Chairman declared the proposal to be carried.

That subject to the applicant entering into a Section 106 Legal Agreement to secure the obligations noted in Section 8.1 of the report (including the bus service contribution), Outline Planning Permission be granted subject to the following conditions:

1. Timescales.
2. Approved Plans.
3. Access Details.
4. Off-site Highway Improvements.
5. Surface Water Arrangements.
6. Surface Water long term management.

7. Foul Water Arrangements.
8. Development in accordance with the FRA.
9. Unforeseen contaminated land assessment.
10 Provision of electric vehicle charging points.
11. Garage use permitted development right restriction.
12. Open space provision.
13. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2).
14 Ecological Mitigation.
15. Provision of AIA.
16. Finished floor and site levels to include garden and open space.

That regarding the full element of this hybrid application, Planning Permission for the conversion of Derby Home be granted subject to the following conditions:

1. Timescales.
2. Development in accordance with plans.
3. Provision of additional bat surveys in connection with Derby Home.
4 Surface Water Drainage Scheme.
5. Hard and Soft landscaping.
6. Provision of an updated AIA.
7. Car parking to be provided prior to occupation.

4.0 Consultation Responses

4.1 As set out in the appended report. There was however, a committee update which catered for the below.

Consultee	Response
County Highways	County Highways suggested £77,000 for improvements to the Pointer roundabout and this was secured by the Planning and Regulatory Committee. County Highways with the support of Planning Committee also secured £70,000 towards the local bus service which would enable it to provide a Sunday service for a period of 3 years.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of December 2017 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020

5.1 <u>The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP7, SP8, H6, EN9 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3 and DM31 of the Review of Development Management DPD (Adoption Edition July 2020)</u>

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), the site retains its allocation for housing as part of the Royal Albert Fields, Ashton Road allocation under Policy H6. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes in sustainable areas will be supported. This follows the same ethos as the Lancaster District Core Strategy Policies. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. The approved internal arrangement within Derby Home fails to meet the required standards. However, given this is a 2017 permission and a Grade II* curtilage-listed on balance it is considered on this occasion it is acceptable taking into account when the scheme was presented to Planning Committee. It is recommended a condition to ensure all dwellings on the main body of the site are NDSS compliant and furthermore at least 20% of those should meet Building Regulations Requirement M4(2) Category.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, however under Policy DM3 within Lancaster, Carnforth and Rural West, this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.

5.1.5 With Committee's support the development secured £70,000 towards the local bus service together with electric vehicle charging points. It is considered these measures tie in with the wider air quality aspirations of the 'Local Plan'. Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in December 2017. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space standards across the development and ensuring the provision of 20% of the units are M4(2) complaint. Conditions can be imposed on the outline element to cater for this. Whilst expressed in the report Derby Home is under the required standards, on balance given this is a listed building and the time that has passed since the application was submitted it is considered acceptable. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 agreement to secure:

- The provision of 30% of the total units on the site to be affordable homes based on a 50:50 (affordable rented:shared ownership) tenure split as required by planning policy based on housing needs at the time of the reserved matters application, viability and the use of Vacant Building Credit;

- The setting up of a Private Management Company to ensure the public open space, amenity space, non-adopted surface water drainage systems and private roads within the site are maintained at all times in perpetuity with associated long term maintenance plans in respect of these matters;

- Reviewing the requirement for an off-site financial contribution in connection with public open space dependent on the numbers of units and bedrooms to be re-assessed at the time of reserved matters;

- The contribution of £77,000 towards off-site highway improvement works and £70,000 towards bus service provision);

- Derby Home to be converted in accordance with the permission (no later than 75% of the open market homes associated with the outline permission being occupied).

and the following conditions:

Condition no.	Description	Type
1	Timescales	Control
2	Approved Plans	Control
3	Access Details	Pre commencement
4	Surface Water drainage scheme	Pre commencement
5	Foul Water Drainage Scheme	Pre commencement
6	Finished Floor Levels	Pre commencement
7	Provision of AIA	Pre commencement
8	Employment and Skills Plan	Pre commencement
9	Provision of Nationally described space standards across all units	Development above ground
10	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
11	Off-site Highway Works	Development above ground
12	Provision of Home Owner Packs	Development above ground
13	Provision of open space on site	Development above ground
14	Electric Vehicle Charging	Development above ground
15	Unforeseen contaminated land	Compliance
16	Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2)	Compliance
17	Ecological Mitigation	Compliance
18	Garage use permitted development right restriction	Compliance
19	Development in accordance with the FRA	Compliance

That regarding the full element of this hybrid application, Planning Permission for the conversion of Derby Home **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Control
2	Development in accordance with the plans	Control
3	Provision of additional bat surveys in connection with Derby Home	Pre commencement
4	Surface water drainage scheme	Pre commencement
5	Provision of an updated AIA	Pre commencement
6	Hard and Soft Landscaping	Development above ground
7	Car Parking to be provided prior to occupation	Development above ground

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

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

Background Papers

17/01074/HYB – December 2017

Agenda Item	Committee Date	Application Number
A7	11 December 2017	17/01074/HYB

Application Site	Proposal
Land At Royal Albert Farm Pathfinders Drive Lancaster Lancashire	Hybrid application comprising an outline application for up to 71 dwellings with associated upgrading works to Pathfinders Drive, and a full application for the conversion of Derby Home into six apartments (C3) and creation of associated parking
Name of Applicant	**Name of Agent**
Homes and Communities Agency	Miss Rosanna Cohen
Decision Target Date	**Reason For Delay**
11 December 2017	Committee Cycle
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

(i) Procedural Note

A site visit was arranged for Committee Members to view this site prior to determination, and this was undertaken on 6 November 2017.

1.0 The Site and its Surroundings

1.1 The application site relates to 3.38 hectares of predominately grazing land located to the west side of Ashton Road along Pathfinders Drive, approximately 1.6km to the south west of Lancaster City Centre. There are a variety of land uses in close proximity to the site. To the east lies an NHS complex consisting of the Orchard and four former barns which have been converted to offices, with the residential development to the north of this in the form of apartments. To the south of the NHS facilities lies the De Vitre and Royal Albert Cottages which are adjacent to Ashton Road. To the south and west lays open countryside. The site rises to the west from along Ashton Road where land levels are in the region of 39 metres above ordnance datum (AOD) and rise to 55 metres AOD towards the western boundary. The site has a gradual gradient with this being in the region of 1:8.

1.2 The site consists of two large fields namely used for grazing land for horses and sheep which are irregularly shaped, together with a smaller field to the south-east corner. The site is bound by trees to the north and north west. The development site also incorporates Derby Home which is curtilage listed in connection with the former Royal Albert Hospital (Grade II*), which is the only built form within the application site. The site is elevated from Ashton Road with the lowest part of the site to the east. The existing access to the site is via Pathfinders Drive, which serves the NHS facilities in the form of 'the Orchard' and North and East Barns.

1.3 The site is largely unconstrained and is allocated for housing in the adopted local plan, with Key Urban Landscape abutting the site's western boundary. The Morecambe Bay Site of Special Scientific interest (SSSI), Special Protected Area (SPA), Special Area of Conservation (SAC) and Ramsar designation is located 1.25km to the west of the site. It is not located within any nationally designated landscape or Green Belt, nor does it fall within Flood Zones 2 or 3. The site is not protected by any international or local conservation status and no part of the site falls within a

Conservation Area. There are trees which are covered by Tree Preservation Orders (TPO) on the site (TPO number 269/T17 through to T80, W1, W2 G1 through to G8). There are a number of listed buildings in close proximity to the site namely Storey Hall – located 90 metres to the north east (Grade II), North, West, South and East Barn – located 90 metres to the east (Grade II), the gatehouse to the former Royal Albert Hospital site - located 150 metres to the east (Grade II) and finally the former Royal Albert Hospital which is Grade II* and this is located 275 metres to the east.

2.0 The Proposal

2.1 The application is made in a hybrid form which comprises of the outline application for the erection of up to 71 dwellings on the greenfield element of the site; with amended access provision which includes the upgrading of the existing Pathfinders Drive to 5.5 metres in width, together with a new 2m wide footway. An indicative layout plan has been supplied to show how the site could be realistically developed and contains a mixture of detached and semi-detached properties.

2.2 Derby Home is considered to be curtilage-listed in connection with the Jamea Al Kauthar Islamic College (formerly the Royal Albert Hospital) which is Grade II*. The detailed conversion is therefore being considered under this planning application for the conversion of Derby Home to 6 apartments and associated car parking provision. The scheme would provide for 3 x one bedroom, 2 x two bedroom and 1 x three bedroom apartment.

3.0 Site History

3.1 There is no relevant planning history associated with the “greenfield” element of the scheme however the area to the east has been developed over time to serve as NHS offices and a Mental Health facility (‘The Orchards’) and therefore the following history is relevant to the proposal.

Application Number	Proposal	Decision
17/01076/LB	Listed Building application for the conversion of Derby Home into six apartments (C3)	Pending Decision
15/00600/OUT	Outline application for the demolition of existing Derby Home and erection of up to 77 dwellings with associated new access	Withdrawn
15/00970/LB	Listed Building application for the demolition of the existing side extension at Derby Home.	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	Originally had concerns that the Transport Statement did not account for the committed development of the proposed Royal Lancaster Infirmary car park (17/00345/FUL) in terms of movements on the local highway network. The applicant subsequently submitted a revised Transport Assessment which included the trip rates associated with the approved hospital car park planning application. County Highways responded to the amended consultation on 17 November setting out they **no longer objected** to the development and that the congestion already exists at the junction at peak times and is showing levels of usage exceeding the theoretical saturation values. However when taken in the wider context, the development will not increase the demand to a level which could be construed as "severe" as defined in the NPPF. They consider that the on-street parking in connection with the properties along Ashton Road does cause some concern and that the developer should consider providing necessary land to accommodate a compensatory car park to allow the road to operate freely in each direction.

	Planning conditions are recommended; associated with the contribution of £77,000 towards the design and implementation of a highway improvement scheme; white lining along Ashton Road together with the review of existing street lighting.
Lead Local Flood Authority	**No Objection** on the basis that the development is carried out in accordance with the submitted Flood Risk Assessment, surface water drainage scheme to be agreed, SuDS management and maintenance plan.
Planning &Housing Policy Team	No observations received within the statutory timescales.
County Education Authority	**No Objection** and no request towards a financial contribution towards primary or secondary school provision
Strategic Housing Officer	No observations received within the statutory timescales.
Public Realm Officer	**No Objection** - recommends 1292m² of amenity space on site, together with a maximum contribution of £207,435 which would go towards the below. • Outdoor sports facilities £78,362 • Young people's facilities £36,920 • Parks and gardens £22,152 • Equipped Play Areas £70,000
Lancaster Civic Society	Support the retention of Derby Home and the proposals for the renovation of this listed building and its conversion into six apartments. Although they are supportive of the outline proposals for the development of 71 dwellings on this site they urge careful consideration is given to conditions placed on future developers; particularly with reference to the requirements for affordable housing.
Historic England	No observations to make on the planning application
Natural England	**No objection** to the development
Environment Agency	No observations to make on the planning application
Canal & River Trust	No comment to make on the planning application.
Tree Protection Officer	**Objection** and recommends that there would need to be changes made in connection with the layout to enable
United Utilities	**No objection,** recommends that the development is carried out in accordance with the submitted Flood Risk Assessment and that the site is drained by Sustainable drainage techniques. Make note that a public sewer crosses the site.
Lancashire Archaeological Advisory Service	**No Objection,** however recommends that Derby Home is recorded to Level 3, as set out in 'Understanding Historic Buildings (Historic England 2016).
Environmental Health	No observations received within the statutory timescales
Conservation Officer	**No objection** to the outline element of the scheme. The setting of the Royal Albert Farm has been eroded through development of modern healthcare buildings immediately behind, thus it is considered the proposal will have a minimal impact on the setting and significance of the former farm. With respect to the conversion of Derby Home they consider there would be a degree of harm caused by the subdivision however this would be less than substantial. The Conservation Officer recommenders that the flat roof dormer is removed.
Greater Manchester Ecological Unit	**No objection,** however the planned works to Derby Home do have the potential to cause harm to bats and that mitigation will be required.
Dynamo	**Objects** – not likely to encourage sustainable transport; increase road hazards for existing cyclists; development offers nothing for cycling provision; and a concern about the Transport Assessment.
CLOUD (Citizens of Lancaster opposed to un-necessary development)	**Objection** - How can the development constitute sustainable development given reliance on cars; concerns on school provision; How does the development tie in with the garden village aspirations; Refers to application 15/01342/OUT for land off Ashton Road which was refused by members in April 2016.
Fire Safety Officer	**No objection**
Lancashire Police	**No objection,** recommends that secured by design is incorporated into any reserved matters application.

5.0 Neighbour Representations

5.1 The application has generated **36** letters of objection at the time of compiling this report, citing the following reasons for opposition:

- **Highways**: Insufficient capacity on the local highway network; congestion at the Boot and Shoe, and the Pointer Roundabout junction is already under pressure; No bus service provision to local shops; Improvements should be made to the local road network before development is applied for; Inadequacies within the Transport Assessment such as bus provision is 90 minutes and not 60 minutes as stated;
- **Landscape** The development would have an adverse impact on the landscape and cultural heritage value of Lancaster; given it's a sloping site the impact will be more pronounced;
- **Education Provision**; Lack of school places especially primary school places;
- **Surface Water drainage concerns** Likely to lead to flooding and surface water drainage issues;
- **Heritage concerns** – given the change from open pastureland to modern housing estate on the fabric of the local area;
- **Sustainability arguments** – Difficult to cycle and walk. The site was originally assessed as suitable for housing 17 years ago, is this still relevant? Development will affect the amenity of the Royal Albert/De Vitre Cottages, and the NHS mental health units; Brownfield land should be used before greenfield; lack of facilities locally.

5.2 **One** letter has been received which neither objects or supports the scheme however raises concerns that future development in close proximity to offsite dwellings on Cunningham, Albert and Victoria Courts have to be considered.

5.3 Councillor Abi Mills **objects** to the development raising the following issues;

- Conflicting advice in the planning statement and transport statement regarding the frequency of bus services;
- Increase in car journeys and associated queuing on the road;
- Lack of primary school places;
- The site has a low accessibility;
- Visual Impact Issues.

5.4 Councillor Gina Dowding **objects** to the development raising the following issues;

- Lack of local amenities (such as lack of shops, doctors surgeries and the near non-selective secondary school is 3.8km away);
- Sustainable Transport/Highway Issues – Serious congestion already occurs on the A588 and the A6 suffers from serious congestion, and the bus service is too infrequent coupled with a lack of cycle links connecting the proposed site to the wider cycle network;
- Visual Impact – The development will affect the local amenity of the area, and will be visible from Lancaster Canal, the new houses will affect the privacy of the existing home dwellers in the cottages on Ashton Road.

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework (NPPF) indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and at its heart is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are especially relevant to the determination of this proposal:

Paragraph 12 – Development Plan as starting point for decision making
Paragraph 17 – 12 Core land-use planning principles
Paragraphs 19 and 22 – Building a strong, competitive economy
Paragraph 32 – Traffic and highway considerations
Paragraphs 49, 50 and 55 – Delivering housing and creating sustainable communities
Paragraph 72-74 – Open Space and well-being of communities
Paragraph 103 – Flood Risk

Paragraphs 109, 111, 115, 118 – Conserving the natural environment
Paragraph 118 - Biodiversity
Paragraph 124 – Air Quality
Paragraphs 128-141 – Conserving and enhancing the historic environment
Paragraph 144 – Mineral Safeguarding
Paragraphs 187-190 – Decision-taking and pre-application engagement
Paragraphs 204-205 – Planning Obligations
Paragraphs 215-216 - Policy weighting of existing and emerging development plan planning policy.

6.2 Lancaster District Core Strategy

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Need

6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Car parking provision
DM23 – Transport Efficiency and Travel Plans
DM25 – Green Infrastructure
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development Affecting Listing Buildings
DM32 – Setting of Heritage Assets
DM34 – Archaeological Features & Scheduled Monuments
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management & Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Drainage
DM41 – New Residential Development

6.4 Saved Lancaster District Local Plan

H4 – Housing Allocations - Lancaster
H5 – Housing Areas – Rural Allocations
E28 – Woodland Opportunity Areas

6.5 Joint Lancashire Minerals and Waste Local Plan

Policy M2 – Mineral Safeguarding

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Guidance Note on Policy M2 – Safeguarding Minerals December 2014
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (September 2017).

7.0 Comment and Analysis

7.0.1 The main issues to be considered in the determination of this application are:

- Principle of the development;
- Highway Considerations;
- Heritage Considerations;
- Housing Supply & Need;

- Landscape and Visual Impact;
- Layout;
- Water Management;
- Natural Environment;
- Education provision;
- Open Space;
- Other Matters.

7.1 Principle of Development

7.1.1 The Development Plan policies referred to in Section 6 require new development to be as sustainable as possible, minimising the need to travel and making it convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. The site forms part of the Royal Albert Housing allocation under Policy H4 of the 2004 adopted Local Plan, which allocated the site (excluding Derby Home and Pathfinders Drive) as suitable for housing. The site also forms part of the Council's Strategic Housing Land Availability Assessment (SHLAA) under reference 304, and is included within the Council's anticipated future housing land supply. The SHLAA states that the site has capacity for up to 77 dwellings, however it states issues of highway capacity, access, topography and the potential prominence of the site would need to be addressed. Under the emerging policy the site continues to be allocated for development under Policy H6 of the Strategic Policies and Land Allocations DPD (which also includes Derby Home and Pathfinders Drive), whilst limited weight can be attached it is clear that there is still an aspiration that the site will be developed and the majority of the site is allocated for housing already in the Local Plan. The site does benefit from also being a Woodland Opportunity Area under Policy E28 of the saved local plan where areas of woodland are to be incorporated into design proposals.

7.1.2 Despite the site being greenfield, it is land that has been identified within the SHLAA and considered a deliverable site that can contribute to the district's housing supply. It has rising topography to the west, and the site is bound by residential, health and office uses to the east. The nearest property to the site is the Orchards which is a NHS Mental Health facility. A very similar planning application was submitted in 2015, however was withdrawn by the applicant to allow further discussions to occur with the NHS. The applicant recognises the Orchards must be considered in the production of the site layout and the applicant has prepared an indicative landscaping scheme to show the screening which may be deliverable at the Orchards. No observations have been received by the NHS in relation to this planning application and the applicant is indicatively showing a 30 metre buffer zone between the facility and the residential properties. The existing properties on Ashton Road are in the region of 50 metres from the facility (albeit as the crow flies) but the NHS and the applicant are known to have been in discussions, and in the absence of anything to the contrary from the NHS it is considered that the two land uses can co-exist. Notwithstanding other considerations, such as landscape impact and highways, the site is well-related to the existing built form and therefore the principle of development in this location can be accepted.

7.2 Highway Considerations

7.2.1 The application is supported by a detailed transport assessment and this was supplemented by further Arcady modelling at the Pointer Roundabout in October 2017. Vehicular access to the site is proposed via an extension and widening of Pathfinders Drive to allow for a 5.5m wide carriageway and a footway. The applicant's traffic forecasts suggests that at the roundabout at Ashton Road/Pathfinders Drive/Cherry Tree Drive this would operate satisfactorily with the addition of the development traffic. It is accepted within the applicant's transport statement that the Pointer Roundabout is over-capacity. The addition of an extra 30 and 20 vehicle movements associated with the development during the weekday AM and PM peak hour respectively, is less than 1% of the forecast future traffic levels without the development and in practice any increase is likely to have an negligible impact on network performance, albeit accepting the roundabout is at capacity.

7.2.2 The applicant recommends that the Boot and Shoe junction (Hala) is forecast to operate within capacity with the development traffic. A section of Ashton Road, which is to the south of Pathfinders Drive, accommodates existing on-street parking associated with the properties that front Ashton Road. This constricts the operation of Ashton Road to one-way in either direction. It is

recommended that the assessment of the potential increase in vehicle delay through this section with additional development traffic identified there would be no perceptible increase in delay as a result of the increase. At the mini-roundabout off Caspian Way/Ashford Road there would be no perceptible change in traffic flows, and that variations as a result of the development would lie within the range associated with the daily fluctuations in traffic.

7.2.3 The County initially had concerns with the Transport Statement given it lacked an up to date analysis of the Pointer Roundabout junction. An element of congestion already exists at peak times and the junction is showing levels of usage exceeding the theoretical saturation values. Notwithstanding this, when taken in the wider context, the development will not increase the demand to a level which could be construed as 'severe' as defined in the NPPF. The Pointer Roundabout has been recently identified for a possible highways scheme which would see an improvement in vehicle throughput and improved safety. The County recommend that as part of this planning application the developer should make a financial contribution of £77,000 to be used in the design and implementation of a highway improvement scheme (which may include improved pedestrian/cycle improvements). Discussions are ongoing with County Officers as to what these improvement works may involve and the applicant has also raised a similar question. Fundamentally whilst Policy H4 supports development on this site, the policy provides that improvement measures along Ashton Road may be required to facilitate development.

7.2.4 The County have recommended that there would be benefit in relocating the car parking associated with the properties on Ashton Road to within the application site to allow for a two-way flow of traffic given at present it operates as a one-way system. The applicant's red edge plan shows the potential for two strips of land to be potentially used as compensatory car parking (albeit this is not marked as such). The applicant was initially resistant to the suggestion as the issue had been raised during the applicants pre-application discussions with the local residents, who themselves were resistant to the idea. A feasibility study is currently underway for a bus rapid transit route from South Lancaster to Lancaster City Centre, which may involve buses utilising Ashton Road, and whilst the County Council have not objected to the proposal, nor stated that the compensatory car parking is required to enable 'no objection' to be raised, it is considered that there is significant planning gain in at least securing land which *may* (our emphasis) be used for compensatory car parking, in the event a Traffic Regulation Order was successful associated with vehicle waiting restrictions along Ashton Road. A planning condition could not be imposed that sought to include off-site car parking associated with properties along Ashton Road, as this is not necessary to make the proposals acceptable in planning terms. Notwithstanding this, discussions are ongoing as to whether this could still be a possibility outside of the planning process.

7.2.5 County Highway's earlier response indicated that there should be improvements to the bus stops on Ashton Road. The current southbound bus stop is located on third party land and therefore it would only be appropriate to include a condition requiring improvement of the north bound bus stop which is reasonable. Whilst there is a bus service that passes the site, this is on a 90 minute basis and operates from Lancaster to Knott End and is currently operated by Kirkby Lonsdale Coaches on behalf of Stagecoach. The bus service times will be amended from 11 December 2017 but the route is still proposed to run every 90 minutes.

7.2.6 The County also discussed potential cycle link improvements at Pathfinders Drive to Haverbreaks Estate via Ashton Road. In order to achieve improvements here there was a historical plan for a route to be taken which would have involved an off-road cycle track essentially going through third party land along the western boundary of Ashton Road. The County conceded that this would not be deliverable and have since removed this request from their latest consultation response. Given the County Council's response it has to be concluded that whilst there would be an impact on the local highway network, it is not considered that supporting this scheme would bring about highway safety or capacity concerns in the locale.

7.2.7 Many of those making representations to this planning application have referred to the refused scheme for 125 houses promoted by Story Homes (15/01342/OUT) which was refused in April 2016. The two sites are very different; not least because the current application site is allocated for residential purposes in the adopted plan, and offers a reduced quantum of development. The refused scheme was (partly) 1km further to the south, essentially in a more rural fringe setting. The County had reservations with the applicant's transport statement on the refused scheme, given there was a lack of information in connection to the impact on the Boot and Shoe and Pointer

Roundabout junctions, whereas on this planning application they have raised no objection (as they did on the previously withdrawn planning application).

7.3 Heritage Considerations

7.3.1 The application is supported by a detailed Heritage Appraisal and the development proposals will affect Derby Home in two parts. The first being the construction of an outline scheme for up to 71 dwellings upon former farmland with which it was originally associated, and secondly the conversion of the building itself into residential units.

The conversion of Derby Home

7.3.2 The scheme proposes the conversion of Derby Home into 6 apartments and the most notable change to the building will be the loss of the unsympathetic extension on the south facing elevation (which already benefits from listed building consent for its demolition). The present timber infill within the northern elevation will be demolished and the proposal indicates that following the demolition of the extension, the assumed windows in the original elevation will be made good using materials to match the existing. No details of the replacement windows have been proposed which is unfortunate however it is assumed like the stonework, these will be repaired or renewed to match the existing. There are a number of different window types including sash and crittall-type windows. Windows make an important and valuable contribution to the significance of historic buildings and inappropriate replacements can have a profound effect upon that significance. Overall it is considered that the development will have cause minor harm.

7.3.3 Internally within Derby Home this would involve the demolition and some internal sub-division. Unfortunately access to the upper floors was not available when the heritage assessment was undertaken but archive photographs suggest these were large and open plan with very few structural subdivisions illustrated. There will be inevitably a change internally and it is considered that the conversion of the building into apartments will result in an appreciable change to its significance in that it will no longer be possible to appreciate it original context and layout. Overall it is considered that the effect will be moderate harm.

Impact of the outline proposals on the setting of Derby Home and other listed buildings

7.3.4 It is considered that the flow of traffic associated with the development will have a substantial impact on the setting of Derby Home (however noting there is already vehicles passing the site at present to gain access to the Orchards), however the application includes indicative design proposals to include the provision of space around the building and a landscape buffer separating the building from the road. Landscaping improvements to the immediate surroundings has the potential to improve its current setting however overall the new housing is likely to have a moderate/minor impact on setting of Derby Home which is exacerbated given the land rises to the west of Derby Home and therefore new dwellings would have to be suitably designed and utilise materials appropriate to the area. The design of the dwellings is fundamental to the success of any reserved matters application.

7.3.5 The local authority's Conservation Officer considers that the proposal will likely impact the setting of the adjacent listed buildings including the fabric of the curtilage listed structure. The open fields have a historical connection with Derby Home as it would have provided a calming setting for Derby Home and the historic use for the farm buildings. The setting of the Royal Albert Farm has been eroded through the development of the modern health care buildings therefore it is considered the proposal will have a minimal impact on the setting and significance of the former farm. As Derby Home is elevated and the land to the west rises development will impact views of and experience of the asset. The conservation officer endorses the need for landscaping around Derby Home.

7.3.6 With respect to the conversion of Derby Home the conservation officer considers that there would be less than substantial harm involved with the subdivision of Derby Home and the modern extensions removal will better reveal the aesthetic value of the building and will ultimately contribute to its long term use and conservation. They do recommend the flat roof dormer is removed from the side elevation however the case officer considers that the dormer has been present for a number of years and whilst it would be preferable to have it removed it is not considered necessary to ask for its removal as part of this planning application. They recommend a number of planning conditions associated namely with building materials and for a 'Level 3

building survey'. Lancashire Archaeological Advisory Service offer a similar comment, and a condition securing this is proposed and Historic England has no comment to make on the planning application.

7.4 Housing Needs

7.4.1 Ensuring the development provides for the identified housing needs in South Lancaster is essential. The Housing Needs Survey of 2013 suggested that in South Lancaster the need was for predominately 2 and 3 bedroom dwellings. However a new survey to support the emerging Local Plan was undertaken during the summer of 2017 (the results of which are yet unknown). Should Members determine to support this scheme, matters associated with the size and type of dwelling should be examined at reserved matters stage. With respect to affordable housing provision, the applicant is amenable to entering into a Section 106 Agreement to secure up to 40% of the homes to be affordable. The applicant will benefit from Vacant Building Credit with respect to converting Derby Home. Vacant Building Credit allows a developer to offset some of their affordable housing requirements against the amount of vacant floorspace to be converted as part of the development. In conclusion, the proposal will make a valuable contribution to the district's housing need for affordable and open market dwellings.

7.5 Landscape and Visual Impacts

7.5.1 Local Policy DM28 and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). The site is allocated under Policy H4 of the Local Plan for residential use. Policy DM28 states that outside of protected landscapes the council will support development which is of scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance of landscaping. Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this be supported.

7.5.2 The site is characterised by grazed fields and the site slopes steeply away Ashton Road. The site is bound by existing residential development/NHS facilities to the east, north and west, and to the south lays farmland. The site is bound by a significant bank of trees to the north of the site and to a lesser extent along the western boundary. The majority of these trees are outside the control of the applicant

7.5.3 It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character, in an area that does perform a transition from countryside to city environment, however a change from open land to built-up area is not necessarily harmful. The development will also impact the setting of Ashton Road when approaching Lancaster from Ashton Road; however the impact is localised and due to the proximity of the site to the existing built form, it will be in keeping with its immediate environs.

7.5.4 It will be difficult to mitigate the impacts as the proposal will lead to an inevitable change in character of the application site, however, through careful landscaping at the reserved matters stage, the retention of trees (where possible), together with careful design this will enable the proposal to appear connected to the built form. On balance, it is contended that the visual impacts would not significantly or demonstrably outweigh the benefits of the proposal. It must also be recognised, that if the nationally important designated sites are to be protected from major development, in order to meet existing and future housing needs, landscapes that are not protected and are well related to existing sustainable settlements are the landscapes most likely to be required to accommodate future development.

7.6 Layout

7.6.1 The conversion of Derby Home to 6 apartments is considered to comply with the internal space standards as detailed within Appendix D of the Development Management DPD and overall it is considered that an appropriate levels of light and outlook would be achieved.

7.6.2 The fundamental factor that will need to be considered as part of any reserved matters consent is the change in levels across the site. Whilst the applicant has indicatively shown cross sectional

plans, demonstrating that 21 metres can be achieved between dwellings, there are parts of the site where the figure is much less. Notwithstanding this, the scheme does provide for separation distances in excess of 30 metres to those properties along Ashton Road, and this figure is considered acceptable. Layout is not being considered as part of this scheme and given the site is allocated within the Local Plan and that matters associated with layout would be determined by a separation application there is confidence a scheme can be devised which is sympathetic to the site's location.

7.7 Water Management

7.7.1 There has been a number of concerns raised regarding surface water management on the site and it is noted that stretches of the A588 are often prone to surface water flooding. A flood risk assessment accompanies the planning application which indicates that the site lies within Flood Zone 1 and that the site is not considered to be at serious risk from groundwater flooding. Surface water has been demonstrated to be able to be adequately attenuated on the site and based on the indicative sketch the area of impermeable surfacing will be 1.31 hectares based on a total site area of 3.38 hectares. This means that attenuation in the order of 1,540 m^3 is required. The applicants propose to use SUD's techniques to handle surface water drainage, however have had discussions with United Utilities regarding direct connection to the mains sewer and an agreed discharge rate has been agreed. The Lead Local Flood Authority raise no objection on the understanding that the development is carried out in accordance with the submitted FRA, provision of a drainage scheme and long term maintenance to be submitted at reserved matters.

7.8 Natural Environment

7.8.1 The application is supported by an Arboricultural Implications Assessment and there is little in the way of trees and landscaping within the main body of the site however there is on the boundaries of the site notably around Derby Home together with landscaping along the northern and western boundary. The tree protection officer does have some concerns regarding the indicative layout, however layout is not being applied for and there is confidence that a scheme that takes account of existing landscaping can be realised. A planning condition is therefore recommended which requires an updated Arboricultural Implications Assessment to be conditioned. The site lies adjacent to Key Urban Landscape and any subsequent reserved matters application would need to detail a suitable and appropriate landscaping plan.

7.8.2 A bat survey is submitted in support of the scheme and Derby Home does support a small bat roost. Due to the threat that bats may be harmed, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), a licence will be required from Natural England. The local planning authority will need to have regard to Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 and must consider;

i) That the development is 'in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment;
ii) That there is 'no satisfactory alternative'; and,
iii) That derogation is 'not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range'.

7.8.3 In relation to point i) the applicant has stated that the scheme is in the public interest to maintain an adequate supply of housing and to encourage development in sustainable locations that accord with local and national planning policy requirements and makes reference that the wider site is allocated for housing under the extant local plan. Whilst not referred by the applicant there is significant benefit in bringing a curtilage listed building back into use. It is also the case that the Government has indicated that sustainable housing developments that accord with the Development Plan could be said to meet the public interest test. It should be stressed that the delivery of housing is deemed to be of national significance (given as a nation we are building 100,000 fewer homes per year than what we need). In addition, the Local Planning Authority are unable to identify a 5 year housing land supply, and this scheme would contribute to both affordable and open market housing needs (bringing economic and social benefits) and given the potential harm to bats is low, officers consider that on balance this element of the test is passed.

7.8.4 The applicant has stated that the only realistic alternative is to leave Derby Home vacant and that this would not maximise the development potential of the site. Officers consider that the weight attached to bringing a curtilage listed building back into use weighs heavily in support, which the Framework endorses. With this in mind it is considered that other than the do nothing approach (which would be detrimental to the regeneration of the site and the building falling further into a state of disrepair) that the LPA has had due regard to the Regulations and consider that sufficient information has been supplied to enable part ii to be passed.

7.8.5 With respect to part iii, Greater Manchester Ecology Unit have noted that the roost found is small and of a relatively common bat species. It is considered unlikely to be a breeding roost. Mitigation for any possible disturbance to bats will be straightforward. In their view it is considered that the third test can be satisfied and no overall objections on the grounds of harm to bats and concludes that a protected species licence is likely to be granted by Natural England for this development. Planning conditions are recommended regarding improvements to the biodiversity value of the site and a further bat survey to be carried out.

7.9 Education Provision

7.9.1 A number of representations have been received concerned about education provision in the local area. Lancashire County Council (as education authority) have assessed the need for Primary and Secondary school places as part of this planning application. The County states there is provision in the local schools and they have not sought an education contribution on this development. Given this it is considered that there is sufficient spaces available and therefore there is adequate provision already made.

7.10 Open Space

7.10.1 Approximately 1200 m² of open space has been proposed on the indicative layout in a location quite central to the site. The Councils Public Realm Officer has recommended that provision is increased to 1292m² however this is based on the provision of 3 bedroom properties. Given the number of dwellings and bedrooms would be assessed as part of the reserved matters stage the overall quantum of on-site open space should be assessed as part of any subsequent reserved matters application. Ordinarily a development of over 35 dwellings would require on site play equipment, however the Public Realm Development Manager was requested that rather than provide play equipment on the site it could be more appropriate to upgrade the public open space at the Royal Albert Recreational Ground. This includes improvements to drainage of a football pitch, improvements to the car park and changing facilities; the merger of two current play areas and the provision of an appropriate facility for young people. Whilst the site is in close proximity to the Royal Albert Playing fields it does require crossing the busy A588 and therefore a crossing would be required to facilitate the safe movement, the overall intention is to close the three inadequate facilities and return it to open space/woodland. Planning obligations can only be secured when they are reasonable and it is recommended that this matter is re-examined at reserved matters stage when further information regarding on-site delivery of play space will be available.

7.11 Other Matters

7.11.1 The development is not within an Air Quality Management Area, notwithstanding this it is expected that the majority of private car movements associated with the development would involve passing through Lancaster City Centres Air Quality Management Area/ Galgate Air Quality Management Area. The applicants Air Quality Assessment considers that the impacts on NO2 and PM10 concentrations as a result of this proposal. As a result of the operational phase, road vehicle exhaust emissions were predicted to be negligible at all discrete receptor locations and therefore it is considered that air quality impacts as a result of the operation of the development were considered to be not significant. No views have been forthcoming from Environmental Health, however observations will be reported to members. It is recommended that electric vehicle charging points are provided for to allow the charging of electric vehicles. The site is grazed and the site has been historically farmed and therefore unlikely to be contaminated, however an unforeseen contaminated land condition is recommended to be attached to any planning consent.

7.11.2 Approximately 75% of the site is covered by a mineral safeguarding zone. However given the location (in close proximity to residential dwellings) it is highly unlikely that the site would be able to be commercially worked for minerals. Notwithstanding this, there may be the opportunity for a prior extraction exercise to take place; however given the constraints of the site this is unlikely to be feasible and it is not considered there would be any sterilisation of mineral resource by non-minerals development and therefore the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan.

8.0 Planning Obligations

8.1 It is recommended that the obligations listed below are secured by way of legal agreement under s106 of the Town and County Planning Act 1990. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of up to 40% of the total units on the site to be affordable homes based on a 50:50 (social rented:shared ownership) tenure split as required by planning policy based on housing needs at the time of the reserved matters application, viability and the use of Vacant Building Credit;

- The setting up of a Private Management Company to ensure the public open space, amenity space, non-adopted surface water drainage systems and private roads within the site are maintained at all times in perpetuity with associated long term maintenance plans in respect of these matters;

- Reviewing the requirement for an off-site financial contribution in connection with public open space dependent on the numbers of units and bedrooms to be re-assessed at the time of reserved matters;

- The contribution of £77,000 towards off-site highway improvement works (discussions ongoing with County as to what this will deliver and members will be verbally updated);

- Derby Home to be converted in accordance with the permission (no later than 75% of the open market homes associated with the outline permission being occupied).

9.0 Planning Balance and Conclusions

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a significant contribution towards meeting the need for market and affordable homes, and the scheme would facilitate the restoration of Derby Home. Whilst there are concerns regarding highway and drainage impacts the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.

9.2 There will be a harmful effect on the existing character and appearance of the area, but it has to be remembered that the site does have the benefit of being allocated for residential development. There will be a change from open grazing land to housing development - the overall impact being moderate though in close views that would increase to significant. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact and to the harm caused to the setting of Derby Home. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

Recommendation

That subject to the applicant entering into a Section 106 Legal Agreement to secure the obligations noted in Section 8.1, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Timescales
2. Approved Plans
3. Access Details
4. Off-site Highway Improvements
5. Surface Water Arrangements
6. Surface Water long term management
7. Foul Water Arrangements
8. Development in accordance with the FRA
9. Unforeseen contaminated land assessment
10 Provision of electric vehicle charging points
11. Garage use permitted development right restriction
12. Open space provision
13. Removal of PD rights (Parts 1 - Classes A, B, E and F and Part 2)
14 Ecological Mitigation
15. Provision of AIA
16. Finished floor levels to include garden and open space

Recommendation

That regarding the full element of this hybrid application, Planning Permission for the conversion of Derby Home **BE GRANTED** subject to the following conditions:

1. Timescales
2. Development in accordance with plans
3. Provision of additional bat surveys in connection with Derby Home
4 Surface Water Drainage Scheme
5.. Hard and Soft landscaping
6. Provision of an updated AIA
7. Car parking to be provided prior to occupation

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

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

Background Papers

None.

Agenda Item	A6
Application Number	17/00848/OUT
Proposal	Outline application for the erection of up to 75 dwellings with associated access
Application site	Land south of Playing Field Trumacar Lane, Middleton Road, Heysham, Lancashire
Applicant	Holden Homes Ltd
Agent	Miss Emily Robinson
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in June 2018. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration

1.0 Application Site and Setting

1.1 The 2.25 hectare application site is situated to the southern end of Heysham. The site is bordered by Middleton Road to the east, allotment gardens alongside the Heysham/Morecambe railway line to the south, the rear gardens of some of the properties on Oakville Road and Westmoor Grove to the west and Trumacar Lane playing fields to the north (in addition to 95 Middleton Road and the rear gardens of nos. 2 and 4 Trucamar Lane). The undulating site has a north-south ridge with land falling towards the west and east boundaries. Middleton Road sits higher than the site's eastern boundary with a noticeable dip between the site and the road along which the pedestrian path is situated. There are trees to all boundaries with the exception of the eastern one which is defined by a row of scrub and brambles. The site is undeveloped scrubland.

2.0 Proposal

2.1 The application seeks outline planning permission for the erection of up to 75 residential units. All matters are reserved with the exception of access. The proposed access, which is being applied for in full, would be created on the eastern edge of the site onto Middleton Road. Other matters, such as design (appearance, scale and layout) and landscaping, are in outline only.

2.2 The planning application is essentially the same as the planning application which was approved in 2014 (application reference 14/00175/OUT). This planning permission was never implemented and therefore has lapsed. The applicant re-applied for consent on the basis of the same scheme, but on the assumption that the scheme cannot make a viable contribution towards affordable housing provision and therefore zero was proposed. The lapsed scheme was approved on the basis that it would provide up to 40% of the units to be affordable.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in June 2018 by, the Planning Regulatory Committee (the full report is appended). No one spoke either against, or for the application.

It was proposed by Councillor Eileen Blamire and seconded by Councillor Andrew Kay:

"That the application be approved."

Upon being put to the vote, 12 Members voted in favour of the proposition with 1 abstention, whereupon the Vice-Chairman declared the proposition to be carried.

That Outline Planning Permission be granted subject to the singing and completing of a S106 agreement to secure the following obligations:

The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);

Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
The above 3 obligations are reviewed at the Reserved Matters stage;

Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

1. Timescales
2. Working Programme.
3. Access Details
4. Visibility Splays to be implemented measuring 2.4m x 90m
5. Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road
6. Provision for a point of access to Trumacar Playing fields.
7. Submission of Arboricultural Implications Assessment, Tree and Hedgerow Protection Plan, Arboricultural Method Statement and Tree Works Schedule;
8. Provision for home owner packs;
9. Written scheme of archaeological investigation and subsequent implementation of such scheme
10. Contaminated Land Assessment and recording
11. Surface Water Drainage Scheme
12. Surface Water Management Scheme
13. Provision for foul water drainage details;

14. Development in accordance with the principles contained within the Flood Risk Assessment
15. Development in accordance with the principles contained within the Ecological appraisal
16. Finished floor and site levels
17. Open space provision, maintenance and management
18. No development over the public sewer that crosses the site
19. Electric vehicle charging points

4.0 Consultation Responses

4.1 As set out in the appended report, though given the significant time-period that has lapsed between the resolution and now, County Education has been asked to re-calculate the education contribution.

Consultee	Response
County Education	Initially requested 4 primary school places at a cost of **£56,869.24,** but on 14 June 2018 requested **£456,845.99** equating to 29 primary school places. Given the scheme is being re-presented, Officers have requested that the figure be re-examined based on current projections. Councillors will be verbally updated.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of June 2018 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 <u>The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP1, SP3, SP6, SP8, H1.4, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM31 and of the Review of Development Management DPD (Adoption Edition July 2020).</u>

5.1.1 The scheme was viability tested in 2018 given the policy position and evidence base at that time was seeking to secure 40% affordable housing provision. Through an independent review of viability, the scheme could only deliver 18.66% affordable housing provision and this was secured by legal agreement. Under Policy DM3 of the Review of the Development Management DPD (adoption edition July 2020), the figure is lower at 15% on greenfield sites across Morecambe, Heysham and Overton where the number of units is 10 or more. With this in mind only 15% affordable housing can be requested on this site and should be secured by legal agreement.

5.1.2 Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered reasonable and a condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

5.1.3 Whilst there have been variations to other policies within the Local Plan, the site is allocated for 75 units under Policy H1.4. It is considered that there is stronger policy support for the scheme than in 2018. On the basis of the planning conditions as previously recommended being imposed on any consent, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition (for instance addressing air quality by electric vehicle charging points).

6.0 Conclusion and Planning Balance

6.1 The scheme previously constituted a partial departure from the Local Plan given the land to the east of the application site is allocated as Urban Green Space where only essential education or community related development will be permitted. The emerging position allocates the whole site for residential use under Policy H1.4. The approved scheme was viability tested and could only provide for 18.66% affordable housing provision. In Morecambe, Heysham and Overton only 15% affordable housing is now required to enable schemes to be deliverable, and therefore this is only what can be sought. On balance it is recommended to Councillors that the scheme is supported given its sustainable location, subject to the applicant entering into a Section 106 Agreement and the imposition of the conditions below.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 Agreement to secure:

- The provision of 15% of affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- The above 3 obligations are reviewed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

Condition no.	Description	Type
1	Standard Timescales	Control
2	Working Programme	Control
3	Access Details	Pre commencement
4	Contaminated Land Assessment and Recording	Pre commencement
5	Surface Water Drainage Scheme	Pre commencement
6	Foul Water Drainage Scheme	Pre commencement
7	Written Scheme of Investigation Archaeology	Pre commencement
8	Finished Floor Levels	Pre commencement
9	Submission of AIA, Tree and Hedgerow Protection Plan	Pre commencement
10	Provision of Nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Provision of electric vehicle charging points	Development above ground
13	Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road or Provision for a point of access to Trumacar Playing fields	Development above ground
14	Provision for home owner packs	Development above ground
15	Open space provision, maintenance and management	Development above ground

16	Surface Water Management Scheme	Development above ground
17	Visibility Splays to be implemented measuring 2.4m x 90m	Compliance
18	Development in accordance with the principles contained within the Flood Risk Assessment	Compliance
19	Development in accordance with the principles contained within the Ecological appraisal	Compliance
20	No development over the public sewer that crosses the site	Compliance

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

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

Background Papers

17/00848/OUT – June 2018 Committee Report

Agenda Item	Committee Date	Application Number
A10	25 June 2018	17/00848/OUT

Application Site	Proposal
Land south of playing field Trumacar Lane Middleton Road Heysham Lancashire	Outline application for the erection of up to 75 dwellings with associated access
Name of Applicant	**Name of Agent**
Holden Homes Ltd	Miss Emily Robinson
Decision Target Date	**Reason For Delay**
28 November 2017	Awaiting viability information from the applicant and subsequent independent viability review
Case Officer	Mr Mark Potts
Departure	Yes
Summary of Recommendation	Approval

1.0 The Site and its Surroundings

1.1 The 2.25 hectare application site is situated to the southern end of Heysham. The site is bordered by Middleton Road to the east, allotment gardens alongside the Heysham/Morecambe railway line to the south, the rear gardens of some of the properties on Oakville Road and Westmoor Grove to the west and Trumacar Lane playing fields to the north (in addition to 95 Middleton Road and the rear gardens of nos. 2 and 4 Trucamar Lane).

1.2 The undulating site has a north-south ridge with land falling towards the west and east boundaries. Middleton Road sits higher than the site's eastern boundary with a noticeable dip between the site and the road along which the pedestrian path is situated. There are trees to all boundaries with the exception of the eastern one which is defined by a row of scrub and brambles. The site is undeveloped scrubland.

1.3 The western half of the site is designated as a Housing Opportunity Site whilst the eastern half is designated as Urban Greenspace in the Lancaster District Local Plan. The full site within the emerging local plan is proposed to be allocated as a housing opportunity site.

2.0 The Proposal

2.1 The application seeks outline planning permission for the erection of up to 75 residential units. All matters are reserved with the exception of access. The proposed access, which is being applied for in full, would be created on the eastern edge of the site onto Middleton Road. Other matters, such as design (appearance, scale and layout) and landscaping, are in outline only.

2.2 The planning application is essentially the same as the planning application which was approved in 2014 (application reference 14/00175/OUT). This planning permission was never implemented and therefore has lapsed. The applicant has re-applied for consent on the basis of the same scheme, but on the assumption that the scheme cannot make a viable contribution towards affordable housing provision and therefore zero was proposed. The lapsed scheme was approved on the basis that it would provide up to 40% of the units to be affordable.

3.0 Site History

3.1 The planning history for the site goes back to 2001, with the 3 most relevant applications listed, which relate to the west and central parts of the site and the most recent the whole of the site.

Application Number	Proposal	Decision
01/00083/OUT	Outline application for residential development	Permitted
04/01637/REM	Reserved Matters application for the erection of 39 dwellings and associated works	Permitted
14/00175/OUT	Outline application for the erection of up to 75 residential units with associated access	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	**No objection** to the scheme on the basis that: • Visibility splays of 2.4m x 90m are achieved and secured by planning condition; • Provision of off-site highway improvement works to include works along Middleton Road (shared pedestrian/cycleway on the west of Middleton Road and south side of Trumacar Lane and upgrade of the pelican crossing on Trumacar Lane) or works to allow a shared access across Truamcar fields; • The provision of 2 new bus stops and shelters on Middleton Road
Lead Local Flood Authority	**No objection** subject to the following conditions: 1) Development is in accordance with the submitted Flood Risk Assessment 2) Surface Water drainage scheme to be agreed 3) Surface Water Lifetime Management and Maintenance Plan 4) No occupation until such time a SuDS scheme and Surface Water Lifetime Management and Maintenance Plan is implemented 5) Restricting permitted development rights to manage flood risk 6) Construction and operation of attenuation/storage prior to main construction phase/occupation
United Utilities	**No objection** though recommends that foul and surface waters are drained on separate systems and that a surface water drainage scheme is implemented as part of any approval. United Utilities notes that there is a public sewer crossing the site and an access strip of metres is required.
Network Rail	No response within the statutory timescales
Office for Nuclear Regulation	**No objection**
Lancashire County Council Education	**No objection** has been raised though County Education requests that provision is made for 4 primary school places by way of a contribution of £56,869.24 (though this could rise to a maximum of £85,303.86 for 6 places).
Fire Safety Officer	**No objection**
Public Realm Development Manager	**No objection** recommends that 1256m² of open space is provided on site. Given the number of units a play area will be required and an off-site contribution of £133,563 is required (Outdoor sports facilities (£76,155), Young people's facilities (£35,880), Parks and Gardens (£21,528)).
Lancashire Archaeological Advisory Service	**No objection,** but recommends planning conditions associated with a written scheme of investigation and its subsequent implementation**.**
Natural England	Initially raised concern given the proximity of the Morecambe Bay SPA, SAC, RAMSAR and SSSI, but via negotiation is now satisfied that the development can be found acceptable on the understanding that a planning condition associated with homeowner packs is imposed on any consent.

Electricity North West	**No objection**, but highlights that there is Electricity North West apparatus within the site and the applicant should be wary of these.
Contaminated Land Officer	**No objection,** but recommends planning conditions associated with contaminated land are imposed on any approval.

5.0 Neighbour Representations

5.1 The application has generated two objections raising the following issues:

Highways – A pedestrian footpath, crossing or footbridge should be incorporated in the plans; and Sustainability Credentials – Lack of infrastructure locally to accommodate additional dwellings.

5.2 Councillor Colin Hartley has no objection in principle to housing but does object to any deviation from the provision of 40% affordable homes.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34 and 38 - Access and Transport
Paragraphs 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 - Requiring Good Design
Paragraphs 69,70, 72 and 73 - Promoting Healthy Communities
Paragraph 103 - Flooding
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

(i) The Strategic Policies and Land Allocations DPD; and,
(ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E29 – Urban Green Space
H3 – Housing Opportunity Site

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM48 – Community Infrastructure

6.6 Other Material Considerations

- Meeting Housing Needs Supplementary Planning Document;
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Affordable Housing Practice Note (September 2017);
- Low Emissions and Air Quality (September 2017);
- Local Plan Viability Assessment Stage One (May 2018)

7.0 Comment and Analysis

The main considerations with the application relate to the following:

- Principal of development;
- Viability;
- Greenspace;
- Access and Highway Safety;
- Surface Water and Foul Water Management;
- Ecology and Natural Environment;
- Environmental Impacts;
- Open Space; and
- Other Matters

7.1 Principal of Development

7.1.1 The site's planning history, both in terms of planning applications and local policy, establishes the principle of housing on the western half of the site. The proposal seeks to deliver up to 75 residential units. This is a significant amount of housing, which will contribute towards the Council's 5 year housing supply. The Office for Nuclear Regulation and other associated bodies have been consulted and they are satisfied that the development of this site for housing can be accommodated within the existing emergency planning procedures for evacuation in the event of a nuclear emergency.

7.1.2 As part of the emerging plan the site is allocated under Policy H1 (H1.7 – Land west of Middleton Road). The site is allocated for 69 dwellings and therefore the emerging position is quite clear in that whilst the eastern section of the site is allocated under Policy E29 and ordinarily a residential form of development would be refused, given the planning history of the site, and also the emerging position, whilst the scheme departs from the adopted Development Plan, Officers recommend that the principle of development can be supported on this site. Finally the site, though slightly divorced from the main part of Heysham by Trumacar Lane, is relatively well located for local facilities

including schools, shops, doctors and public transport. Subject to the loss of greenspace (see Paragraph 7.3), the proposal is acceptable in principle.

7.2 Viability

7.2.1 The application is submitted in outline form, with only the means of access being applied for. A viability report was submitted in support of the scheme which demonstrated that the scheme could not support any contribution towards affordable housing provision. There was provision within the Section 106 agreement attached to the lapsed planning consent to allow for negotiation on the quantum of affordable housing however the applicant considered the headline figure of 40% was the reason that the site never came forward. The submitted scheme by the applicant was on the basis of providing no affordable housing.

7.2.2 The applicant's appraisal has been independently reviewed by Lambert Smith Hampton on behalf of the Local Planning Authority. Through negotiation, a figure of 18.67% of the units are financially capable of being affordable units. This equates to 14 units on the basis that these are 4 x two bedroom units, 3 x three bedroom units, both of which are affordable rented properties and 4 x two bedroom and 3 x three bedroom properties of shared ownership. The figure is less than the 40% which was sought on the lapsed outline permission but when considering the Local Plan Viability Report (Stage One) May 2018, it is clear that Heysham attracts lower values compared to higher values to the east of the District. Furthermore, as part of the Council's evidence base it has been concluded that sites within Morecambe and Heysham can deliver 15% of the units to be affordable and therefore via negotiation, Officers are satisfied that the site is not capable of providing a greater quantum of affordable housing. In addition to securing affordable housing provision, an off-site open space contribution of £80,000 has been achieved together with securing £56,869.24 towards four primary school places. It is recommended that a legal agreement secures the education and off-site open space contributions.

7.2.3 The application is submitted in outline form, with only the means of access being applied for. The case officer had advised the applicant that in order to robustly demonstrate that the site could not support a greater quantum of affordable housing than the zero proposed, that matters associated with scale, appearance and layout were applied for. The applicant was not amenable to such a request. Amendments to the layout, house types and number of dwellings could have a marked effect on the affordable housing provision and therefore Officers recommend that once the layout, scale and appearance have been applied for, this is re-examined at Reserved Matters stage and a clause to this effect should be contained within the legal agreement.

7.3 Greenspace

7.3.1 The application site is designated for 2 different purposes. The Housing Opportunity allocation relates to the western half of the site, and therefore this proposal is in accordance with this policy. The Urban Greenspace allocation, which covers the residual part of the site to the east, seeks to protect such land from development. However, the land serves no existing purpose in this regard. It is unmanaged and inaccessible and therefore neither enhances the character of the local area nor provides any form of amenity space for formal or informal recreation. Furthermore, it is argued that the need for housing now outweighs the provisions of this policy in this particular case. The policy does allow for essential education or community related development or limited expansion of existing recreational uses. Whilst housing is not a community related development, the housing needs survey makes it very clear that there is a significant housing (open market and affordable) need across the whole District and therefore this proposal does go some way to deliver a community need. It is concluded that a reason for refusal based on the loss of this parcel of greenspace could not, in this instance, be sustained.

7.4 Access and Highway Safety

7.4.1 The stretch of Middleton Road adjacent to the application site falls between the large roundabout at the end of the Heysham bypass and the bridge over the Heysham-Morecambe rail line. There are currently 2 access points off this short stretch on the eastern side of the road into 2 small employment areas. County Highways raised no objection on the lapsed consent and their stance is similar here. They have requested slightly larger visibility splays than previous, increasing them from 2.4m x 70m to 2.4m x 90m. The applicant has submitted an amended plan to cater for these changes and the Highway Authority is satisfied in this regard.

7.4.2 Within the applicant's submission they show a potential access to the adjoining land to the north of the site, for which Officers believe falls within the ownership of the County Council (Part of Trumacar Primary School Playing Fields). There would be value in securing a route across the playing field to enable access, and a point of access to the playing field can be achieved. This would be the favourable route, though should this not be possible (bearing in mind the playing field may be protected, and the access route would require the benefit of planning permission for which the scheme is not seeking), then improvements to the existing footway so that it could be used for pedestrians and cyclists along Middleton Road to the roundabout, and extended along the frontage of the playing fields, should be sought (akin to what was sought in 2014). This should also include an upgrade to the existing pelican crossing on Trumacar Lane to a toucan and any additional footway works on the north side of Trumacar Lane, and associated bus stop provision. Matters concerning highways can be addressed by means of planning condition.

7.5 Surface Water and Foul Water Management

7.5.1 The site is situated in Flood Zone 1 but as it is over 1 hectare the application has been accompanied by a Flood Risk Assessment. The Lead Local Flood Authority raises no objection subject to the imposition of conditions controlling surface water on the site and these are considered reasonable and necessary. United Utilities also does not object to the application subject to conditions. Both consultees have requested that drainage details will be required for the drainage of surface water and foul. The former would be dealt with in accordance with sustainable drainage principles and the latter on a separate drainage system. It is therefore concluded from a drainage perspective the scheme is acceptable.

7.6 Ecology and Natural Environment

7.6.1 An Extended Phase 1 Habitat Survey was carried out at the site by qualified ecologist and this has been supplemented by a further visit by the applicant's appointed ecologist in June 2017. The walkover survey and desk based study combined provide an adequate assessment of the site and the habitats and species it supports. The development of the site for housing purposes would not have an adverse impact upon biodiversity interests subject to the series of recommendations as set out in the Phase 1 Survey being fully implemented. The recommendations should be conditioned to any outline consent granted. There are areas of priority habitat on the site in the form of a hedgerow situated along the boundary to the north of the site. It is considered that enhancement measures are imposed by means of planning condition. Natural England (NE) previously objected to the development given concerns that it may increase recreational pressure on the Morecambe Bay SPA, SAC, SSSI and RAMSAR (essentially more people visiting the Bay). Officers have liaised with NE, and they are now satisfied that the development is acceptable, subject to the provision of homeowner packs (to inform residents of the ecological designations). It is therefore recommended a condition is imposed to this effect.

7.6.2 An Arboricultural Implications Assessment was not submitted in support of the 2014 planning application, and one has not been submitted with this application. Given the scheme proposed is the same as the previous scheme, it is considered that planning conditions can be imposed to control works close to existing vegetation, notably the protection of the hedgerow to the north of the site.

7.7 Environmental Impacts

7.7.1 The application is supported by a contaminated land report from 2014 which was previously considered acceptable for the purposes of approving planning permission 14/00175/OUT, and conditions were imposed on the lapsed consent regarding contaminated land. It is recommended that planning conditions are imposed on this consent should Members determine to support this scheme. No observations have been received from the Council's Environmental Health Officers regarding noise or air quality, and whilst no conditions were imposed regarding these matters previously, it is considered that all dwellings should include an electric vehicle charging point and this can be addressed by means of planning condition.

7.8 Open Space

7.8.1 The Public Realm Officer has requested open space off-site contributions amounting to a total of £133,563 (based on 69 3-bed units). There was also a request to provide 1256m² of amenity space

on the site. Given the size of the site, Officers would normally advocate on site play provision. The lapsed planning permission provided for a financial contribution of £80,000 and this was to go towards an older children/young teenagers' facility within 1km of the site. It is noted, for example, that there is a community led programme to provide a recreational facility on land at Peel Avenue for bike and skateboard facilities and this is less than 400 metres from the site. The Public Realm Officer has been re-consulted to advise whether the position in 2014 is still applicable today, and Members will be updated verbally at Committee.

7.9 Other Matters

7.9.1 Whilst no archaeological conditions where contained on the 2014 planning consent, Lancashire Archaeological Advisory Services has advised that a condition should be imposed regarding a programme of archaeological work as there is some potential for preservation of archaeological remains on this site. It is considered reasonable to require this, and this can be handled by means of planning condition.

8.0 Planning Obligations

8.1 It is recommended that the following should be sought by way of legal agreement:

- The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

9.0 Conclusions

9.1 The scheme does constitute a partial departure from the Local Plan given the land to the east of the application site is allocated as Urban Green Space where only essential education or community related development will be permitted. It is clear that based on the planning history of the site (including the 2014 lapsed planning consent) and the emerging position that officers can support the principle of development at this site. Whilst a lower quantum of affordable housing provision has been proposed as part of this scheme compared to the 2014 permission, it is clear that market conditions have changed, and the viability review has been the subject of independent review and it is recommended that a Section 106 secures the affordable housing provision (18.66%), off-site contribution towards open space and education contribution. On balance it is recommended to members that the scheme is supported subject to the applicant entering into a Section 106 Agreement and the conditions listed below.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the singing and completing of a S106 agreement to secure the following obligations:

- The provision of a minimum of 18.66% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be addressed at Reserved Matters stage based on local housing needs);
- Education contribution of £56,869.24 for four primary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution of £80,000;
- The above 3 obligations are reviewed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

and the following conditions:

1. Timescales
2. Working Programme.
3. Access Details
4. Visibility Splays to be implemented measuring 2.4m x 90m
5. Offsite Highways Works (to include improvements to the existing footways along Middleton Road to support a shared surface for cycling and pedestrian movement, traffic calming together with bus stop provision on Middleton Road or Provision for a point of access to Trumacar Playing fields.
6. Submission of Arboricultural Implications Assessment, Tree and Hedgerow Protection Plan, Arboricultural Method Statement and Tree Works Schedule;
7. Provision for home owner packs;
8. Written scheme of archaeological investigation and subsequent implementation of such scheme
9. Contaminated Land Assessment and recording
10. Surface Water Drainage Scheme
11. Surface Water Management Scheme
12. Provision for foul water drainage details;
13. Development in accordance with the principles contained within the Flood Risk Assessment
14. Development in accordance with the principles contained within the Ecological appraisal
15. Finished floor and site levels
16. Open space provision, maintenance and management
17. No development over the public sewer that crosses the site
18. Electric vehicle charging points

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

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

Background Papers

None

Agenda Item 7

Agenda Item	A7
Application Number	18/00472/FUL
Proposal	Erection of 27 dwellings (C3) with associated access
Application site	Land off Wyresdale Road, Lancaster, Lancashire
Applicant	Mr John Matthews
Agent	
Case Officer	Mr Mark Potts
Departure	Yes
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in June 2019. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares but the net developable area is 1.06 hectares with the remainder of the site afforded to landscaping and open space. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track that once would have served Lancaster Leisure Park when it was a rare breeds farm. Beyond this is Well House Farm, and Well House. To the east some small scale business units are located with open fields to the south. The boundary treatment to the north consists of a post and wire fence followed by tree planting, to the east and west lies stockproof fencing with some landscaping, but to the south of the site the boundary is open.

1.2 The site is within Flood Zone 1 and therefore at the lowest risk of flooding although a small area of the site frontage is known to suffer from surface water flooding. Part of the western boundary of the site is allocated as mineral safeguarded land and all the trees that bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider park forming part of a Registered Park and Garden, which is located 400 metres from the site. The Walton Le Dale/Slyne Distribution Pipeline runs to the east of the site though no development is proposed within any of its consultation zones. The site was previously in the Key Urban Landscape policy designation. Now the site is allocated for residential development under Policy H5 of the Strategic Policies and Land Allocations document.

2.0 Proposal

2.1 The application proposes the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. The scheme also provides for re-grading of land to facilitate development, provision of open space across the site, landscaping and also drainage infrastructure.

The scheme initially proposed the erection of 27 residential units utilising a mix of the below (with the provision of no affordable housing);

- 5 x two bedroom houses;
- 2 x three bedroom houses; and
- 20 x four bedroom houses.

However, officers had concerns regarding the over reliance on four bedroom properties and the scheme was amended to incorporate more smaller units:

- 4 x two bedroom houses;
- 6 x three bedroom houses; and
- 17 x four bedroom houses.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in June 2019 by, the Planning Regulatory Committee (the full report is appended).

It was proposed by Councillor Robert Redfern and seconded by Councillor Mike Greenall:

“That the application be approved.”

Upon being put to the vote, 11 Councillors voted in favour of the proposition and 1 against, with 2 abstentions, whereupon the Chair declared the proposal to be carried.

That, subject to the applicant entering into a Section 106 Legal Agreement to secure the contributions as set out in Section 8.1, that Planning Permission be granted subject to the following conditions:

1. 2 year timescales;
2. Development in accordance with approved plans;
3. Access details;
4. Detail for off-site highways works and subsequent implementation;
5. Detail for surface water drainage;
6. Detail for foul drainage;
7. Surface water management and maintenance;
8. Finished floor level details;
9. Noise mitigation in accordance with submitted noise report;
10. Building Materials to be agreed on external facing elevations;
11. Hard and soft landscaping;
12. Boundary treatment detail;
13. Updated AIA to be submitted;
14. Protection of visibility splays;

15. Car parking to be provided for;
16. Garage use control;
17 Provision of cycle storage and electric vehicle charging points;
18. Implementation of the mitigation and enhancement measures outlined in the ecological appraisal.
19. Employment skills plan.

4.0 Consultation Responses

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of June 2019 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 <u>The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP1, SP2, SP3, SP6, SP8, SP10, H5, EN9 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM31 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).</u>

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), the site is still within the urban core of the district, where new sustainable housing growth will be encouraged. Whilst new policies have been included within the SPLA, notably the development strategy and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020. Furthermore, the scheme presented to Committee, was deemed a departure in 2019 owing to its location within the Key Urban Landscape. The site now forms part of a wider allocation for up to 242 new homes under Policy H5. It is therefore considered that there is stronger policy support than in 2019.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. There are two proposed house types that do not fulfil the required minimum standards, and none would be M4 (2) complaint. This is a disappointment, however the application was submitted in 2018 and determined in June 2019. Viability was tested on the scheme, and any change is likely to impact on this, and therefore officers still recommend approval though would expect future applications to comply fully with DM2. This is the exception rather than the rule.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The position in Lancaster is that 30% will be sought, though as can be seen from the appended report in 2019 all that could be achieved was 22%.

5.1.5 Whilst there have been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that

require additional consideration. Air quality matters are captured by a condition relating to the payment of monies towards the local bus service and electric vehicle charging points, and therefore this is still considered reasonable and appropriate.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in June 2019. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, though the scheme was only capable of providing for 22% affordable provision. The major other change relates to the provision of Nationally Described Space Standards across the development and ensuring the provision of 20% of the units are M4(2) complaint. There are two house types which do not meet the standards, and none are accessible or adaptable. Given the application was submitted in 2018 and resolved to be approved in 2019, Officers do not feel it would be reasonable to ask for the amendments. This would very likely impact on the provision of the affordable housing offering. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Planning Permission **BE GRANTED** subject to signing of the Section 106 Agreement to secure the following obligations;

- Provision of six affordable housing units (four x 2 bedroom - affordable rent and two x 3 bedroom units shared ownership);
- Contribution of £30,000 towards the running of the local bus service (Number 18 - Lancaster - Lancaster via Williamson Park, Leisure Park, Lancaster Farms);
- Securing the provision of £71,212 towards secondary education spaces for three secondary school places at Central Lancaster High School;
- Long term maintenance of non-adopted open space, landscaping and non-adopted highways and drainage.

and the following conditions

Condition no.	Description	Type
1	2 year timescale	Control
2	Development in accordance with approved plans	Control
3	Access Details	Pre commencement
4	Surface Water Drainage	Pre commencement
5	Foul Water drainage	Pre commencement
6	Employment and Skills Plan	Pre commencement
7	Finished Floor Level detail	Pre commencement
8	Ecological Mitigation	Pre commencement
9	Detail for off-site highways works and subsequent implementation;	Development above ground
10	Building Materials to be agreed on external facing elevations	Development above ground
11	Boundary treatments	Development above ground
12	Hard and Soft Landscaping	Development above ground
13	Provision of cycle and electric vehicle charging	Development above ground
14	Surface Water Management	Development above ground
15	Noise mitigation in accordance with the report	Compliance
16	Development in accordance with the AIA	Compliance
17	Protection of visibility splays	Compliance

18	Garage use condition	Compliance
19	Car Parking to be provided prior to occupation	Compliance

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

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

Background Papers

18/00472/FUL – Wyresdale Road

Agenda Item	Committee Date	Application Number
A11	3 June 2019	18/00472/FUL

Application Site Land Off Wyresdale Road Lancaster Lancashire	**Proposal** Erection of 27 dwellings (C3) with associated access
Name of Applicant Mr John Matthews	**Name of Agent**
Decision Target Date 1 August 2018	**Reason For Delay** Protracted viability discussions
Case Officer	Mr Mark Potts
Departure	Yes
Summary of Recommendation	Approval (Subject to the applicant entering into a Legal Agreement to secure the planning obligations detailed within this report).

(i) Procedural Note

A site visit was arranged for Councillors, and was undertaken on 25 February 2019. There has been a subsequent delay in the report being drafted due to ongoing discussions taking place with all relevant parties/consultees, namely in view of viability discussions and layout negotiations.

1.0 The Site and its Surroundings

1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares but the net developable area is 1.06 hectares with the remainder of the site afforded to landscaping and open space. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track that once would have served Lancaster Leisure Park when it was a rare breed's farm. Beyond this is Well House Farm, and Well House. To the east some small scale business units are located with open fields to the south. The boundary treatment to the north consists of a post and wire fence followed by tree planting, to the east and west lies stockproof fencing with some landscaping, but to the south of the site the boundary is open.

1.2 The site is within Flood Zone 1 and therefore at the lowest risk of flooding although a small area of the site frontage is known to suffer from surface water flooding. Part of the western boundary of the site is allocated as mineral safeguarded land and all the trees the bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider park forming part of a Registered Park and Garden, which is located 400 metres from the site. The Walton Le Dale/Slyne Distribution Pipeline runs to the east of the site though no development is proposed within any of its consultation zones. The entire site lies within Key Urban Landscape in the adopted Local Plan and proposed as Urban Setting Landscape within the emerging Strategic Land and Policies DPD (under Policy H5).

2.0 The Proposal

2.1 The application proposes the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. The scheme also provides for re-grading of land to facilitate development, provision of open space across the site, landscaping and also drainage infrastructure.

The scheme initially proposed the erection of 27 residential units utilising a mix of the below (with the provision of no affordable housing);

- 5 x two bedroom houses;
- 2 x three bedroom houses; and
- 20 x four bedroom houses.

However, officers had concerns regarding the over reliance on four bedroom properties and the scheme was amended to incorporate more smaller units:

- 4 x two bedroom houses;
- 6 x three bedroom houses; and
- 17 x four bedroom houses.

2.2 The applicant is utilising their standard house types with a mixture of hipped and gabled roofs, all are two storeys in height and would be constructed under tiled roofs and utilising re-constituted stone. Many of the properties feature timber boarding on the gables of the properties. Boundary treatments will predominately consist of 1.8 metre high close boarding fencing, though certain plots require the benefit of 2.1 metre high acoustic fencing.

3.0 Site History

3.1 There is limited recent site history although the applicant engaged with the Council via its pre-application advice service in 2017 on the basis of the erection of 28 dwellings (17/00920/PRETWO).

4.0 Consultation Responses

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

Consultee	Response
County Highways	Raise concerns with the location of the site from a sustainability perspective, but raise **no objection,** despite having some concerns regarding the refuse arrangements for plots 1-6 and recommend the following planning conditions: • The provision of 2.4 x 120m visibility splays; • The construction of a 2.0m wide pedestrian footway along the frontage of the site and extending in a westerly direction, tying into existing at the junction of Wyresdale Road / Pottery Gardens; • Speed limit relocation changes and provision of street lighting
Lead Local Flood Authority	**No objection** subject to the following conditions: • Appropriate surface water drainage scheme to be submitted; • No occupation of development until completion of SUDS in accordance with the agreed SUDs scheme and management and maintenance plan; • Surface Water Lifetime Management and Maintenance Plan.
Lancashire Archaeological Advisory Service	**No objection** given the applicant has undertaken evaluation trenching as part of this application and no planning conditions are necessary.
Public Realm Development Manager	**No objection** but recommends the following contributions to Public Open Space within the area: • Outdoor Sports Facilities £32,899 • Equipped Children's Play £38,750

	• Young People's Provision £15,500 • Parks and Gardens £9,300 The contribution towards outdoor sports facilities will go to the re-development of the pitches at Far Moor, Lancaster. The remaining contribution will go to the ongoing enhancement work at Williamson Park, Lancaster.
Cadent Gas	**No objection**
Tree Protection Officer	**No objection**
United Utilities	Initially raised concerns however the amended drainage scheme is the most suitable in line with the SuDS hierarchy and therefore **no objection** has been raised.
Lancaster Civic Society	**Object** to the proposal on the basis that the design is uninspiring.
Dynamo	**Object** to the proposal given there is no provision in the plans to encourage cycling to/from the development.
Strategic Housing Officer	Raises concerns that the scheme should provide for an appropriate dwelling mix a minimum of 8 three bedroom homes and a minimum of 5 two bedroom homes, which would mean a maximum of 14 four bedroom properties.
Fire Safety Officer	**No objection**
Planning Policy Team	**Object** to the development as the site is allocated as key urban landscape within the adopted and emerging local plan which prevents development proposals.
Lancashire County Education	Initially requested no contribution towards education. However, in March 2019 this was re-assessed and the provision of 3 secondary places is required as part of a financial contribution.
Environmental Health (Air Quality)	Recommend the application be **refused** given the concerns associated odour emanating from the abattoir and also that the development has failed to demonstrate appropriate mitigation against the impact on the Lancaster AQMA.
Environmental Health (Noise)	**No objection** but recommends that the development is undertaken in accordance with the submitted noise report and the provision of acoustic fencing, hours of construction and also scheme for dust control.

5.0 Neighbour Representations

5.1 **Drainage** – Burrow Beck floods and applications that lead to the potential for further flooding should be resisted; there is already an existing problem and therefore the situation will become worse with further development.

Landscape – The site is countryside land and key urban landscape and should be protected from development proposals; the site is green belt (this is incorrect) and development should not be supported.

Amenity – the development would be detrimental to the amenity of those residents on the Potteries; there will be overlooking to Pottery Gardens.

Ecology – The scheme will be detrimental to the wildlife that the site supports.

Highways – The site is not suitably located as Wyresdale Road is a busy stretch of highway with no footways.

Infrastructure – The local schools are oversubscribed (both primary and second school provision), there is a distinct lack of community infrastructure such as shops and services;

Housing Need - No additional housing is required given the number of homes for sale locally.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a

presumption in favour of sustainable development (Paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal.

Section 4 – Decision making;
Section 5 – Delivering a sufficient supply of homes;
Section 8 – Promoting healthy and safe communities;
Section 9 – Promoting sustainable transport;
Section 12 – Achieving well designed places;
Section 15 – Conserving and enhancing the natural environment;

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

(i) The Strategic Policies and Land Allocations DPD; and,
(ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan (saved policies)

E27 – Woodland Opportunity Areas
E31 – Key Urban Landscape

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting the District's Housing Requirements

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential Dwellings

6.6 Strategic Policies and Land Allocations DPD (Emerging)

H5 – Land at Lancaster Leisure Park and Auction Mart, East Lancaster

7.0 Comment and Analysis

The planning application raises the following key issues:

- Principle of Development;
- Layout and Design Considerations;
- Drainage;
- Trees and Landscaping;
- Development Viability / Affordable Housing Provision;
- Highways;
- Open Space;
- Archaeology;
- Environmental Considerations;
- Education Provision;
- Planning Balance; and
- Landscaping Matters.

7.1 Principle of Development;

7.1.1 The site is located on the periphery of the urban core of Lancaster and is located 2km to the east of Lancaster City Centre. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District, and this was very much the intention of Policies SC1 and SC2 of the Core Strategy. It is therefore considered that the site is a sustainable location for the delivery of 27 dwellings (assuming other issues can be addressed).

7.1.2 The land is currently allocated as Key Urban Landscape (Policy E31) and a Woodland Opportunity Area (Policy E27) under the 'saved' Local Plan. Both designations remain relevant and important considerations in the determination of this planning application. Policy DM28 (Development and Landscape Impact) of the Development Management DPD states that identified areas will be conserved and important natural features safeguarded. Key Urban Landscapes (KUL) perform an important role in defining the character of the District. The local planning authority considers that some form of buffer should be preserved and woodland planting encouraged.

7.1.3 Adopted Local Plan Policy E27 states that within identified areas the Council will seek to establish new areas of woodland allowing, where practical, for public access and the protection and enhancement of nature conservation interests. It is considered that tree planting would provide a more attractive edge to the built up area. It goes on to state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by Policy DM29 'Protection of Trees, Hedgerows and Woodlands' in the Development Management document which gives further support to the protection of trees and hedgerows and encourages additional planting.

7.1.4 As part of the emerging Strategic Policies and Land Allocations DPD the wider site including land at the Cattle Market, abattoir and Potteries development is proposed to be allocated for residential development under Policy H5. It is the case that this policy encompasses this allocation, however the text associated with the policy is clear that the eastern part of Policy H5 (including this site) should continue to be protected, and is still proposed to retain its Key Urban Landscape (or as proposed Urban Setting Landscape) designation and whilst only limited weight can be afforded to this, it continues to protect the site from development.

7.1.5 Given the national policy backdrop there is a clear expectation that, unless material considerations imply otherwise, opportunities for housing delivery should be considered favourably and Officers have attached significant weight to this in terms of the planning balance exercise.

7.1.6 It is clear that the proposal goes against the grain of the policy requirements of the Key Urban Landscape and Woodland Opportunity designations. Officers therefore consider that it has to be concluded that the development would conflict with Policies E27 and E31 of the Lancaster District

Local Plan. The issue therefore is whether, taking all other matters assessed via this report, this policy departure outweighs the need to deliver housing.

7.2 Layout and Design considerations

7.2.1 Officers had some concerns with the originally submitted layout given it was rather rigid in nature and it was considered that improvements could be made to assist in creating a sense of place. An amended scheme was submitted which had a greater standard of outlook, greater separation distances, and a key positive of the scheme is the retention of the trees along Wyresdale Road that form an important role in characterising the site as Urban Setting Landscape. Plots 1-5 are served off a private drive with all the properties fronting the highway (baring plot 5). This is considered to work well and the separation distance back from the highway at 25 metres will mean that the properties will be screened from view, albeit the access will be visible. The applicant has been amenable to some suggested changes such as the inclusion of a tree lined boulevard which will help soften the appearance when entering the site and has the potential to act as a green corridor.

7.2.2 With respect to the house types the use of a reconstituted stone is consider to work well, and whilst a slate roof would be preferable the use of a tile (and a thin leading edge) would work. One area of concern related to the quite dominant timber boarding to the gables of the proposed units and amended drawings have been received with this being scaled back and muted in colour. The house types are not entirely of the local vernacular but do offer something a little more animated compared to a volume house builder.

7.2.3 The detached properties all adopt a similar style of hipped and gabled roof systems and are considered to represent an arts and craft style. Whilst the house types are not in keeping with the local vernacular they are not of a design which would warrant a refusal and therefore, subject to agreeing details of the materials, can be considered acceptable. There are some selected parts of the development whereby timber fences have been utilised as a form of boundary treatment which are located on quite prominent viewpoints such as plots 5 and 16 which is acoustic fencing and on plots 8, 12 and 18 which are close boarded. It is considered that for the close boarded fence this would be better utilised as a stone wall and in terms of the acoustic fencing officers would like to ensure this is well screened via the use of more specimen planting in front to soften its appearance.

7.2.4 Concern has been raised from residents of Pottery Gardens regarding privacy and overlooking concerns, given these properties are located to the west of the site. There is circa 25 metres from the gable elevation of plot 27 to the nearest façade at Pottery Gardens. It is considered there would not be any overlooking or privacy concerns to warrant the refusal of this scheme. Internally within the site most of the gardens provide an adequate outside amenity space and overlooking distances are all acceptable.

7.2.5 Officers had concerns on the applicant's original iteration of the scheme when an additional four bedroom properties where being proposed, accounting for 74% of the unit types. This has been amended to 62%. Whilst this is higher than Officers would like to see, the assessed need as part of the Strategic Housing Market Assessment identifies a need for 3 and 4 bedroom properties. Ideally officers would have secured 5 x two bedroom unit, 8 x three bedroom units and 14 x four bedroom units. Whilst deviating from the 2018 housing needs evidence the scheme has been amended since the original iteration and to secure the desired mix would inevitably have a further impact on the viability of the scheme. It is recommended to Councillors that planning is about balance, and in the Case Officer's opinion, the mix of units and securing the highest quantum of affordable units is the correct balance to be applied in this instance.

7.3 Drainage

7.3.1 Whilst the site falls within Flood Zone 1, a flood risk assessment accompanies the planning application given the area of the site is in excess of 1 hectare. It was originally proposed to direct the surface water to the combined sewer, but this was neither acceptable to Officers nor United Utilities. Therefore the proposal has been amended to direct surface water towards Burrow Beck. The applicant is detailing a new straddle connection into the culvert within the existing highway to cater for this. The Lead Local Flood Authority (LLFA) raises no objection to the scheme on the provision that surface water is restricted to greenfield run off rate which is 7 litres per second. Many of those raising concern with the application have raised drainage as a fundamental issue and officers are mindful of the flooding in South Lancaster in November 2017. Assuming the run-off rate

is restricted by condition and given no objection to the scheme from the LLFA it is considered that the site can be sustainably drained and there is nothing before officers to suggest that approval of this scheme would increase the likelihood of flooding elsewhere. United Utilities has raised no objection to the development on the revised scheme but officers are recommending planning conditions associated with a detailed drainage scheme and its ongoing management and maintenance and this view is echoed by the LLFA.

7.4 Trees and Landscaping

7.4.1 The scheme is accompanied by an Arboricultural Implications Assessment. There will be a requirement for tree removal to facilitate the access, but the majority of the mature landscaping along the sites frontage will be retained. However, to enable the visibility splays to be achieved there will be a need to prune the canopies of the trees within this group of trees. It is critical that the trees alongside the site frontage are retained as these trees contribute to the visual amenity of the area. Whilst there would be some minimal tree removal this will be compensated by the provision of the shrub and native planting along the southern boundary of the site and also the wildflower grassland all of which are supported and add to the biodiversity interest in the site.

7.5 Development Viability / Affordable Housing Provision

7.5.1 The scheme initially proposed no affordable dwellings, and a viability assessment was submitted by the applicant to demonstrate why this was the case. There is general agreement that to develop the site there are some abnormal costs associated with foundations given the ground conditions. It has taken over 12 months to resolve the viability issue, with Officers not only engaging a Chartered Surveyor but also an engineering consultant to establish whether the costs of the development that had been proposed by the applicant are fair and reasonable. After protracted negotiations a position has been reached which is agreed by all parties, for the applicant to provide 4 two bedroom properties as affordable rent and 2 three bedroom properties as shared ownership.

7.5.2 It has been established that based on an education contribution to the County Council of £71,211.84, provision of £30,000 towards the local bus service that the scheme can provide for 6 affordable homes which equates to 22% affordable housing. Officers would have wished for more affordable dwellings, but based on the certified costs of developing the scheme Officers are supportive of the development.

7.6 Highways

7.6.1 The application proposes the creation of a new access off Wyresdale Road, and the main access road would be 5.5 metres in width with 2 metre footways on either side of the road. The applicant has provided for visibility splays in the region of 2.4m x 120m. Officers, in pre-application discussions with the applicant, advocated the need to ensure that from a pedestrian perspective a safe means of access could be facilitated along Wyresdale Road. The County had advocated that there needed to be a 2 metre wide pedestrian footway constructed along the site frontage, which would tie into the junction of Wyresdale Road/Pottery Gardens. The applicant had stated that given the access into the Leisure Park (and also the Potteries) is not adopted highway it is not within their concern to tighten up the junction of the Wyresdale Road/Pottery Gardens junction. The applicant did propose an alternative arrangement whereby a new footway would be put in place from the site entrance for a distance of 45 metres where there would be a dropped kerb and also tactile paving put in place to allow for the crossing of Wyresdale Road. This failed to work, and the applicant has now agreed to the County's original suggestion to tie in with the Miller Homes entrance (where it is within the confines of the adopted highway). This element can be controlled by means of planning condition. Concern has been raised with regards the private drive towards the front of the site and how servicing for refuse can be achieved. A logical solution would be a dedicated refuse storage location and this being enclosed. Discussions are ongoing and Councillors will be verbally updated accordingly at the Committee meeting.

7.6.2 Whilst not requested by the County Council as the Highway Authority the City Council has historically sought monies from schemes in East Lancaster for the ongoing provision of the Number 18 bus. This in essence does a loop from the bus station and takes into account development along Quernmore Road down Grab Lane and then via Wyresdale Road. This has been examined in light

of the viability of the scheme and it is still considered it would be required in the context of what has been applied for and should still be sought

7.7 Open Space

7.7.1 The application proposes a healthy quantum of open space, notably across the north west of the spine road into the site, and to the southern edge of the site. The case officer was keen to ensure that the site was as green as possible, and was keen to support the principle of a tree lined spine road into the site. The open space that has been provided on site exceeds that would be required under the Planning Advice Note and whilst it may have been desirable for some play equipment to be included, it falls under the threshold for one to be provided on site. Whilst the Public Realm Officer has sought a contribution towards open space within the wider locality, given viability it is not reasonable to ask for monies.

7.8 Archaeology

7.8.1 The site had the capability to impact on below ground archaeology, and the comments of the Lancashire Archaeological Advisory Service (LAAS, which has now reverted back to County Archaeology) were sought on this planning application. They noted that the area of the proposal was considered to have a significant archaeological potential and should therefore be subject to a phased scheme of archaeological investigation. The applicant was amenable to undertaking these works and the first phase comprised a scheme of geophysical survey and trial trenching. Trial trenching was undertaken which revealed nothing of archaeological merit and this is a view shared by LAAS and therefore no condition is recommended.

7.8.2 The Ashton Memorial is a Grade I listed building and located circa 650 metres from the development proposal. Given the presence of screening around the site it is considered that views of the memorial when seen from Wyresdale Road or further to the east would be not harmed. Well House and Well House Farm are both non designated heritage assets and whilst there will be a change to the environs of both of these given the landscaping around the site and the separation between the NDHAs and the proposed development, it is considered that the development would not have an impact other than of minor one. Whilst the views of the Conservation Officer have not been sought, the Heritage Impact Assessment undertaken as part of the local plan revealed little impact.

7.9 Environmental Considerations

7.9.1 Given the greenfield nature of the site it is considered reasonable to include a planning condition associated with unforeseen land contamination on the site. The site is close to the M6 motorway and a detailed noise report accompanies this planning application which recommends that with mitigation there should be no loss of amenity for future occupiers assuming the use of ventilation is utilised (plots 1-6 and 11-18). Acoustic fencing has been recommended for plot 6 along the north eastern and south eastern boundaries. No objection has been received from the Council's Senior Environmental Health Officer and with this it is suggested that conditions can control noise mitigation.

7.9.2 The Council's Air Quality Officer has objected to the development by virtue of additional private car movements passing through the Lancaster Air Quality Management Area. Whilst this is noted, to some degree the impacts associated with this can be mitigated in part via funding towards the bus service, the provision of electric vehicle charging points, ensuring there is sufficient safe storage for bicycles and ensuring the offsite highway measures are included. Concern has also been raised that no assessment of odour has been included given the nearby abattoir on Wyresdale Road. Whilst there is some merit in this, the Pottery Gardens scheme is located circa 70 metres from the abattoir, whereas the application site is over 220 metres. Surveys can only be requested where it is reasonable and given the site is separated by the 71 dwellings of Pottery Gardens it is not considered reasonable to ask for a survey, nor refuse the application on the basis that one has not been submitted. Whilst there is some merit in the Air Quality Officer's objection, Officers feel that such an objection could not be robustly defended at planning appeal.

7.10 Education Provision

7.10.1 A concern that has been raised is whether there is sufficient capacity in the local schools, initially as part of the application proposal, there was no requirement for any financial contribution towards

school spaces. However, given the protracted discussions regarding viability on the site, County has now considered that provision is required. It is proposed in the event that the education contribution is not utilised by the County Council the monies are transferred back to the City Council as a commuted sum for affordable housing provision within the District.

7.11 Planning Balance

7.11.1 The site has a semi-rural character due to its use for grazing livestock and this appearance would be considerably changed by the introduction of 27 residential dwellings. Whilst there are dwellings to the west, the character would undoubtedly be changed as by the applicants own admission there would be a marked change from rural to suburban housing. There remains to be concerns regarding the over-reliance of four bedroom unit types but there has been concessions made by the developer and a reasonable quantum of affordable housing at 22% is being achieved.

7.11.2 It is suggested that the scheme would be contrary to saved Local Plan Policy E31 and Development Management Policies DM28, DM35 and DM41 as there would be some moderate harm caused to the character and appearance of the area including to the Key Urban Landscape. Weight is attached to the contribution to the supply of housing and the provision of affordable houses to which significant weight is attached. The balancing exercise in the Framework is a 'titled balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as taken as a whole. Officers consider that the adverse impacts associated with this development do not significantly and demonstrably outweigh the benefits and therefore it is recommended that planning permission should be granted and the proposal would represent sustainable development.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement:

- Provision of six affordable housing units (four x 2 bedroom - affordable rent and two x 3 bedroom units shared ownership);
- Contribution of £30,000 towards the running of the local bus service (Number 18 - Lancaster - Lancaster via Williamson Park, Leisure Park, Lancaster Farms);
- Securing the provision of £71,212 towards secondary education spaces for three secondary school places at Central Lancaster High School;
- Long term maintenance of non-adopted open space, landscaping and non-adopted highways and drainage.

9.0 Conclusions

9.1 The recommendation here is finely balanced, as the proposal is a departure from the Development Plan, and ordinarily developments of this nature would not be supported in Key Urban Landscape and Woodland Opportunity designations. However, Councillors have to be mindful that the local authority does not have an up-to-date deliverable five year housing land supply. Officers do consider that the proposed site is a sustainable location for the delivery of 27 dwellings, and whilst the undeveloped nature of the site would be lost, some structural landscaping would be included. It is considered that there would not be a complete removal of the Key Urban Landscape in this location, although would be eroded to a degree whereby it could not fulfil its role going forward. In addition to this, it is a site that is adjacent to the built form to the west. Given the inability of the local authority to demonstrate a deliverable 5-year housing land supply, together with the lack of any technical objection from any statutory consultees, that on balance the material considerations weigh in support of the scheme to allow Officers to make a positive recommendation for this development.

9.2 Whilst there has been some concern raised with respect to highways, drainage, environmental health considerations, education provision and nature conservation, none of the relevant consultees raise an objection to the scheme, or raise a concern which cannot be addressed by condition. Officers have sought to secure modifications to the scheme in the form of a shift in layout and providing for some smaller units. It is recommended to Councillors to support the scheme subject to the applicant entering into a Section 106 Legal Agreement to control the obligations noted within Section 8.1 of this report and the conditions listed below.

Recommendation

That, subject to the applicant entering into a Section 106 Legal Agreement to secure the contributions as set out in Section 8.1, that Planning Permission **BE GRANTED** subject to the following conditions:

1. 3 year timescales;
2. Development in accordance with approved plans;
3. Access details;
4. Detail for off-site highways works and subsequent implementation;
5. Detail for surface water drainage;
6. Detail for foul drainage;
7. Surface water management and maintenance;
8. Finished floor level details;
9. Noise mitigation in accordance with submitted noise report;
10. Building Materials to be agreed on external facing elevations;
11. Hard and soft landscaping;
12. Boundary treatment detail;
13. Development in accordance with the submitted Arboricultural Implications Assessment;
14. Protection of visibility splays;
15. Car parking to be provided for;
16. Garage use control;
17 Provision of cycle storage and electric vehicle charging points;
18. Implementation of the mitigation and enhancement measures outlined in the ecological appraisal.

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

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

Background Papers

None.

Agenda Item	A8
Application Number	18/00877/OUT
Proposal	Outline application for the erection of up to 24 dwellings (C3) and associated access
Application site	Land to the rear of The Manor Inn, Cockerham, Lancashire
Applicant	Mr Halhead
Agent	Mr Jake Salisbury
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was first presented to the Planning Regulatory Committee in November 2018 and was re-reported in September 2019 (given an amendment to the offsite highway works). However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The application site is located on the eastern fringes of the village of Cockerham which is located 10km to the south of Lancaster City Centre. The site is pastoral farmland and it falls to the west from a high point of approximately 30 metres Above Ordnance Datum (AOD) to approximately 22 metres AOD along the western boundary of the site. To the north of the site lies residential properties on Village Road and to the east and south lies open farmland, to the west lies residential properties, and the Manor Inn Public House.

1.2 The site extends to 1.3 hectares, and the boundaries of the site to the north, west and south consist of mature hedgerows. There is no discernible boundary to the east of the site. The site is relatively

unconstrained, though Footpath Number 14 runs along the southern boundary of the site. There are two sycamore trees that are protected by a Tree Preservation Order located at the foot of the site at the access (TPO No. 266 (1997) and TPO No. 94 (1984)). The site is allocated as countryside land within the adopted and emerging local plan.

2.0 Proposal

2.1 The scheme proposes the erection of up to 24 residential dwellings together with the creation of a new vehicular access, which is proposed to be served off the existing turning head from Village Road. The illustrative site plan provides for open space; a 10 metre wide planted buffer together with a connection to Footpath Number 14. The scheme has been submitted in outline form with only access being applied for, and therefore the layout should be interpreted as indicative only.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in November 2018 and then in September 2019 by, the Planning Regulatory Committee (the full reports are appended).

It was proposed by Councillor David Whitworth and seconded by Councillor Robert Redfern:

"That subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report Outline Planning Permission be granted, subject to the conditions set out in the Committee Report."

Upon being put to the vote, 12 Members voted in favour of the proposition, with 3 abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That, subject to the applicant entering a Section 106 Agreement to secure the obligations set out in Paragraph 8.1 of the Committee Report, Outline Planning Permission be granted, subject to the following conditions:

1. Standard Timescales
2. Approved Plan
3. Surface Water Drainage Scheme
4. Foul Water Drainage Scheme
5. Access Works
6. Offsite highway improvements
7. Development in accordance with AIA
8. Linkage to the PROW
9. Finished Floor Levels (to include plots, open space, gardens and roads)
10. Scheme for open space
11. Unforeseen contamination
12. Ecological mitigation as per the report
13. Scheme for electric vehicle charging to be submitted to and approved
14. Surface Water Management scheme
15. Environmental Construction Method Statement
16. Provision of homeowner packs

4.0 Consultation Responses

4.1 As set out in the appended reports.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee reports of November 2018 and September 2019 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Cockerham is still identified as a sustainable rural settlement. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered a reasonable request given there was no viability concerns associated with the proposal. A condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, though under Policy DM3 within Lancaster, Carnforth and Rural West (which Cockerham sits within), this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in September 2019. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space standards across the development and ensuring the provision of 20% of the units are M4(2) complaint. Conditions can be imposed on the consent in addition to those recommended and sought by Councillors previously. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

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

- The provision of 30% of the total number of dwellings to be affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);

- The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);

- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,

- Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

and the following conditions:

Condition no.	Description	Type
1	Two year timescale	Control
2	Approved Plans	Control
3	Surface Water Drainage	Pre commencement
4	Foul Water	Pre commencement
5	Access works	Pre commencement
6	Environmental Construction Plan	Pre commencement
7	Submission of finished floor levels	Pre commencement
8	Employment and Skills Plan	Pre commencement
9	Offsite highway works	Development above ground
10	Provision of nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Scheme for the provision of open space	Development above ground
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Provision of Homeowner Packs	Development above ground
15	Electric vehicle charging points	Development above ground
16	Surface Water management plan	Development above ground
17	Development in accordance with the AIA and TPP	Compliance
18	Unforeseen contamination	Compliance
19	Ecological mitigation in accordance with the approved ecological report	Compliance

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent 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

18/00877/OUT Planning Report November 2018
18/00877/OUT Planning Report September 2019

Agenda Item	Committee Date	Application Number
A8	12 November 2018	18/00877/OUT

Application Site	Proposal
Land To The Rear Of The Manor Inn Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and associated access.
Name of Applicant	**Name of Agent**
Mr Halhead	Mr Jake Salisbury
Decision Target Date	**Reason For Delay**
25 October 2018	Negotiating with the applicant and Natural England
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

This application was deferred at September's Planning Committee meeting as Natural England were maintaining their objection. Since the deferral the agent has been working with Natural England to overcome this objection.

1.0 The Site and its Surroundings

1.1 The application site is located on the eastern fringes of the village of Cockerham which is located 9km to the south of Lancaster City Centre. The site is pastoral farmland and it falls to the west from a high point of approximately 30 metres Above Ordnance Datum (AOD) to approximately 22 metres AOD along the western boundary of the site. To the north of the site lies residential properties on Village Road and to the east and south lies open farmland, to the west lies residential properties, and the Manor Inn Public House.

1.2 The site extends to 1.3 hectares, and the boundaries of the site to the north, west and south consist of mature hedgerows. There is no discernible boundary to the east of the site. The site is relatively unconstrained, however Footpath Number 14 runs along the southern boundary of the site. There are two sycamore trees that are protected by a Tree Preservation Order located at the foot of the site at the access (TPO's 266 (1997) and 94 (1984)). The site is allocated as countryside land within the adopted local plan.

2.0 The Proposal

2.1 The scheme proposes the erection of up to 24 residential dwellings together with the creation of a new vehicular access, which is proposed to be served off the existing turning head from Village Road. The illustrative site plan provides for open space; a 10 metre wide planted buffer together with a connection to Footpath Number 14. The scheme has been submitted in outline form with only access being applied for, and therefore the layout should be interpreted as indicative only.

3.0 Site History

3.1 There is no relevant planning history associated with the site, nor did the applicant enter into pre-application discussions with officers prior to the schemes submission.

4.0 Consultation Responses

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

Consultee	Response
County Highways	**No Objection,** but recommend conditions associated with: • Laying of tactile paving and tightening up of A588 (Lancaster Road) / B5272 (Main Street) junction radii such as to shorten pedestrian crossing movements to community bus stops and village primary school; • Kerb & hard surface areas of hatched markings in the junction area of Lancaster Road / Main Street for the benefit of improved pedestrian movements. Improvement works to be undertaken along the frontage of "The Manor Inn" public house though outside of an immediate area of "listed" granite sett paving; To be undertaken to the opposite extent of Main Street / Lancaster Road carriageway with the extents of the footway currently denoted by a dashed white line & running around the frontage of established village parking provision; • Improvement of public footway link 1/12/FP14 to include: Construction / hard surfacing of a 2m wide footway link running adjacent to the sites southerly boundary & exiting onto Main Street public highway; • Lighting of a 160m length of the afore-mentioned footway link from Main Street to the sites eastern extent.
Dynamo Cycle Campaign	**Object** to the development as it is not contributing towards sustainable transport infrastructure.
Environmental Health	No observations received within the statutory timescales.
Lead Local Flood Authority	**No objection** on the understanding that conditions are imposed associated with a detailed surface water drainage scheme, and associated maintenance and management programme.
Natural England	Initially objected and requested additional information with respect to the use of the site and adjoining fields for SPA birds and also that the development is likely to result in increased recreational pressure on the Morecambe Bay Special Protection Area (SPA). Additional information was received from the applicant's ecologist in September 2018 and with this **no objection** is now raised by Natural England.
United Utilities	**No objection** however recommends conditions associated with foul and surface water.
Tree Protection Officer	**No objection** subject to conditions associated with the provision of an AIA and details of hard and soft landscaping.
Civil Aviation Authority	No observations received within the statutory timescales.
Greater Manchester Ecology Unit	**No objection** to the amended information relating to wintering birds. Recommends conditions associated with a Construction Method Statement Plan.
Cockerham Parish Council	**No objection** in principle but have requested an in-depth hydraulic survey of the sewer and surface water systems.
Ramblers Association	No observations received within the statutory timescales.
Public Rights of Way Officer	No observations received within the statutory timescales.
Engineering Team	No observations received within the statutory timescales.
County Council (Education)	No objection however recommends a financial contribution of **£94,949.12** for the provision of 4 secondary school places, but should other schemes be approved in advance of the determination of this application **£141,779.79** may be required towards the provision of 9 primary school places.

5.0 Neighbour Representations

5.1 To date there has been **nine** letters of objection received, which cite the following issues;

- Drainage – The existing drainage infrastructure cannot accommodate future expansion of the village, both from a surface water and also foul future drainage perspective;
- Amenity Matters – Concerns regarding additional traffic on the local highways, noise issues associated with the build; privacy and loss of view concerns; residents moved to Cockerham for the peace and quiet;
- Ecology – The impact on local wildlife;
- Housing – There is already a number of properties for sale within the village, no further dwellings are in fact required.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development
Section 4 – Decision Making
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well designed places
Section 14 – meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the natural environment

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:
(i) The Strategic Policies and Land Allocations DPD; and,
(ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in early January 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in mid-2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2018 Housing Land Supply Statement;
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

7.0 Comment and Analysis

7.1 The application requires the consideration of the following key principles;

- Principle of the Development;
- Layout and Design;
- Highways;
- Drainage Matters;
- Landscape;
- Cultural Heritage;
- Open Space and Education; and,
- Other Matters.

7.1 Principle of Development

7.1.1 Following the publication of the revised National Planning Policy Framework (NPPF) in July 2018 and the publication of the 2016 sub-householder projections in September 2018, Lancaster City Council has reviewed its 5 year housing land supply. Using the standard methodology as described in the Planning Practice Guide, the local housing need figure identified by the 2016 sub-householder projections and incorporating a buffer as required by NPPF, Lancaster District has a minimum annual requirement of 138 dwellings. Having undertaking a detailed assessment of the deliverability of all sites capable of delivering 5 or more dwellings (i.e. investigating sites for their suitability, availability and achievability for housing) to create a housing trajectory, Lancaster District can demonstrate a 5 year housing supply with 13.3 years identified. Whilst the NPPF has been revised, its overall direction has been maintained, with local authorities required to significantly boost the supply of homes in their area. It can only do this if it continues to approve appropriate housing schemes. Therefore just because Lancaster District can currently demonstrate a 5 year housing land supply, it does not mean that residential proposals should be refused planning permission

unless material considerations indicate otherwise. Given the status of the development plan as a whole (as outlined in Paragraph 6.2), the 'tilted balance' is still required to be undertaken by the decision maker.

7.1.2 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD and continues to be allocated within the forthcoming Strategic Land Allocations document (Policy SP2) and is a village in principle where sustainable housing will be supported. Policy DM42 does indicates that in all cases, proposals for new residential development on non-allocated sites (for which this site is) must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.3 The proposal is sited on the eastern fringes of the village, with properties to the north and west of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT - a consolidated planning application for this site for 36 houses has also been received 18/00953/FUL); together with 18 units off Rectory Gardens (17/00723/OUT). The consideration of this application does need to be considered in the context of the previously approved schemes, however there is no certainty that the Marsh Lane development or Rectory Gardens scheme will come forward for development. In these cases it was considered that the benefits associated with new housing outweighed the impacts associated with the development proposals. Officers consider that even taking account of the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement, and is capable of being able to demonstrate a high quality design. Whilst not strictly speaking infill development, it does follow the form of development to the north and therefore has synergies with this.

7.1.4 As part of this application the applicant has committed to providing the *full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded a high degree of weight in the decision making process (accepting that developments should be providing this figure and therefore it is a generic benefit).

7.1.5 As mentioned above Cockerham is a sustainable rural settlement, and therefore in principle sustainable housing will be supported. Policy DM42 is restrictive in so far as it directs development to sustainable villages within the district and whilst little weight can be attached to the emerging local plan, Cockerham is still proposed to retain its sustainable rural village status (under Policy SP2 – Lancaster District Settlement Hierarchy), and the intention of these villages is to play a key supporting role to provide the focus for growth outside the main urban areas, it is clear that the emerging policy is seeking to adopt a similar stance to the adopted position by supporting development in villages such as in Cockerham. This is on the basis that development will be managed to reflect existing population size, be proportionate to the existing scale and character or the settlement and the availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development and the extent to which the development can be accommodated within the local area. The overarching aim of Policy DM42 is to promote residential development in appropriate areas to contribute to the vitality of these villages. This is also the aim of the Core Strategy (albeit accepting that this focused growth predominately around the existing urban areas of Lancaster, Morecambe and Heysham). The Core Strategy was adopted prior to the introduction of the Framework, but it is still an objective that is very relevant and appropriate today and is a principal that still applies in the Framework, indeed it underpins the plan led system, which is supported by the Framework.

7.1.6 Whilst a deliverable housing land supply exists, this does not mean that sustainable schemes which contribute to maintaining the vitality of rural villages cannot be supported. Furthermore the Government has placed on record their wish to deliver 300,000 homes are built per year across the country by the mid 2020's. Only by approving sustainable housing schemes will this figure be

reached. Given the nature of the site with residential property to the north and west, that there are specific reasons as to why this scheme could be supported. It is considered in this instance the development complies with the requirements of Policy E4 of the Saved Local Plan, and DM42 of the Development Management DPD.

7.2 **Layout and Design**

7.2.1 Layout is not being applied for, however the applicant has submitted an indicative layout in support of the application. The layout consists of a mixture of semi-detached and detached properties which are generally quite inward looking, the applicant's layout shows a proposed 10 metre planted buffer on the eastern boundary of the site (within the applicants red edge) and also a connection to the existing Public Right of Way 14. The scheme is of a low density, and even taking into account the gradient associated with the levels on the site it is considered that with suitable house types and appropriate boundary treatments there is scope to develop a layout that respects the character of the village.

7.2.2 The site rises as you head to the east and therefore plots 11-18 could be quite prominent when viewed from Main Street and these plots will also be noticeable when viewed from Willey Lane which is also a Public Right of Way. The front and rear projections in addition to boundary treatments will be critical to the success at reserved matters stage.

7.2.3 Given the gradient across the site and to ensure a high quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor levels, this should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, via the use of split level properties and working with the levels as opposed to against has the potential to create an attractive form of development. Concern has been raised amongst those residents on Village Road regarding loss of privacy and overlooking issues. There is a substantial hedgerow to the rear of the properties along the southern boundary of the Village Road site, and the layout is capable in ensuring that the required separation distances to protect residential amenity are capable of being provided at reserved matters stage. Whilst the concerns are all noted, these are issues that are capable of being resolved at reserved matter stage.

7.3 **Drainage**

7.3.1 The application is supported by a drainage statement which outlines that the nature of the local geology is such that soakaway's are likely to be feasible in this location. The views of the LLFA are awaited. No investigative ground works have occurred, and therefore officers do have some concerns that the site may not be capable of being drained via soakaway's and given there is no watercourse to drain into the only available option could be draining directly into the existing sewer (however at a controlled rate). The Lead Local Flood Authority have reviewed the planning application and raise no objection to the scheme on the understanding that conditions are imposed regarding detailed surface water drainage arrangements and an associated maintenance plan.

7.3.2 Officers have sympathy for those residents that unfortunately suffered flooding in November 2017, where it is understood that properties along Main Street suffered from surface water flooding. United Utilities have responded to the planning application with no objection to the scheme on the understanding that surface water will be dealt with in a sustainable fashion, and also that foul and surface water will be treated sustainably. The Framework is clear at Paragraph 163 that local planning authorities should ensure that flood risk is not increased elsewhere, and there is nothing before officers to suggest that approval of this scheme would lead to an increased risk of flooding. Cockerham Parish Council raise no objection in principle to the development however have asked that an in-depth hydraulic survey of the sewer pipe and surface water systems is carried out due to the number of dwellings being built in the village. The request does have some merit, and it is often the case developers have to undertake CCTV surveys of drainage infrastructure to establish whether existing drainage networks can accommodate additional development. United Utilities did not request such a survey to be carried out, nor have the LLFA, but the observations of the Parish will be shared with the applicant's agent.

7.4 **Landscape**

7.4.1 The Framework at paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment, protecting and enhancing valued landscapes in a manner

commensurate with their statutory status or identified quality in the development plan. The site does not lie within a designated landscape, nor have any third parties suggested it would be deemed a 'valued landscape'.

7.4.2 The site is currently pastoral farmland, and on the far eastern extent on the site there will be pleasant views across the open countryside towards the Bowland Fells. Views into the site would be limited from Marsh Lane and Main Street due to the presence of the Village Road development and also by the Manor Inn and properties along Main Street. It is accepted that there would be a moderate degree of harm associated with the development as there is a footpath (footpath 14) which runs along the southern boundary and therefore for users of this right of way would experience a high magnitude of change, but given the Village Road development to the north, the development of this site is considered to represent a logical extension. Officers feel there has been a meaningful attempt by the appellants to mitigate such harm by the indicative planting and open space detailed on the plan (accepting however this is entirely indicative). It is worthy of note that the Ramblers nor the Public Right of Way Officer at the County Council have raised any objections on the scheme to date. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the reserved matters stage.

7.4.2 Policy E4 of the Saved Local Plan clearly sets out that development that is of a scale and character with the landscape will be supported. Officers consider that there will inevitably be an impact, and when viewed in conjunction with Village Road it is considered in this instance that the development would relate to its surroundings. Matters associated with siting, scale, design, materials, appearance and landscaping can all be controlled via a reserved matters planning application.

7.5 **Highways**

7.5.1 The site would be accessed off the A588 onto Village Road and then a new access would be created to deliver access into the site from the existing turning head. The applicants are showing an indicative upgrade to the existing public right of way (footpath number 14) which would deliver access to Main Street. The County have requested that this be surfaced to a 2m wide footway which should be hard surfaced. There is significant value in this link being hard surfaced but only 50% of this falls within the applicant's ownership, and when approaching Main Street, the footway on the eastern side of 27 Main Street is in the region of 0.8 metres in width and in reality is unlikely to possible of being increased in width here. As part of planning application 16/01577/FUL there was a requirement to improve the public right of way that falls to the west of the site in terms of hard surfacing this, but this would still leave an area of approximately 30 metres unsurfaced. It is acknowledged that there is significant benefit in a route being accommodated here, and it would be a direct route to village amenities such as the school, village hall and recreational facilities, fundamentally negating the need to pass the pinch-point adjacent to the Manor Inn Public House, and therefore not only is this route more direct but critically safer. The County should they deem appropriate upgrade the existing rights of way and therefore a financial contribution should be sought by means of legal agreement to secure this improvement.

7.5.2 It is important to note that the County raised no objection to the development but have recommended a suite of planning conditions associated with off-site highway improvement works namely the creation of footways along the frontage of 'The Manor Inn' public house and also on the opposite extent of the carriageway. The applicant has confirmed a willingness for the above to be addressed by planning condition and therefore it is considered reasonable to impose this by planning condition.

7.6 **Natural Environment**

7.6.2 The scheme is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecological Unit, who originally commented that the site is relatively large but no wintering bird surveys had been supplied in support of the scheme. Further information was therefore requested from the applicant's agent and this has taken the form of additional record data of wintering birds from the Fylde and District Bird club. After consideration by GMEU they have withdrawn their objection to the development, although recommend planning conditions.

7.6.3 Natural England also expressed a similar concern to that originally of Greater Manchester Ecological Unit, however were shared the applicants updated bird work data in September 2018. Following review, Natural England raise no objection to the scheme on the understanding that a condition is

imposed regarding the provision of homeowner packs. The Council as the competent authority has shared its Appropriate Assessment with Natural England.

7.6.3 An Arboricultural Implications Assessment accompanies this planning application and highlights the tree and hedgerows that bound the site. There are no trees within the main body of the site itself, only the boundaries, and therefore there is confidence that the scheme can be developed without having a detrimental impact on trees. No objection has been raised by the Councils tree protection officer subject to conditions associated with securing the implementation of the Arboricultural Implications Assessment and also to ensure that a Tree Method Survey is submitted in advance of any works occurring on site.

7.7 **Infrastructure**

7.7.1 The County Council as Education Authority for the district have requested there would be a shortfall of 211 secondary places in 5 years' time, this equates to a need of a financial contribution of £94,949.12, for the provision of 4 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would 66 pupils at Cockerham Parochial School in 2023 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration (these are namely located within Wyre Borough Council). Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset.

7.8 **Other Matters**

7.8.1 The site falls within an aerodrome safeguarding zone where obstacles higher than 6 metres (covering 10% of the site) and no higher than 10 metres for the remainder of the site will not be permitted. The Civil Aviation Authority have been consulted and to date have not provided any response to the scheme. It is considered that the principle of development would not pose a danger to aircraft or parachutists, and in any event the group would be consulted on the detail at the reserved matters stage when matters concerning scale and layout will be considered then.

7.8.2 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the reserved matters application has been received (to be addressed by legal agreement).

7.8.3 The site is unlikely to be contaminated, given its previous use but it is considered reasonable in the circumstances to include a planning condition to cater for any unforeseen land contamination. The site is considered to have a low accessibility and from a sustainability perspective it is considered reasonable to impose a planning condition associated with the provision of electric vehicle charging points.

7.8.4 Concern has been raised regarding noise associated with the build process of the dwellings and this is inevitable with any form of development, but in the circumstances it is unlikely that the build process would be longer than 18-24 months. Any issues associated with noise arising from construction activity should be investigated under the Environmental Protection Act 1990.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF.

- The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);

- The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);

- Financial contribution towards the upgrade of footway 14 to ensure an appropriate linkage towards the village;

- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,

- Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

9.0 Conclusions and Planning Balance

9.1 The local authority are able to demonstrate a deliverable 5 year housing land supply, but cannot demonstrate to have an up to date local plan, and as such the presumption in favour of sustainable development and the titled balance provided for by the Framework is engaged in this circumstance.

9.2 The proposal would result in the provision of up to 24 dwellings which are likely to come forward within the next five years. The framework is a material consideration and it seeks to boost significantly the supply of housing. There is a clear need for affordable housing in the local area and the scheme would deliver 9 affordable homes, of which the applicant has submitted to provide the full quantum of. Great weight should be attached to the provision of market housing and affordable housing and the need in the Lancaster District. These factors contribute to the social and economic limbs of sustainability and considerable weight accrues from these additional dwellings. The provision of the affordable homes is a significant benefit, although this is dictated by the development plan policy and therefore should be the same in any similar scheme.

9.3 The site benefits from being situated within a sustainable rural village, and whilst public transport is limited, there is a bus stop within 100 metres of the site, and the site is on the northern loop cycle route and therefore whilst private car transport is likely to be the mainstay of trip movements there are other options open to future residents.

9.4 Surface water management has been raised as a concern by local residents and officers are acutely aware that many parts of the district were affected by flooding in November 2017 and also in July 2018. United Utilities, and the Lead Local Flood Authority raise no objection to the applicant's proposals.

9.5 A planning judgement is required, and many of the benefits of the scheme are policy compliant (such as the provision of open space, or affordable housing). It is however considered that the weight attached to the provision of housing within the district outweighs the minimal localised landscape harm associated with the development, and it is recommended to Members that the scheme be supported.

Recommendation

That subject to the applicant entering into a Section 106 Agreement to secure the obligations contained within Paragraph 8.1, that Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales;
2. Approved Plans
3. Surface Water Drainage Scheme;
4. Foul Water Drainage Scheme;
5. Access Works;
6. Off-site Highway Improvements;
7. Development to be in accordance with an updated AIA and Tree Protection Plan;
8. Linkage to the public right of way and improvements;
9. Finished Floor Levels (to include plots, gardens, open space and roads);
10. Scheme for open space;
11. Unforeseen contamination;
12. Ecological mitigation to be carried out as per the approved plans;
13. Scheme for electric vehicle charging points to be submitted to and approved;
14. Surface Water Management and Maintenance Programme;
15. Environmental Construction Method Statement.
16. Provision of home owner packs

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

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

Background Papers

None

Agenda Item	Committee Date	Application Number
A8	16 September 2019	18/00877/OUT

Application Site	Proposal
Land To The Rear Of The Manor Inn Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and associated access

Name of Applicant	Name of Agent
Mr Halhead	Mr Jake Salisbury

Decision Target Date	Reason For Delay
25 October 2018	Protracted Section 106 Negotiations

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

Procedural Matters

(i) This planning application was presented to Planning Committee on 12 November 2018, and councillors approved the application based on the officer's proposed conditions and Section 106 obligations. It is proposed to amend the obligations due to County Highways no longer requiring monies to upgrade the Public Right of Way (PROW Number 14). The application therefore has to come before Planning Committee for re-consideration. The full committee report from November 2018 is appended to this report.

1.0 The Site and its Surroundings

1.1 The application site is located on the eastern fringes of the village of Cockerham which is located 10km to the south of Lancaster City Centre. The site is pastoral farmland and it falls to the west from a high point of approximately 30 metres Above Ordnance Datum (AOD) to approximately 22 metres AOD along the western boundary of the site. To the north of the site lies residential properties on Village Road and to the east and south lies open farmland, to the west lies residential properties, and the Manor Inn Public House.

1.2 The site extends to 1.3 hectares, and the boundaries of the site to the north, west and south consist of mature hedgerows. There is no discernible boundary to the east of the site. The site is relatively unconstrained, however Footpath Number 14 runs along the southern boundary of the site. There are two sycamore trees that are protected by a Tree Preservation Order located at the foot of the site at the access (TPO's 266 (1997) and 94 (1984)). The site is allocated as countryside land within the adopted local plan.

2.0 The Proposal

2.1 The scheme proposes the erection of up to 24 residential dwellings together with the creation of a new vehicular access, which is proposed to be served off the existing turning head from Village Road. The illustrative site plan provides for open space; a 10 metre wide planted buffer together with a connection to Footpath Number 14. The scheme has been submitted in outline form with only access being applied for, and therefore the layout should be interpreted as indicative only

3.0 Site History

Application Number	Proposal	Decision
18/00877/OUT	Outline application for the erection of up to 24 dwellings (C3) and associated access.	Resolution to approve by Planning Committee on 12 November 2018

4.0 Consultation Responses

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

Consultee	Response
County Highways	**No objection** and no longer require the financial contribution towards the upgrade of the public right of way.

5.0 Neighbour Representations

5.1 Discussed within the appended Committee Report dated 12 November 2018.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development
Section 4 – Decision Making
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well designed places
Section 14 – meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the natural environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

(i) The Strategic Policies and Land Allocations DPD; and,
(ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

7.0 Comment and Analysis

7.1.1 In November 2018, the outline scheme was recommended favourably by Officers and subsequently presented to Planning Committee, where Members supported the recommendation and granted approval for 24 new dwellings. Over the course of the last 9 months there has been ongoing discussions with respect to the Section 106 obligations. The Section 106 secures matters such as affordable housing provision, education contributions and the payment of monies towards the upgrade of footpath 14.

7.1.2 The current Section 106 contained the following obligations:

Current Section 106 Contributions
1) The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);
2) The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);
3) Financial contribution towards the upgrade of footway 14 to ensure an appropriate linkage towards the village;
4) Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
5) Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

7.1.3 During discussions with the County Council (as highways authority), they confirm that they no longer require the funding that officers sought to upgrade footpath 14 (contribution 3 as noted above). The stretch of footway was from the site to Manor Barn. The reason that the County have given for no longer needed the monies is that they indicate that there has been some ongoing issues with obstructions from the resident at Manor Barn, on the line of footpath 14. The proposal was to hard surface circa 30 metres of grassland that forms part of footpath 14. Footway 14 connects the site to the village of Cockerham, and notably to the amenities on Main Street, and therefore it was for this reason officers considered it was reasonable, and appropriate to require the existing PROW to be hard surfaced.

7.1.4 It was acknowledged in the officer report in November 2018 there was significant benefit in a route being accommodated here, as it would be a direct route to village amenities such as the school, village hall and recreational facilities, fundamentally negating the need to pass the pinch-point adjacent to the Manor Inn Public House, and therefore not only is this route more direct but critically safer. The route still could be used as a means to bypass the pinch-point although officers are disappointed that an agreement was reached with the applicant, but subsequently the spending authority is the County Council and they are not seeking to advance this. The monies secured are for a specific purpose, and cannot be diverted to other site-specific matters (it would fail the statutory tests to do so), and given the County Council's position, the absence of the County Council's agreement (as it is within their remit if they wish to upgrade the PROW), means that the matter cannot proceed. Whilst officers feel there would be benefits to the future residents, officers cannot insist on an improvement as there would be no means of ensuring it was implemented. With this in mind regrettably officers have to recommend removing the requirement for a contribution towards footpath 14.

8.0 Planning Obligations

8.1 For context, the applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF.

- The provision of up to 40% and no lower than 37.5% of the total number of dwellings to be affordable housing to be based on a 50:50 (affordable rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);

- The payment of **£94,949.12** for four secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);

- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,

- Long term maintenance of non-adopted highways, open space, landscaping and creation of management-company.

9.0 Conclusions

9.1 Officers recommended support for the scheme in November 2018, and whilst they are disappointed that the negotiated financial contribution cannot be secured, the scheme is still offered support given it was the Highways Authority who no longer wish for the contribution. A planning judgement is required, and many of the benefits of the scheme are policy compliant (such as the provision of open space, or affordable housing). It is however considered that the weight attached to the provision of housing within the district outweighs the minimal localised landscape harm associated with the development and regrettably the loss of the improvement to footpath 14 and it is recommended to Members that the scheme be supported.

Recommendation

That subject to the applicant entering into a Section 106 Agreement to secure the obligations contained within Paragraph 8.1, that Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales;
2. Approved Plans;
3. Surface Water Drainage Scheme;
4. Foul Water Drainage Scheme;
5. Access Works;
6. Off-site Highway Improvements;
7. Development to be in accordance with an updated AIA and Tree Protection Plan;
8. Linkage to the public right of way and improvements;
9. Finished Floor Levels (to include plots, gardens, open space and roads);
10. Scheme for open space;
11. Unforeseen contamination;
12. Ecological mitigation to be carried out as per the approved plans;
13. Scheme for electric vehicle charging points to be submitted to and approved;
14. Surface Water Management and Maintenance Programme;
15. Environmental Construction Method Statement;
16. Provision of home owner packs

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent 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

18/00877/FUL Agenda Item A8; Planning Committee Report 12 November 2018

Agenda Item	A9
Application Number	19/01223/OUT
Proposal	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane
Application site	Land to the east of Lancaster Road and north of Willey Lane, Lancaster Road, Cockerham, Lancashire
Applicant	Mr P & M Hewitt
Agent	Mr Avnish Panchal
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in December 2019. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The proposed site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) and falls to around 20 metres AOD by Lancaster Road. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.

1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan, and Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way (but also serves as a road to access the

residential properties along the Lane). The site lies within an aerodrome safeguarding zone where structures greater than 6 metres in height will not be permitted.

2.0 Proposal

2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing was negotiated through the determination of 19/00164/OUT. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site, alongside a connection to the Public Right of Way on Willey Lane and the provision of public open space.

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in December 2019 by, the Planning Regulatory Committee (the full report is appended). Under the scheme of public participation, Angela Manning spoke against the application, and Graham Salisbury spoke in favour of the application.

It was proposed by Councillor Janice Hanson and seconded by Councillor Malcolm Thomas:

"That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the conditions set out in the Committee Report."

Upon being put to the vote, 10 Members voted in favour, with 4 abstentions, whereupon the Chair declared the proposal to be carried.

Resolved:

That, subject to a Section 106 Agreement being entered into to secure the obligations contained in Paragraph 8.1 of the Committee Report outline planning permission be granted, subject to the following conditions:

1. Two year timescale.
2. Development in accordance with the approved plan (red edge and access).
3. Access details to be submitted.
4. Scheme for off-site highway works.
5. Construction Environmental Management Plan.
6. Scheme for Sustainable Surface Water Drainage.
7. Scheme for Foul Water Drainage Scheme.
8. Submission of Finished Floor and Site Levels.
9. Scheme for the provision of on-site open space.
10. Scheme for the connection to the Public Right of Way.
11. Scheme for any external lighting.
12. Vegetation clearance to be undertaken from 1st March to 31st July.
13. Scheme to be undertaken in accordance with the ecological mitigation methods.
14. Development in accordance with the submitted AIA.
15. Employment and Skills Plan.
16. Provision of electric vehicle charging points.
17. Uncontaminated Land.
18. Provision of Home Owner Packs.

4.0 Consultations

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of December 2019 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 <u>The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).</u>

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Cockerham is still identified as a sustainable rural settlement. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. Officers recommend a condition should be imposed on any planning permission requiring the internal space standards to be met. This is considered a reasonable request given there was no viability concerns associated with the proposal. A condition should be imposed requiring that at least 20% of the dwelling houses are M4(2) compliant, both within the unit and parking arrangements and access to the property.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable. The approved scheme secured 40% affordable housing, but under Policy DM3 within Lancaster, Carnforth and Rural West (which Cockerham sits within), this has been reduced to 30%. The Section 106 therefore needs to be modified to account for this lower figure.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

<u>6.0 Conclusion and Planning Balance</u>

6.1 The scheme was presented to the Planning Regulatory Committee in December 2019. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. There is now a lower quantum of affordable housing required at 30%, as opposed to 40%. The Plan as a whole has been viability tested, and whilst it is regrettable the figure is lower, the examined evidence base suggests 30%. This is to ensure a deliverable scheme that can provide for the likes of education, open space and a housing mix that is required. The major other change relates to the provision of internal space

standards across the development and ensuring the provision of 20% of the units are M4(2) complaint. Conditions can be imposed on the consent in addition to those recommended and sought by Councillors previously. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the signing of the Section 106 agreement to secure:

- The provision of 30% of affordable housing to be based on a 50:50 (affordable rented: shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs addressed by condition);

- The payment of £48,370.32 for two secondary school places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);

- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,

- Long term maintenance of non-adopted highways, open space, landscaping and creation of Management Company.

and the following conditions:

Condition no.	Description	Type
1	Two year timescale	Control
2	Development in accordance with the approved plan (red edge and access)	Control
3	Access details to be submitted	Pre commencement
4	Scheme for Sustainable Surface Water Drainage	Pre commencement
5	Construction Environmental Management Plan	Pre commencement
6	Submission of Finished Floor and Site Levels	Pre commencement
7	Scheme for Foul Water Drainage Scheme	Pre commencement
8	Employment and Skills Plan	Pre-commencement
9	Off-site Highway Works	Development above ground
10	Provision of Nationally described space standards across all units	Development above ground
11	At least 20% of the units to be M4 (2) compliant (Accessible and Adaptable) and housing mix to be agreed	Development above ground
12	Scheme for the provision of open space	Development above ground
13	Scheme for the connection to the Public Right of Way	Development above ground
14	Scheme for external lighting	Development above ground
15	Provision of electric vehicle charging points	Development above ground
16	Provision of Home Owner Packs	Development above ground
17	Vegetation clearance to be undertaken from 1st March to 31st July	Compliance
18	Scheme to be undertaken in accordance with the ecological mitigation methods	Compliance
19	Development in accordance with the submitted AIA	Compliance
20	Unforeseen contaminated land	Compliance

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

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

Background Papers

19/01223/OUT – December 2019 Committee Report

Agenda Item	Committee Date	Application Number
A6	9 December 2019	19/01223/OUT

Application Site	Proposal
Land to The East of Lancaster Road and North of Willey Lane Lancaster Road Cockerham Lancashire	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane

Name of Applicant	Name of Agent
Mr P & M Hewitt	Mr Avnish Panchal

Decision Target Date	Reason for Delay
3 January 2020	Not applicable

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (subject to a resolution on the location of the water main that crosses the site)

1.0 The Site and its Surroundings

1.1 The proposed site is located on the northern fringes of the village of Cockerham, which is located 9km to the south of Lancaster city centre. The site is farmland, and reaches its highest point at circa 24 metres Above Ordnance Datum (AOD) and falls to around 20 metres AOD by Lancaster Road. To the north lies Batty Cottage and to the east lies open fields. A linear form of development lies to the south consisting of 6 residential dwellings served off Willey Lane.

1.2 The site extends to around 1.7 hectares, and the boundaries to the north west and south consist of a mixture of fencing, hedgerows and walling. To the east there is no boundary in place. The site is allocated as Countryside Area in the adopted Local Plan, and Willey Lane, which is located 30 metres to the south of the site is a Public Right of Way (but also serves as a road to access the residential properties along the Lane). The site lies within an aerodrome safeguarding zone where structures greater than 6 metres in height will not be permitted.

2.0 The Proposal

2.1 The application is made in outline form for the erection of up to 24 residential dwellings, with the only matter that is being considered in full is the provision of the access into the site. Matters associated with scale, appearance, layout and landscaping are proposed to be considered under the Reserved Matters application process. The scheme initially provided for 31 dwellings, but Officers had concerns regarding the density across the site, and therefore a reduced quantum of housing was negotiated through the determination of 19/00164/OUT. An indicative layout plan is submitted in support of the scheme that illustrates how 24 dwellings could be delivered on the site, alongside a connection to the Public Right of Way on Willey Lane and the provision of public open space.

3.0 Site History

3.1 The only planning history associated with the site is noted below. The reason for application 19/00164/OUT being withdrawn was to allow additional time to resolve matters associated with surface water drainage and transportation matters.

Application Number	Proposal	Decision
19/00164/OUT	Outline application for the erection of up to 24 dwellings (C3) and provision of new vehicular access, and pedestrian access to Willey Lane	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
Natural England	**No objection,** but recommends that the mitigation proposed should consist of Home Owner Packs. Natural England agrees that the proposed mitigation being secured by appropriate planning conditions will be sufficient to conclude no adverse effect on the site integrity on the Morecambe Bay.
Greater Manchester Ecology Unit	**No objection,** subject to the imposition of planning conditions controlling protection measures for Great Crested Newts, recreational pressure, birds, trees, hedgerows and biodiversity enhancement measures.
Lead Local Flood Authority	**No objection,** but recommends planning conditions associated with additional sustainable drainage scheme to be submitted, groundwater considerations, soakaway designs and long-term maintenance proposals.
United Utilities	**No objection,** but recommends that the development is undertaken in accordance with the submitted drainage scheme, and refer to a water pipe crossing the site that may influence the development layout.
County Highways	**No objection.** Advise that the amendments to the visibility splays can be provided to achieve a safe and suitable site access on Lancaster Road, and that the off-site highway works on Lancaster Road and Main Street are agreed
Cockerham Parish Council	**Objection:** • There is insufficient infrastructure in relation to drainage and surface water; • There are no amenities in the village to support the extra population. There is no shop etc and the school is only a small village school which may become oversubscribed; and • The proposed vehicular access is on a bend and is therefore a hazard for traffic.
County Archaeology	**No objection,** but recommends a condition for a scheme of archaeological investigation is undertaken on the site as a condition of the outline planning application, with the strong recommendation that the final design and layout of the development be informed by the results of the initial phase of field evaluation.
County Council Education	**No objection** but requests the payment of **£48,370.32** towards the provision of 2 secondary school places. Given there are a number of applications that are pending determination this could result in the maximum claim of **£64,202.16** towards 4 primary places.
Waste and Recycling Officer	**Raise concerns** regarding the proposed layout from a waste and recycling collection perspective.
Dynamo (Lancaster and District Cycle Campaign)	**Objection.** The village is being extended in a piecemeal fashion, which ignores new infrastructure for new sustainable transport.
Contaminated Land Officer	No observations received within the statutory timescales.
Environmental Health Officers (Noise and Odour)	No observations received within the statutory timescales.
Arboricultural Officer	No observations received within the statutory timescales.
Public Right of Way Officer	No observations received within the statutory timescales
Ramblers Association	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 There have been 3 letters of objection to the scheme based on the following matters:

- Drainage Concerns – foul water drainage concerns, given local residents feel the existing wastewater facility in Cockerham is not functioning as it should, concerns with flooding events that already happen in the village (through surface water flooding) and this development would add to the impact, and there are doubts regarding the permeability testing that has been conducted.

- Crime and Safety Concern – communal areas have the potential to generate crime, and should not abut residential buildings, and there are concerns that the development will open up potential access to the rear gardens associated with those properties along Willey Lane.

- Planning Principles – loss of Green Belt (the site is not designated as Green Belt land), loss of openness and the tranquil nature of the environment, the scheme does not respect the local context and existing village development pattern and would be a fragmented form of development, the development will generate privacy concerns, there is no real need for additional housing within the village and given the recent approvals this will provide for a healthy quantum of new housing in the village.

- Highway Safety Issues – the A588 is the third most dangerous road in the UK with 89 serious or fatal accidents recorded over a ten year period, cycling has not been catered for, pedestrians will have to walk to the hub of the village to reach the bus stops and village primary school and this is not considered safe, and no improvements to the surrounding road network are proposed by this planning application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Section 2 – Delivering sustainable development;
Section 4 – Decision making;
Section 8 – Promoting healthy and safe communities;
Section 9 – Promoting sustainable transport;
Section 11 – Making effective use of land;
Section 12 – Achieving well designed places;
Section 14 – Meeting the challenge of climate change, flooding and coastal change;
Section 15 – Conserving and enhancing the natural environment;
Section 16 – Conserving and enhancing the natural environment;

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed Buildings
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth

6.6 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2018 SHELAA (January 2019);
- Cockerham Neighbourhood Plan;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).
- Open Space Provision in new residential development (October 2015);
- Surface Water Drainage, Flood Risk Management and Watercourses (Planning Advice Note (PAN) May 2015.
- Housing Land Monitoring Report July 2019

7.0 Comment and Analysis

The main issues associated with the application include the following matters:

- Principle of development;
- Highways;
- Layout and design;
- Drainage;
- Landscape;
- Ecology;
- Infrastructure; and
- Other material considerations.

7.1 Principle of Development

7.1.1 Cockerham is listed as a Sustainable Rural Settlement under Policy DM42 of the adopted Development Management DPD, and the village continues to be allocated within the forthcoming Strategic Land Allocations document. It is a village in principle where sustainable housing will be supported. Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development; and,
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.1.2 The proposal is sited on the eastern fringes of the village, with Batty Cottage located to the north, and residential dwellings to south of the site and therefore it is considered that the development is well related to the built form of Cockerham. It is fair to suggest that in recent years the village has seen a number of planning applications approved for residential schemes, namely the Village Road development which has now been built out for 17 houses (13/01018/FUL); together with 18 units off Rectory Gardens (17/00723/OUT); and land at Manor Inn for 24 units (18/00877/OUT). Permission had previously been granted for 36 dwellings off Marsh Lane (16/00494/OUT and 15/00587/OUT), however these permissions have now lapsed. However, there is an application for 36 houses which is pending consideration on the site (19/00438/FUL).

7.1.3 The consideration of this application does need to be considered in the context of the previously approved schemes, though there is no certainty that the any of the approved schemes would come forward for development. Officers consider that even taking account of the approved schemes, this scheme is capable of being of a scale and character appropriate to the settlement and is capable of being able to demonstrate a high-quality design. It is therefore considered that the development complies with the requirements of Policy DM42 of the Development Management DPD.

7.1.4 As part of this application the applicant has committed to providing *the full* (our emphasis) 40% affordable housing provision, so this would relate to the provision of nine affordable dwellings (37.5%). This is afforded significant weight in the decision-making process and one that could be controlled as such via the Section 106 Legal Agreement process.

7.2 Highways

7.2.1 One vehicular access is proposed off Lancaster Road (A588). The County Council did raise concerns to the original scheme (19/00164/OUT) regarding the sustainability credentials, and also from a highway safety perspective. The scheme originally proposed visibility splays in the region of 4.5 x 73m and 4.5 x 70m, and these have been increased during the application process to 2.4 metres x 92 metres to the north and 2.4 x 94 metres to the south. County's original response was to provide visibility splays of 120m x 2.4m, but this cannot be achieved within the extent of land that is within the applicant's ownership. A further amended drawing has been shared which now shows 2.4m x 100m to the south and 2.4m x 120m to the north. County has confirmed that the visibility splays proposed are considered acceptable.

7.2.2 The applicant has proposed a series of off-site highway improvement works. These consist of a new footway on the east side of Lancaster Road between Willey Lane. To implement this footway, it is necessary to reduce the footway width on the west side of Lancaster Road, in order to maintain the carriageway width. This will result in a short section of reduced footway to 1.5m on the west side. County is amenable to the applicant's proposal here and consider it is safe. The applicant also proposes an uncontrolled crossing and proposes a pedestrian drop crossing point on Main Street (within the centre of the village). This is considered acceptable, together with some improvements to the north of the Manor Inn car park. County has raised no objection subject to the measures being implemented. The Case Officer is still in discussions with County to ensure that all the measures proposed are all deliverable, and there will be a verbal update at the Planning Regulatory Committee.

7.2.3 Willey Lane is a Public Right of Way and the applicant has included a footway which connects to this. Officers from the City and County Councils were keen to see this included as a secondary means of access to amenities within the village such as the school, church and public house. This can be secured by means of planning condition should the scheme be supported.

7.3 Layout and Design

7.3.1 Layout, scale and appearance are Reserved Matters, and therefore Councillors are making a recommendation on whether they consider that the site can accommodate up to 24 residential dwellings. However, the applicant has included an indicative layout in support of the application to demonstrate how the site could be developed. The original iteration of the scheme included 31 dwellings and there was some concern when travelling southwards to the village on Lancaster Road how the dwellings could sit in relation to Batty Cottage. The applicant has removed this element of the scheme, and shown this area to be landscaped (on the indicative plan). Overall the scheme has the potential to be developed sensitively, and whilst there would need to be amendments at the Reserved Matters stage it is considered that the concept of the proposed layout has the potential to work in this location.

7.3.2 Given the gradient across the site and to ensure a high-quality layout it is considered necessary to include planning conditions requiring the submission of the finished floor and site levels. This should include gardens associated with the plots and also open space and roads and pavements. Whilst the gradient creates a challenge, the indicative layout has not sought to propose dwellings on the highest part and this is to be supported via any future Reserved Matters application. Concern has been raised amongst those residents on Willey Lane regarding loss of privacy, overlooking and privacy issues. The rear garden boundaries along Willey Lane have low boundary treatments, and therefore any future application would need to ensure suitable separation distances to ensure that privacy matters could be protected. All these matters could be addressed within any future Reserved Matters submission.

7.4 Drainage

7.4.1 One of the early concerns of officers was whether the site could be drained with sustainable drainage principles. There is no point of connection to the main sewer network directly outside the site, and no watercourses or drains are accessible to direct surface water to. The Flood Risk Assessment submitted in support of the scheme does state that infiltration would be a likely suitable means of surface water discharge from the site. The applicant has stated that the site at Rectory Gardens has a soil infiltration co-efficient of 3.15 x 10-5 m/s (0.113 m/hour). United Utilities records show that surface water drainage for the individual residential properties on Village Road immediately to the south of the proposed development are being drained by individual soakaways located in the rear gardens. United Utilities also advocate draining the site sustainably. The applicant has since undertaken two trial trenches on the site with the revealing that the site can be suitably drained by soakaways given the soil infiltration rate is 1.34 x 10-4 m/s. These works were undertaken in June 2019. The Lead Local Flood Authority raises no objection to the scheme on the basis planning conditions are imposed.

7.4.2 As testing has been undertaken, this provides the confidence that on the balance of probabilities that the site can be drained via soakaways. Notwithstanding this, a Grampian style condition should be imposed on any planning consent that provides for full drainage scheme to be submitted to, and approved by the Local Planning Authority in advance of any works on the site.

7.4.3 Concern has been raised via representations to the proposal regarding the problems faced by the existing waste water treatment facility within the village. Given this is the responsibility of United Utilities, who raise no objection to the scheme, it has to be assumed there is capacity to accept additional foul water (furthermore United Utilities are obligated to do so). The scheme provides for a foul pumping station on the site. This would need some careful consideration of its location as part of any Reserved Matters application.

7.4.4 United Utilities raises the Council's attention to a water main easement crossing the proposed development site. The water authority have statutory rights for inspection and maintenance. The water main is not detailed within the applicant's Utility Statement submitted in support of the scheme. Further clarification has been sought between the applicant and United Utilities (who do not object to the scheme, but raises the Council's attention to be mindful of their infrastructure when this application is determined). This could have a bearing in terms of how the site could be developed, and the quantum of development,

and therefore whilst layout is not being applied for, we need the confidence to understand where the pipework is located.

7.5 **Landscape**

7.5.1 The site is currently pastoral farmland, with open views across the Forest of Bowland to the east. It is accepted that there would be a moderate degree of harm associated with the development given the development occupies an area of greenfield, but the proposal represents a logical extension to the village in the Case Officer's opinion. The impact on the landscape can be mitigated via high quality design, and the use of soft landscaping, and therefore these are issues that can be addressed at the Reserved Matters stage.

7.5.2 The proposal would be proportionate to the existing scale and character of Cockerham (this includes those schemes that have been approved), and hence accords with criterion v of Policy DM42 of the DM DPD. It is considered that with a sensitive layout (including appropriate boundary features) and high-quality landscaping, this would mitigate the harm of the development. However, there would be some conflict with the landscape character and countryside setting aims of Policies DM28, DM35, DM41 and DM42 of the DM DPD, saved Policy E4 of the Local Plan, and Policy SC1 of the Core Strategy and Paragraph 170 of the Framework.

7.6 **Ecology**

7.6.1 The proposal is supported by an ecological appraisal and this has been reviewed by Greater Manchester Ecology Unit (GMEU). They initially raised concerns regarding whether wintering birds may utilise the site, but following additional information supplied by the applicant, GMEU withdrew their concerns. Natural England has now withdrawn their objection in this regard too. GMEU has raised concerns regarding a lack of Great Crested Newt (GCN) Survey on a pond to the north of the site and the applicant has responded to this by stating the pond is not accessible to survey. The in-accessible pond has been confirmed as being a garden pond and has amenity garden planting around its perimeter. The pony paddocks adjacent to the pond were found to be heavily grazed and consequently very short. The proposed development site itself does not support any GCN terrestrial or hibernacula habitat and whilst the hedges do provide some shelter it is considered unlikely that amphibians would cross the proposed development site due to its open nature and uniform length grassland.

7.6.2 In line with the requirements of the NPPF, there are opportunities for biodiversity enhancement to be incorporated into new development proposals, such as this scheme. GMEU has recommended a planning condition to this effect, and this could take the form or the inclusion of bat bricks/tubes within the development, bird boxes, native tree and shrub planting, bolstering of hedgerows and sensitive lighting.

7.7 **Infrastructure**

7.7.1 The County Council as Education Authority for the District has requested there would be a shortfall of 206 secondary places in 5 years' time, this equates to a need of a financial contribution of £48,370.32, for the provision of 2 secondary school places. With respect to primary places no contribution would be required as it is only envisaged that there would 85 pupils at Cockerham Parochial School in 2024 when the future planned capacity is 102, although the County caveat that this position could change with planning applications that are pending consideration. Approval of this scheme would assist in contributing to the vitality of the school, as this is a key community asset. The applicant is amenable to the financial contributions being secured by legal agreement.

7.8 **Other Material Considerations**

7.8.1 The development proposes in excess of 20 dwelling houses, and therefore it is considered necessary and reasonable for a condition to be applied to any Planning Permission that contains an Employment Skills Plan. The Council's contaminated land officer had previously (on the previous outline application) requested a suite of planning conditions associated with contaminated land but it is only reasonable to include a condition associated with unforeseen contamination. Whilst not within an air quality management area, it is considered reasonable and appropriate to include electric vehicle charging points.

7.8.2 The site lies within an aerodrome safeguarding zone whereby obstacles higher than 6 metres will not be permitted. The principle of development would not pose a danger to aircraft or parachutists on the basis of two storey dwellings and in any event the Civil Aviation Authority would be consulted at Reserved Matters stage.

7.8.3 The scale of the site is such that there is unlikely to be a need for an on-site play area, although there will be a need for open space to be provided on the site. It is recommended that a condition is imposed regarding the provision of open space and also for an open space contribution to be assessed based on the needs of the village once the Reserved Matters application has been received (to be addressed by legal agreement). Given the Council's inability to demonstrate a deliverable 5-year housing land supply and the engagement of the tilted balance, it is considered to be justified to impose a two-year time period for the submission of a Reserved Matters planning application rather than the default three-year time period.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 56 of the NPPF:

- The provision of 40% of affordable housing to be based on a 50:50 (affordable rented: shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs);
- The payment of **£48,370.32** for two secondary places (to be assessed at reserved matters stage when the number of units and bedroom numbers is known);
- Off-site open space contribution to be assessed based on the needs of the village of Cockerham (at the time of the reserved matters application); and,
- Long term maintenance of non-adopted highways, open space, landscaping and creation of Management Company.

9.0 Planning Balance and Sustainability

9.1 Cockerham is a sustainable rural settlement, and therefore the principal of sustainable housing in the village can be found acceptable. It is accepted there are some day-to-day facilities and services within the village, and that it is possible to walk to the village primary school. However, in reality future residents would rely on the use of a private car to get to amenities, work places and attractions as the local bus service (No.89 – Knott End to Lancaster and vice versa) only runs every 90 minutes.

9.2 It is considered that there would be some environmental harm caused as a result of the reliance on the private car for many trips and hence the limited accessibility credentials of the site. In addition, it has been noted that there would be some harm to the landscape character and the general appearance of the countryside. Whilst there is harm, this should be weighed against the adopted Development Plan for the area (DM42 of the DM DPD and Policy E4 of the saved Local Plan). DM42 of the Development Management DPD does support additional housing in the village of Cockerham, and that the proposal would boost both affordable and market housing in the area. In addition, there would be some small-scale economic benefits. Given the Council's lack of 5-year housing land supply these benefits should be afforded significant weight in the tilted balance.

9.3 On balance, it is considered that taking into account the considerations above, that the identified adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework. Consequently, it is considered that the development would constitute a sustainable form of development, and it is recommended to Councillors to approve the development subject to the signing of a S106 agreement and the conditions noted below.

Recommendation

That, subject to the applicant entering into a Legal Agreement to secure the obligations as noted in Section 8.1 of this report, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Two year timescale
2. Development in accordance with the approved plan (red edge and access)
3. Access details to be submitted
4. Scheme for off-site highway works
5. Construction Environmental Management Plan
6. Scheme for Sustainable Surface Water Drainage
7. Scheme for Foul Water Drainage Scheme
8. Submission of Finished Floor and Site Levels
9. Scheme for the provision of on-site open space
10. Scheme for the connection to the Public Right of Way
11. Scheme for any external lighting
12. Vegetation clearance to be undertaken from 1st March to 31st July
13. Scheme to be undertaken in accordance with the ecological mitigation methods
14. Development in accordance with the submitted AIA
15. Employment and Skills Plan
16. Provision of electric vehicle charging points
17. Uncontaminated Land
18. Provision of Home Owner Packs

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

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

Background Papers

None

Agenda Item	A10
Application Number	18/01422/FUL
Proposal	Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works
Application site	Land to the rear of Pointer Grove and adjacent to High Road, Halton, Lancashire
Applicant	Russell Armer Ltd
Agent	Mr Harry Tonge
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in April 2020. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

1.1 The site is in the region of 4.3 hectares in area, and is 47.50 metres Above Ordnance Datum (AOD) at its lowest part of the site (south west corner) and rises to 76.50 AOD metres towards the north eastern corner. The average site gradient is approximately 1:10. The northern half of the site has a steeper gradient when compared to the southern part of the site. The site is located on the eastern periphery of the village in the region of 550 metres from St Wilfrid's Primary School and 240 metres from the parade of shops on High Road. There are agricultural fields beyond the site to the north west, north, east and south east. To the west and south west are residential properties on High Road and Pointer Grove. Kirkby Lonsdale Road / High Road runs along the southern boundary.

1.2 The site is currently used for agricultural purposes and there are no buildings located on the site. The site is bound by a mature hedgerow on all the aspects with some isolated trees on the boundaries of the site. There are two culverted watercourses that traverse the site converging to a single watercourse. The site is not situated within any ecological designation or nationally protected landscape (although the Forest of Bowland AONB is 500 metres to the south east). Footpath number 11 is located 100 metres to the north west and Halton Conservation Area is located 440 metres to the south west of the site. Whilst not within the site, an Ash Tree in the control of 195 High Road is protected by a Tree Preservation Order 235 (1995).

2.0 Proposal

2.1 The scheme proposes a total of 65 residential units, together with a new vehicular access off Kirkby Lonsdale Road. The scheme proposes a mixture of dwellings, ranging from 1-bedroom apartments to 4-bedroom detached dwellings. The overall breakdown is noted below, and more detail can be found within the appended report.

- 2 x 1-bedroom apartments
- 12 x 2-bedroom houses
- 35 x 3-bedroom homes
- 16 x 4-bedroom homes

3.0 Site History

3.1 The proposal was presented to, and resolved to be approved in April 2020 by, the Planning Regulatory Committee (the full report is appended).

It was proposed by Councillor Robert Redfern and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in the recommendation of the Committee Report, planning permission be granted, subject to the conditions set out in the Committee Report with an additional condition relating to the hours of construction.”

Upon being put to the vote, 8 Councillors voted in favour of the proposition, 1 against and 3 abstained, whereupon the Chair declared the proposal to be carried.

That, subject to a Section 106 Agreement being entered into to secure the obligations contained in the recommendation of the Committee Report, planning permission be granted, subject to the following conditions:

Resolved;

1. Two-year timescale for implementation
2. Development in accordance with approved plans (to be listed)
3. Detailed plans of site access (including internal adoptable standard roads)
4. Offsite highway works
5. Protection of visibility splays
6. Car parking to be provided
7. Electric vehicle charging points
8. Unforeseen land contamination
9. Development in accordance with the submitted Arboricultural Implications Assessment
10. Removal of Permitted Development rights
11. Garage use restriction
12. Provision of landscaping scheme
13. Landscaping management plan
14. Finished floor and site levels
15. Material samples
16. Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation
17. Details of retaining walls and boundary treatments, including finishes.

18. Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement (including home owner packs)
19. Development in accordance with the Flood Risk Assessment
20. Development in accordance with the submitted surface water drainage proposals
21. Covered cycle parking and refuse provision
22. Submission of a drainage scheme to account to being phased across the site.
23. Submission of surface water drainage management and maintenance
24. Vegetation removal outside of bird breeding season
25. Arboricultural Method Statement to be submitted
26. Employment and Skill Plan
27. Hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only)

4.0 Consultation Responses

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of April 2020 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 <u>The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, H2.9, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).</u>

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Halton is still identified as a sustainable rural settlement. Furthermore, the site is allocated under Policy H2.9 for 66 residential dwellings. Therefore, it is suggested that there is stronger policy support for the scheme than in April 2020. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. This planning application was submitted in 2018, and the reason for the delay in determination was primarily down to delays in the responses of key consultees. The scheme as a whole provides for space standards that are above the minimum, apart from the one unit being the Milnthorpe at 79m² as opposed to the required 84m². Given when the application was submitted, it is not justified to ask for the change here. Whilst no M4(2) (accessible and adaptable) compliant units have been provided for, this would be detrimental to the viability of the scheme, and on this occasion, given when the application was submitted (18 months ago), it is not justified to ask for the change. Future

applications would however be expected in line with the policy position, so this *will not* (our emphasis) be the default position going forward.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable, the plan still requires 40% in Rural East which this site sits within. That said, the scheme was independently assessed and could only deliver 20% affordable housing and councillors supported this in April 2020.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in April 2020. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. The scheme is only capable of providing 20% affordable housing provision whereas DM3 still requires this to be 40%. This was independently assessed as being the maximum quantum the council could seek to ensure a deliverable scheme. The major other change relates to the provision of internal space standards across the development, and ensuring the provision of 20% of the units are M4(2) complaint. On the whole, the houses are of a size that conform to the standards, though none of the units comply with the M4(2) standard. As mentioned in this report, given the application was submitted in 2018, Officers feel it would be un-justified to ask for this change now. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Planning Permission **BE GRANTED** subject to signing of the Section 106 Agreement to secure the following obligations:

- Provision thirteen (13) units to be affordable (7 units to be shared ownership and 6 units to be affordable rented); and
- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

and the following conditions:

Condition no.	Description	Type
1	Two-year permission	Control
2	Development in accordance with approved plans (to be listed)	Control
3	Detailed plans of site access (including internal adoptable standard roads)	Pre-commencement
4	Finished floor and site levels	Pre-commencement
5	Employment and Skill Plan	Pre-commencement
6	Arboricultural Method Statement to be submitted	Pre-commencement
7	Submission of a drainage scheme to account to being phased across the site	Pre-commencement
8	Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement (including home owner packs)	Pre-commencement
9	Submission of surface water drainage management and maintenance	Development above ground

10	Offsite highway works	Development above ground
11	Electric vehicle charging points	Development above ground
12	Material samples	Development above ground
13	Details of retaining walls and boundary treatments, including finishes.	Development above ground
14	Provision of landscaping scheme	Development above ground
15	Landscaping management plan	Development above ground
16	Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation	Development above ground
17	Covered cycle parking and refuse provision	Development above ground
18	Car Parking provided	Pre-occupation
19	Unforeseen land contamination	Compliance
20	Protection of visibility splays	Compliance
21	AIA	Compliance
22	Removal of Permitted Development rights	Compliance
23	Garage use restriction	Compliance
24	Development in accordance with the Flood Risk Assessment	Compliance
25	Development in accordance with the submitted surface water drainage proposals	Compliance
26	Vegetation removal outside of bird breeding season	Compliance
27	Construction Hours of Work (0800-1800 Mon to Fri and 0800-1400 Sat only)	Compliance

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

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

Background Papers

18/01422/FUL – April 2020 Committee Report

Agenda Item	Committee Date	Application Number
A5	27 April 2020	18/01422/FUL

Application Site	Proposal
Land to The Rear of Pointer Grove And Adjacent to High Road Halton Lancashire	Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works

Name of Applicant	Name of Agent
Russell Armer Ltd	Mr Harry Tonge

Decision Target Date	Reason for Delay
11 February 2019	Drainage negotiations, viability discussions and officer workload.

Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval

i) Procedural Note

The application was reported to the Planning Regulatory Committee on 30 March, but was deferred to allow the observations of County Highways and Natural England to be received. The observations of County Highways as the Highway Authority, and Natural England have now been received.

1.0 <u>The Site and its Surroundings</u>

1.1 The site is in the region of 4.3 hectares in area, and is 47.50 metres Above Ordnance Datum (AOD) at its lowest part of the site (south west corner) and rises to 76.50 AOD metres towards the north eastern corner. The average site gradient is approximately 1:10. The northern half of the site has a steeper gradient when compared to the southern part of the site. The site is located on the eastern periphery of the village in the region of 550 metres from St Wilfrid's Primary School and 240 metres from the parade of shops on High Road. There are agricultural fields beyond the site to the north west, north, east and south east. To the west and south west are residential properties on High Road and Pointer Grove. Kirkby Lonsdale Road / High Road runs along the southern boundary.

1.2 The site is currently used for agricultural purposes and there are no buildings located on the site. The site is bound by a mature hedgerow on all the aspects with some isolated trees on the boundaries of the site. There are two culverted watercourses that traverse the site converging to a single watercourse.

1.3 The site is not situated within any ecological designation or nationally protected landscape (although the Forest of Bowland AONB is 500 metres to the south east). Footpath number 11 is located 100 metres to the north west and Halton Conservation Area is located 440 metres to the south west of the site. Whilst not within the site, an Ash Tree in the control of 195 High Road is protected by a Tree Preservation Order 235 (1995).

2.0 The Proposal

2.1 A very similar proposal was approved in 2018 (under Planning Permission 17/00224/FUL). The layout has subsequently received some very minor changes, namely the removal of one unit given the original consent provided for 66 dwellings. The reason the application has been submitted is as a result of the applicant wanting to provide a lower quantum of affordable housing compared to the approved scheme.

2.2 The scheme proposes a total of 65 residential units, together with a new vehicular access off Kirkby Lonsdale Road. The scheme proposes a mixture of dwellings, ranging from 1-bedroom apartments to 4-bedroom detached dwellings. The overall breakdown is noted below:

- 2 x 1-bedroom apartments
- 12 x 2-bedroom houses
- 35 x 3-bedroom homes
- 16 x 4-bedroom homes

Eight (12%) of the units are proposed as affordable homes (affordable rent tenure consisting of 2 x 2 semi-detached and 2 x 4 bedroom semi-detached, and shared ownership consists of 2 x 1 bedroom and 2 x 3 bedroom properties), with the remaining 57 houses to be for open market sale.

2.3 The units will consist of detached and semi-detached bungalows, townhouses, terraced houses and apartments. Due to the levels across the site some of the units proposed are to be split level units. Materials include a mixture of natural stone, roughcast render and timber style boarding. Roofing materials are proposed to be slate. Boundary treatments predominately consist of 1.8m high fencing though there are hedgerows and stone walls that are proposed on key viewpoints into the site. Given the change in levels across the site many of the gardens include retaining walls.

2.4 A new access is proposed onto High Road which includes a 5.5 metre wide access road with a 6m kerb radii and visibility splays of 2.4 x 120 metres are proposed in each direction. The scheme proposes a sustainable drainage system which would be a feature within the centre of the site with open space and landscaping across the site (incorporating a large woodland area to the north). A play area is proposed in the southern part of the site.

3.0 Site History

3.1 The relevant planning history is noted below:

Application Number	Proposal	Decision
17/00224/FUL	Erection of 66 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works	Approved
15/01050/PRETWO	Residential development including infrastructure and access	Advice provided

4.0 Consultation Responses

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

Consultee	Response
Halton Parish Council	**Object** to the proposal for the following reasons: • The scheme should provide the full 40% affordable which was approved as part of application 17/00224/FUL • No development should be approved until such time the LLFA's flood study report is complete.
County Highways	Previously raised an objection to the amended driveway of plot number 1, and raised some concern regarding surface water management and internal layout. Since the

	Committee meeting on 30 March, the applicant has been working proactively with the County Council, and it is considered that the issues they raise namely in relation to the provision of additional internal footway in lieu of service verge, swept path analysis on turning heads, and plot 1 driveway arrangements can be addressed by means of planning condition. The County is satisfied that these matters can be addressed at the detailed design stage. **No objection** to the proposal subject to conditions.
Lancashire County Education	**No objection** but requests a financial contribution of **£192,606.48** towards 12 primary school places at Caton Community Primary School.
Environmental Health	**No objection**, however have recommended a condition limiting construction activities between 0800-1800 Mon to Fri and 0800-1400 Sat.
United Utilities	**No objection**.
Engineering Team	No observations received within the statutory timescales.
Environment Agency	**No comment**
Fire Safety Officer	**No objection**.
Lead Local Flood Authority	Initially raised some concerns with the proposed drainage layout, but following amended proposals the LLFA raise **no objection** on the basis of conditions being secured to any grant of planning consent.
Natural England	Initially raised no objection to the development, but since the application has been submitted the SSSI impact risk zones have been updated, and now the application triggers the Cheshire to Lancashire Coast recreational disturbance bespoke Impact Risk Zone. The Local Authority therefore needed to undertake an Appropriate Assessment. The applicant's ecologist has undertaken this assessment and the LPA would seek to adopt this. Natural England has reviewed the document, and are happy to support the scheme on the understanding a condition is imposed regarding the provision of homeowner packs.
Shell	No objection.
Greater Manchester Ecology Unit	Originally raised no objection to the development subject to conditions controlling landscaping, reasonable avoidance techniques on the local great crested newt populations and biodiversity enhancement, but have echoed the views of Natural England above that there is a need to undertake an Appropriate Assessment.
Public Realm Department	No observations received within the statutory timescales.
Lancashire Police	No objection though the scheme should be designed to Secured by Design standards.
Tree Officer	No observations received within the statutory timescales.
Waste Management Officer	Raises some concerns with layout and collection points for waste and recycling collections.
Halton Flood Action Group	This approval should not be granted until and unless the downstream High Road flooding and drainage issues (confirmed by the November 2017 flooding), which it will contribute to and are currently being studied by the LLFA, have been resolved. The site is in the worst place in the village for adding to drainage problems and flood risk, as it is at the top end of the natural flow paths through the village, down High Road and out to the River Lune.

5.0 Neighbour Representations

5.1 The application has generated **36 letters of objection** based on the following concerns:

- Drainage – The field already floods, and therefore approval of the scheme would exacerbate the situation for residents of Pointer Grove, Arrow Lane and the village of Halton; Halton flooded badly during Storm Desmond and also the November 2017 flooding, and this scheme is likely to increase pressure on the already constrained drainage network.

- Landscape and Visual Amenity – The development will be visually prominent on a steep sided hill that is in close proximity to the Forest of Bowland AONB. The scheme would be out of character as Halton is predominantly bungalows, and therefore the scheme as presented is out of keeping with the local vernacular.

- Highways Safety – Drivers disregard the speed limit on the local roads with the situation being exacerbated since the Heysham – M6 Link Road was opened in 2016; the hill falls steeply when approaching the village and this is when speeds are at their highest.

- Local Infrastructure – Cannot cope with increased capacity within the village notably the local school and drainage.

- Housing needs – The applicant should be providing the full quantum of affordable housing and there are a number of houses already for sale including new build housing on Halton Grange and Forge Weir View.

5.2 St Wilfred's Church of England School - **Objects** to the proposal on the basis that the local school is at capacity, highway safety concerns, and the sewerage system is inadequate for the development that is coming forward.

5.3 David Morris MP – **Objects** to the development given concerns on flood risk and lack of affordable housing proposed as part of the planning application.

5.4 Councillor Kevin Frea – **Objects** to the proposal given flooding issues, concerns over the loss of affordable housing and consider that this greenfield site is not suitable for development.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Section 2 – Achieving Sustainable Development
Section 3 – Plan Making
Section 4 – Decision Making
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting Sustainable Transport
Section 11 – Making efficient use of land
Section 12 – Achieving well designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy (Adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E3 – Development within and adjacent to the AONB
E4 – Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting listed buildings
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
DM49 – Local Services

7.0 Comment and Analysis

The main issues to be considered in the determination of this application are:

- Principle of Development
- Affordable Housing
- Drainage
- Nature Conservation
- Highways
- Layout
- House Types
- Landscape and Visual Impact

- Trees
- Open Space
- Education Provision
- Other Matters.

7.1 Principle of Development

7.1.1 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development. It is important for Councillors to note that planning consent already exists for 66 dwellings on the site granted in 2018 under planning permission 17/00224/FUL. The application is nearly identical with the exception of the removal of one dwelling house. However, the main change with the application is a reduction in affordable housing provision and an increased volume of storage for surface water.

7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the District, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the Council would, in principle, support proposals for new housing. Policy DM42 identifies Halton as a village where housing proposals would be supported in principle (this is consistent with the emerging plan also). Whilst the principle of housing development in Halton is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular, reference should be made to paragraph 20.22 of the Development Management DPD which states; "*The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)".*

7.1.3 Given the site is identified as Countryside Area, saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests; and make satisfactory arrangements for access, servicing, cycle and car parking provision.

7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.

7.1.5 Halton with Aughton Parish Council have made an application to designate the area as a Neighbourhood Plan area. Consultation on this area designation took place in 2015 and the designation was approved on 26 October 2015. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision-making process it must have made significant progress towards completion (being at the Referendum stage) before any real weight can be attached to it. Clearly the Neighbourhood Plan in Halton is at a very early stage, and so little weight can be afforded to the community's intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration. A number of the local residents on both this application, and the one approved in 2017, stated that in the 2015 Strategic Housing Land Availability Assessment this concluded that only 35 dwellings could be accommodated on the site, whereas this scheme is essentially double

that figure. The SHEELA from May 2018 (on the back of the approval) suggests the site is deliverable on the basis of 66 dwellings. The SHEELA does not allocate land, but it is a technical exercise to review land which *may be* (our emphasis) suitable for development proposals.

7.1.6 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Halton will be supported assuming the below criteria can be met:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment can accommodate the impacts of the expansion;
- Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and, consider all other relevant policies.

7.1.7 The development is adjacent to residential properties along High Road and Pointer Grove and therefore it is considered that the development has some form of geographical relationship to the existing built form of Halton. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.

7.1.8 With respect to its relationship to the village in terms of scale and character, the proposed development is a modest extension to a village which has a population in the region of 2,220. Officers consider that an additional 65 dwellings can be seen to be proportionate to the scale and character of the settlement (even including the schemes being built out at Halton Grange and Forgeweir View). Local infrastructure has to be able to cope with the proposed expansion of the village and this is discussed in more depth in paragraphs 7.3, 7.5 and 7.11 and issues of design and landscape is considered in depth at paragraphs 7.6 and 7.8. On balance Officers consider that the development conforms to general principles of Policy DM42 of the Development Management Development Plan Document.

7.2 Affordable Housing

7.2.1 The extant consent provided for 40% affordable housing allowance, though since the approval of application 17/00224/FUL the applicant has concluded that in order to develop the site a reduction in the level of affordable provision is required to enable the development to be deliverable. The main reason for the deviation in affordable housing is as a result of the high costs associated with drainage infrastructure across the site and the lower than normal density rates owing to land levels.

7.2.2 For the benefit of Councillors, the other three large scale schemes that are being developed out in Halton are noted below. All the schemes have been assessed by the same viability consultant, and Forgeweir View and Land to the Rear of Pointer Grove share synergies with respect to being located on a sloping site. It is disappointing that the scheme has offered a reduced offering, but whilst the figure is low, Officers have sought to secure a mix of affordable homes, including 3 and 4-bedroom properties. Whilst a higher quantum of affordable units could have been secured using 1-bedroom units as the predominate size, it was not considered appropriate. Given a number of 1-bedroom units being secured on the other larger schemes (notably the Story Homes scheme) it was elected to opt for larger units (in the form of the two 4- bed units which are for affordable rent). The provision of a greater quantum of on-site affordable housing in lieu of an education contribution is still under negotiation with the applicant.

Site	Education Payment	Affordable housing allowance
Forgeweir View (Wrenman Homes – 60 houses)	£0	10 units (16%)
Halton (Story Homes – 76 houses)	£312,780.32	17 units (22%)
Land to the rear of Pointer Grove (65 houses)	£0	13 Units (20%)

7.3 Drainage

7.3.1 There has been a number of concerns raised with respect to surface water drainage within the village, and villagers are understandably concerned given some of the village suffered extensive flooding during

Storm Desmond in December 2015, and the floods in November 2017. It should be stressed that the site lies within Flood Zone 1 and therefore the site is considered to be at low risk of flooding. Notwithstanding the above, there is a culverted watercourse that drains the site and the upland catchment. It currently poses a high risk of surface water flooding. This flood event is predicted to the narrow corridor within the centre of the site. The existing topography and drainage features within the site are proposed to be utilised to provide a sustainable drainage feature. This will utilise a series of cascading detention basins, with the existing culvert opened to create a permanent watercourse running through the site. Plot drainage, driveways and parking bays will be served by geo-cellular crates located within the driveways of each of the dwellings. It is proposed that mini flow chambers will be discharged to an attenuated rate of 0.2l/s into a new surface water sewer, with discharge into the detention basins/channels. With respect to highway drainage it is proposed that the highway network will incorporate a series of gullies and pipes which will convey the surface water flows into the cascading detention basins within the central belt of the site. Once the surface water has left the detention basin, surface water will be discharged into the existing 450mm diameter culvert within the site, connecting into the 750 mm diameter surface water sewer to the rear of no 9 Pointer Grove, which eventually enters the surface water drainage system on Arrow Lane.

7.3.2 The Lead Local Flood Authority (LLFA) raised no objection to the 2017 scheme, but following review of the scheme again, they had some concerns regarding the pre-development run-off rates and in particular the detention basin volumetric storage improvements and the detailed hydraulic modelling. Over the course of the last 18 months there has been ongoing discussions between parties over quite detailed matters. This has resulted in an amended proposal but the proposal has been amended to account for an increased volume of storage within the blue-green corridor which is now proposed to be 1630m³ which has increased by 495m³ since the original application.

7.3.3 There is currently an earth bund that has been created to protect the rear gardens of properties on Pointer Grove (which was undertaken by the applicant in June 2015 after acquiring the site), and this has proven effective and performed as designed during the Storm Desmond event in 2015. The temporary bund, which was created to protect the existing houses on Pointer Grove, is proposed to remain until the main drainage works are completed on the site. Following this, the onsite surface water system and watercourse improvements will mitigate both on and off-site flooding concerns. Local residents during the 2017 application raised concerns with the loss of the bund but the applicant is still proposing to incorporate a 300mm high raised bund to protect boundary of the properties on Pointer Grove.

7.3.4 Officers are sympathetic to the concerns of residents, and some of the photographs submitted in support of residents' concerns show quite a significant volume of surface water being channelled through the site. The applicant did engage with the LLFA at pre-application stage and have held on-site meetings with them to discuss a suitable strategy with respect to handling surface water. The application before Committee has been heavily scrutinised by the LLFA. Whilst there have been a number of concerns raised in respect of this issue, the applicant has submitted detailed design plans with Officers. These have been reviewed at length, and the position is that there is no objection from the LLFA. Whilst it is accepted that this development will not solve the pre-existing problems in Halton, there is some betterment in this scheme as opposed to the extant scheme. A condition is recommended approving the Flood Risk Assessment, the detailed surface water drainage drawings submitted in support of the scheme and also the need for a maintenance plan. Whilst not requested by the LLFA, a condition is recommended to understand how the drainage will be phased across the site (given it is expected that the developer will be on the site for the region of 3 years).

7.4 <u>Nature Conservation</u>

7.4.1 The application is supported by an ecological appraisal which states that the site is an improved agricultural field, and that the main ecological interests of the site are the trees and hedgerows that the site contains. The Council's ecological advisor, Greater Manchester Ecology Unit (GMEU), would have wished to see the large mature ash tree remain (to be lost to facilitate the access arrangements), and consider that any loss of biodiversity, such as the loss of hedgerow, shall be transplanted or replaced. GMEU recommends conditions associated with landscaping, protection methods for amphibians and protection of nesting birds with no removal or works to hedgerows, trees or shrubs occurring between 1 March and 31 August. These matters can be controlled via the use of planning condition. Natural England raised some concern with recreational pressure namely along the Morecambe Bay Coast. The applicant has produced a Habitat Regulation Assessment, which has been shared with Natural England (NE). They raise no objection to the conclusion, subject to a planning condition associated with the

provision of homeowner packs. This is considered acceptable, and proposed planning condition 18 would cover this.

7.4.2 The blue-green corridor provides an opportunity to provide habitat as does the planting associated with the scheme (especially to the north of the site). On balance it is considered that the development is acceptable from a nature conservation perspective and in time there will be net gain from a biodiversity perspective. The blue green corridor has the potential to be an exemplar of a sustainable drainage scheme in the District that not only promotes effective water management but creates biodiversity gain.

7.5 Highways

7.5.1 There was no objection to the application in 2017 from County Highways on the basis that planning conditions were imposed on any consent. The application is supported by a comprehensive Transport Assessment, which concludes that the 85th percentile speed indicated is 42 mph north east bound and 39mph south west bound. These figures have been used to inform the visibility splays required to facilitate the development are 2.4m by 120m in either direction (which have been provided).

7.5.2 County has recommended that there is a review of existing street lighting together with gateway features, together with an upgrade of a bus stop and signage for 20mph along High Road. They had suggested to Officers that the proposed layout, whilst emulating the consented scheme, would not be suitable for adoption and therefore did raise this as a concern. A series of amendments have been made including the provision of an additional footway within the scheme, and amendments to the driveway for plot 1. There is still a need for some swept path analysis of the turning heads, but it is considered appropriate, and reasonable, to impose a condition to cater for the detail of this. Whilst the applicant and County have stressed this could be resolved at the Section 38 stage (which is the detailed design stage of when a scheme is put forward for highways adoption), there is no formal requirement for roads to be adopted. With this in mind a condition is a necessity here to secure the correct highway layout which the applicant is amenable to.

7.5.3 The village amenities, such as local shops, doctor's surgery and primary school, are located to the west of the application site. Rather than having to cross Kirkby Lonsdale Road and back again to get to the local shops. The consented scheme provided for a 2-metre footway to tie in with a footway to Arrow Lane of 2 metres in width. The same has been asked for by the County this time around.

7.5.4 It is noted that there has been significant concern among local residents that since the opening of the Bay Gateway in October 2016, there has been a significant increase in traffic through the village, together with an increase in vehicle speeds approaching and exiting the village. It was noted during site visits that on occasions vehicles were travelling at a speeds greater than the speed limit. None of the above issues are in doubt, and the views of the local community are noted here, but given there is no objection from the statutory consultee on highway safety and capacity it has to be concluded that the development can be found acceptable from a highway's perspective (assuming the issues around layout can be addressed).

7.5.5 On the basis that the applicant can satisfy the concerns of the County Council, and no objection is lodged in respect of highway safety, it is recommended that from a highway safety perspective the scheme will be safe.

7.6 Layout and House Types

7.6.1 The scheme is essentially split into two distinct areas which are proposed to be separated by the applicant's surface water drainage solution (the blue-green corridor). The southern element of the site contains a mixture of terraced, semi-detached and detached units and the northern part of the site containing mostly detached houses. Plot levels vary across the site with the site sloping to the south west where at the lowest site levels would be in the region of 48 metres AOD and towards the south east part of the site levels are in the region of 68 metres AOD. The site is split by the blue-green corridor which is in the region of 0.43 hectares.

Southern Layout

7.6.2 Officers initially had concerns with the relationship of the built form with Kirkby Lonsdale Road/High Road and the applicant has responded to the concerns via an amendment to the layout which provides for five

less units compared to the initial scheme; the re-positioning of a number of the dwellings; and also the provision of a play area (to the north of units 19-23). Whilst the scheme does still feel quite suburban, Officers consider that there is a substantial improvement compared to the originally submitted scheme. In general design terms, garden sizes and privacy between dwellings is considered acceptable. As part of the amendments to the scheme plots 4 and 5 have been pulled back from 10 and 11 Pointer Grove, and there is now circa 24 metres between the conservatory of 11 Pointer Grove and the nearest habitable window of Plot 5.

7.6.3 Whilst there are still urban parking courts proposed, which are not entirely characteristic of the village, it is considered that the amendments that have been incorporated into the scheme have been beneficial to the development. A boundary treatment plan has been submitted in support of the scheme. The proposed boundary treatment for the majority of the southern half of the site is close boarded timber fencing, though through discussions with the agent, hedgerows and some stone walling has now been included (which is considered a little more sympathetic to Halton). No landscaping scheme has been included within the submission but this can be controlled by planning condition. Whilst the southern area still feels suburban the amendments that have been sought are considered sufficient to enable Officers to recommend to Councillors that the layout can be supported.

Northern Element

7.6.4 The northern element of the site consists of predominately detached units with some semi-detached properties, and two 1-bed apartments. To the far north consists an area that is proposed to be woodland planting varying between 30-40 metres in depth and 180 metres in length. This is a challenging site to develop, and during the pre-application process the extent of the development on this northern part of the site has reduced, separation distances between properties increased and the provision of a landscaped embankment within the centre of the site to safeguard amenity has all occurred. On the whole (and given the challenging nature of the gradients) it is considered that the scheme has been well designed in this location by the utilisation of split level units and the landscaping area that is proposed to exist between properties on the terrace of units 34-44 and units 45-52. Between plots 40 and 49 there is circa 6.5 metres incline between the properties and to account for this they have provided a separation of 31.8 metres. Given the presence of the landscaping area between the units it is considered that on balance privacy can be maintained.

7.6.5 Developing on sloping sites requires special consideration and the use of retaining walls feature heavily in the scheme, which mainly consist of timber sleepers. However, render walls and the like will be utilised. It is considered that this element is acceptable subject to a condition being attached for finished floor levels and site levels to be agreed.

7.6.6 Representations from Pointer Grove and those properties along High Road that overlook the site have raised concern with respect to outlook and privacy. There will be a substantial change as part of the development proposal. The case officer has visited a property on Pointer Grove and fully appreciates that having a view of housing where currently there is none would be an undesirable outcome for the occupiers, and that the rolling nature of the fields from the rear elevations of Pointer Grove is an attractive landscape. However, it is considered that given separation distances this would not result in there being an oppressive outlook from the existing dwellings.

7.7 <u>House Types</u>

7.7.1 The applicant has sought to utilise 16 house types ranging from apartments to four-bedroom detached units, and these are the applicant's standard house types. It should be noted that whilst standard, the applicant is based in Kendal in Cumbria, and has developed sites across North Lancashire and Cumbria (most recently the Shieling development in Arkholme - which comprised 14 new build dwellings and across the border into Cumbria the applicant is developing out Oakfield Park in Kirkby Lonsdale). It is considered that the properties are generally in keeping with the local vernacular. The scheme has benefitted from pre-application advice, and this has resulted in all roofs being of natural slate, a mix of render/ natural stone and timber style boarding being utilised. The mixture of materials will add interest to the scheme and is to be fully supported, and rather than typical white uPVC windows the applicant has chosen to utilise slate grey.

7.8 Landscape and Visual Impact Assessment

7.8.1 The site lies within National Character Area 20 (Morecambe Bay Limestones) but is also in very close proximity to National Character Areas 31 (Morecambe Bay and Lune Estuary) and National Character Area 33 (Bowland Fringe and Pendle Hill). The landscape is rolling and undulating and is typical of the landscape character in this part of the District and beyond into Cumbria. At a local level the site falls within the Landscape Character Type 13c Drumlin Field – Docker-Kellet-Lancaster.

7.8.2 It is clear that the scheme would result in a complete change in the character of the site itself, and whilst there are urban influences to the west of the site, the site is predominately rural in nature. A key trait of Landscape Character type 13c is the need to conserve the distinctive rolling landform. The scheme as proposed would go against the grain of this requirement. However, it is recognised that this is a fairly extensive character area, so a loss to a small part of it could be deemed acceptable.

7.8.3 Given the change from field and hedgerows to an urban form it is inevitable that the resulting effect would be significant in selected viewpoints. From a visual perspective it is considered that for properties on Pointer Grove (that back onto the site) and those that overlook the site on High Road that there would be an adverse impact associated with the development.

7.8.4 The Forest of Bowland Area of Outstanding Natural Beauty (AONB) boundary is 500 metres from the application site and given the elevated nature of the development it is inevitable that when viewed from within certain viewpoints in the AONB the scheme would be seen. Given the proximity to the boundary of the AONB the views of the Forest of Bowland have been sought. No comments have been received in relation to this application but they raised no objection to the original proposals and comment that from within the AONB the proposed development would show a slight extension towards it.

7.8.5 Landscape impact is a subjective issue and engenders different reactions from different professionals. There is no doubt that the scheme will have impacts upon the landscape character and also visual amenity of residents that cannot be easily mitigated. Notwithstanding this, Officers consider (with the exception of the viewpoints from High Road and Pointer Grove) that the overall impact is moderate. Furthermore, the Local Planning Authority cannot demonstrate a deliverable 5-year housing land supply and therefore schemes have to be considered in the content of the presumption in favour of sustainable development. Whilst it is considered that there would be impacts on the landscape it is deemed that these would not demonstrably outweigh the benefits attributed to providing market and affordable housing in Halton, which is a sustainable location.

7.9 Trees

7.9.1 A total of five individual trees (T2, T4, T6, T8 & T9) and four hedges (H1, H3, H5 & H7) have been identified in relation to the proposed development. Species include, ash, hawthorn, elder and holly.

7.9.2 By and large the proposals allow for the retention of the majority of existing trees and hedges. However, trees T8, a mature ash, T9, a mature hawthorn and a large section of hedge, H7 (comprised of mainly hawthorn and elder) are proposed for removal in order to accommodate the proposed new access and to meet the required highway visibility splays. The Tree Officer on the 2017 application had no objection to the loss of T8 as this is showing signs of decline and the proposed loss of T9 is unlikely to have any significant impact upon the character of the site.

7.9.3 Concerns have been raised with respect to the loss of the hedgerow to facilitate the access and necessary sightlines (circa 80 metres of hedgerow is proposed to be lost). The Tree Officer's favoured approach in 2017 would be to push the existing hedgerow back into the required position. Whilst this would be preferable, the applicant is proposing compensation for this along the site's frontage and also introducing significant planting within the site. Concern has been raised with respect to the development's impact on T2 which is a large ash tree and Plot 1 (the closest dwelling to this tree being in the region of 4 metres from the tree canopy), but these concerns were allayed by the applicant in the 2017 application.

7.10 Open Space

7.10.1 A scheme based on the number of units proposed would be looking to provide in the region of 1252m² of amenity space on the site. The large open space copse area that is proposed to the north of the development alone comprises 9847m². The scheme also proposes the blue green corridor which equates

to 4253 m², and the large verge area to the east of plots 44 and 45, and 760m² associated with the central planted area. Combined this amounts to 1.67 hectares which is significant given the site is 4.3 hectares in area (39%).

7.10.2 Following discussions with the agent a small playground is proposed, and this has been located to the north of plots 19-23. No details of play equipment has been provided but following discussions between Officers and the applicant this will feature 5 pieces of equipment and will be secured by means of planning condition. This is a large development, but Halton is well equipped with community facilities and therefore it is considered that rather than an off-site contribution it would be more beneficial to have a high-quality open space on the site. It would have been beneficial to include an area of land that could be used as a kick-about area but land levels do not accommodate this and in any event the pitches at the Halton Community Centre are less than a 10 minute walk away.

7.11 Education Provision

7.11.1 The County Council has requested that a financial contribution towards primary school provision is required in support of the scheme which amounts to £192,606.48. This is to contribute to 12 primary school places at Caton Community Primary school, not the St Wilfrid's Church of England School in Halton. It is acknowledged that St Wilfrid's Church of England School is over-subscribed at present with 246 children on the Roll and the future planned net capacity for January 2025 as being 240 whereas the projected pupils by January 2025 is 275. County has not elected to name St Wilfrid's School to receive the financial contribution but Caton Community. Officers did have some concern as the projected pupil projection at Caton Community Primary for January 2025 is 35 whereas the future planned net capacity is 70. The County has responded that Caton is the only school capable of expansion. However, the scheme has been viability tested and even with only 20% provision of on-site affordable housing the proposal cannot support any education contribution.

7.11.2 The Governing Body of St Wilfrid's Church of England Primary has objected to the scheme on the basis that the village school is already over-subscribed and that given the number of recent planning approvals within the village that the school does not have the capacity to meet an identified need for school places. This ties in with the County Council's own projections.

7.12 Other Matters

7.12.1 The scheme is removed from any Listed buildings and the Conservation Area in Halton, and it is considered that given the intervening built form between the Conservation Area and Listed buildings (380 metres away) there would not be any harm to the setting of the Conservation Area or any Listed building. Whilst conditions have been recommended by the contaminated land officer, it is considered that an unforeseen contaminated land condition would suffice. To protect the amenity of the area it is considered that Permitted Development rights should be removed and a condition requiring electric vehicle charging points is also recommended.

7.12.2 Given the scale of development an employment and skills plan should be the subject of a planning condition. Given the local authority cannot demonstrate a 5-year housing land supply and to boost its housing delivery rather than the typical 3-year commencement condition a 2-year condition is proposed. The Council's waste management officer has raised some concern on the layout, and these can be addressed by means of planning condition.

8.0 Planning Obligations

8.1 The following is to be secured by a legal agreement (please note this is still under consideration by the applicant as set out in paragraph 7.2.2):

- Provision thirteen (13) units to be affordable (7 units to be shared ownership and 6 units to be affordable rented).

- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

9.0 Conclusions

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a valuable contribution towards meeting the need for market and affordable homes, and the significant landscaping that is proposed would have environmental benefits and this is attributed modest weight. Whilst there are concerns regarding highway and drainage impacts, there is no objection raised by the Highway Authority, or the Lead Local Flood Authority.

9.2 There will be a harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development - the overall impact being moderate though in close views that would increase to significant. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Councillors support the scheme subject to the conditions and obligations contained within this report.

Recommendation

That Planning Permission **BE GRANTED** subject to signing and completing a legal agreement to include the following obligations:

1. Provision of thirteen (13) units to be affordable (7 units to be shared ownership and 6 units to be affordable rented); and
2. Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

and the following conditions:

1. Two-year timescale for implementation
2. Development in accordance with approved plans (to be listed)
3. Detailed plans of site access (including internal adoptable standard roads)
4. Offsite highway works
5. Protection of visibility splays
6. Car parking to be provided
7. Electric vehicle charging points
8. Unforeseen land contamination
9. Development in accordance with the submitted Arboricultural Implications Assessment
10. Removal of Permitted Development rights
11. Garage use restriction
12. Provision of landscaping scheme
13. Landscaping management plan
14. Finished floor and site levels
15. Material samples
16. Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation
17. Details of retaining walls and boundary treatments, including finishes.
18. Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement (including home owner packs)
19. Development in accordance with the Flood Risk Assessment
20. Development in accordance with the submitted surface water drainage proposals
21. Covered cycle parking and refuse provision
22. Submission of a drainage scheme to account to being phased across the site.
23. Submission of surface water drainage management and maintenance
24. Vegetation removal outside of bird breeding season
25. Arboricultural Method Statement to be submitted
26. Employment and Skill Plan

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

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

Background Papers

None

Agenda Item	A11
Application Number	20/00253/FUL
Proposal	Relevant demolition of existing rear extension, construction of buttresses to the rear, installation of a new roof, fascias, guttering, downpipes, chimney flashing and windows and lintels
Application site	Lancaster Music Co-op, 1 Lodge Street, Lancaster, Lancashire
Applicant	Lancaster City Council
Agent	Miss Jo Clark
Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

(i) <u>Procedural Matters</u>

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

1.0 Application Site and Setting

1.1 The application site relates to a former warehouse building which abuts the fly tower to the rear of the Grand Theatre, which is a Grade II Listed building dating from 1782. The date of the warehouse itself is uncertain but it does appear on the c.1890 OS map and is considered to be a non-designated heritage asset. The building is also situated in the Lancaster Conservation Area.

1.2 The building is made up of a large top-lit warehouse of coursed and rubble local sandstone with an adjoining lean-to structure to the rear. Window openings are informal and functional throughout, having been blocked in some areas to facilitate the change of use. On the eastern side, the complex incorporates a single surviving unit of the terrace which appears on the map of 1890. The building currently appears to be in a poor state of repair.

2.0 Proposal

2.1 Planning permission is sought for the relevant demolition of the existing rear extension, the construction of buttresses to the rear, installation of a new roof, fascias, guttering, downpipes, chimney flashing and windows and lintels. The roof is in a very poor state of repair and as such replacement flashing and valley gutter will need to be installed to the listed building adjacent. The impact of this upon the Listed Building is assessed as part of application 20/00254/LB (agenda item A12). The existing lean to at the rear of the property is also in disrepair. The demolition of this will allow the installation of rendered buttresses in its place to stabilise the gable wall of the main warehouse. The Design & Access statement states that these will be temporary measures and this area will be re-visited through the redevelopment of the external space to the Grand Theatre and the re-development of the Canal Quarter.

3.0 Site History

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

Application Number	Description	Decision
19/00562/PRETWO	Pre-application request for the segregation of rear lean-to from main building and to make safe	Closed
19/00561/PRETWO	Pre-application request for the full repair of rear lean-to	Closed
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call in by SoS
07/00672/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings other than 5 Edward Street, the change of use of a residential dwelling at 5 Edward Street to offices, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, workshop, leisure, creche, rehearsal space and residential accommodation, together with ancillary and associated development including pedestrian bridge link, new and enhanced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Withdrawn
07/00670/CON	Application for Conservation Area Consent to demolish 1 Lodge Street (musicians co-op & dance studio) and associated structures	Refused following Call in by SoS

4.0 Consultation Responses

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

Consultee	Response
Conservation Section	No objection subject to conditions requiring the submission of materials to be agreed prior to their use in the development.
National Amenities Society	No comments received
Canal and River Trust	No comments

4.2 Two letters of representation have been received regarding this application which raise no objection but have offered comments raising the following concerns:

- Plans represent a change of use as the first floor plan is labelled 'Performance Hall'. Any loud music performed on this floor would incur noise issues due to no sound protection.
- Impact upon Grand Theatre – permitting the change of use without effective sound proofing measure will compromise the integrity of the Grand Theatre as a historical theatrical value.

- Conflicts with already approved plans – the proposed buttress system will conflict with the design of the car park "levelling off" under the new foyer proposals which have already received planning permission.

5.0 Analysis

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

- **Principle of the development** (NPPF Section 2: Achieving Sustainable Development);
- **Design / Visual Impact** (Development Management DPD Policy DM35, emerging Development Management DPD (2020) Policy DM29 and NPPF Section 12: Achieving well-designed places);
- **Impact upon Heritage Assets** (Development Management DPD Policies DM30, DM31, DM32 and DM33, emerging Development Management DPD (2020) Policies DM37, DM38, DM39 and DM41, NPPF Section 16: Conserving and enhancing the historic environment and Planning (Listed Buildings and Conservation Areas) Act 1990);
- **Amenity Impact** (Development Management DPD Policy DM35 and emerging Development Management DPD (2020) Policy DM29)

5.2 Principle of development

5.2.1 The building is currently in a very poor state of repair and left as such will only deteriorate further. The works described in the application will ensure the building is safe and watertight encouraging long term building use and continued maintenance. In accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, the principle of the development is accepted, subject to assessment of the following matters and not prejudicing the future of the Grand Theatre – one of the city's key cultural facilities.

5.3 Design / Visual Impact

5.3.1 Policy DM35 of the DM DPD and Policy DM29 of the emerging Local Plan both require a good standard of design, require proposals to enhance and reinforce the established character of the locality, and require proposals to demonstrate an understanding of the wider context so that they make a positive contribution to the local area. The proposed works will help restore the application building and enhance the significant of the warehouse and surrounding area. The proposed works would allow the continuation of an active use of this building.

5.4 Impact upon Heritage Assets

5.4.1 As a warehouse sited in close proximity to other industrial structures on St Leonard's Gate and Brewery Lane, the building has evidential value as a contributor to the industrial archaeology of Lancaster, and of the Lancaster Conservation Area. This is augmented somewhat by the survival of a single unit of the former terrace on the eastern side. Likewise, illustrative historical value can be derived from the building's design, scale and position in Lancaster as visual markers of the type of industry which once took place in this area. Limited aesthetic value is derived from the building's Lodge Street elevation, with its clearly functional arrangement of openings. This is significantly compromised by the building's poor state of repair. Very little aesthetic value may be attributed to the rear lean-to. There is no relevant communal value derived from this part of the building. The building forms part of the setting of the Grade II listed Grand Theatre. While the Lodge Street elevation has a neutral impact on the rear elevation of the theatre, views of the building from St Leonard's Gate and the car park to the north currently have a negative impact on the setting of the theatre.

5.4.2 The Listed Building and Conservation Areas Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the heritage asset. This is reiterated by policies DM30, DM31, DM32 and DM33 of the DM DPD and emerging DM DPD (2020) Policies DM37, DM38, DM39 and DM41. In this regard, the heritage assets include the listed Grand Theatre, the application site which is a Non-Designated Heritage Asset and the surrounding Conservation Area.

5.4.3 The proposal involves alterations to the external facades of the property. It is considered that these will have a positive impact on the architectural and historic interest of Lancaster Conservation Area and the setting of the Listed Building. The works will enhance the positive contribution the application building will have to the local character and distinctiveness of the Conservation Area.

5.4.4 The Conservation consultee shares this conclusion, and therefore the proposal is considered to cause no harm to heritage assets. The works and repair of the Music Co-op will have a positive impact on the significance of the building.

5.5 Amenity Impact

5.5.1 The proposed works seek to repair the application property to ensure no further deterioration occurs. It is, therefore, considered that the proposed works will have a negligible impact upon amenity of nearby properties.

5.6 Other Matters

5.6.1 Comments have been received about 2 issues, namely details within the submitted plans and the proposals impact on the Grand Theatre. The case officer is in discussions with the agent about this matter and a verbal update will be provided at the Committee meeting.

6.0 Conclusion and Planning Balance

6.1 The proposed development will have a positive contribution to the application site and surrounding Conservation Area. The works will repair the building and prevent further deterioration. Overall, the proposed development complies with policies contained within the current and emerging Development Plan, the NPPF and would constitute a sustainable form of development. It is, therefore, recommended that planning permission is granted subject to the proposal not jeopardising the future of the Grand Theatre.

Recommendation

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

Condition no.	Description	Type
1	Standard 3 Year Timescale	Control
2	Approved Plans	Control
3	Submission of Materials and Finishes	Pre commencement
4	Rooflights and roof hatches as per submitted 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. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None.

Agenda Item	A12
Application Number	20/00254/LB
Proposal	Listed building application for the installation for replacement of the valley gutter and the flashing adjacent to the Grand Theatre
Application site	Lancaster Music Co-op, 1 Lodge Street, Lancaster, Lancashire
Applicant	Lancaster City Council
Agent	Miss Jo Clark
Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

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

1.0 Application Site and Setting

1.1 The application site relates to a former warehouse building which abuts the fly tower to the rear of the Grand Theatre, which is a Grade II Listed building dating from 1782. The date of the warehouse itself is uncertain but it does appear on the c.1890 OS map and is considered to be a non-designated heritage asset. The building is also situated in the Lancaster Conservation Area.

1.2 The building is made up of a large top-lit warehouse of coursed and rubble local sandstone with an adjoining lean-to structure to the rear. Window openings are informal and functional throughout, having been blocked in some areas to facilitate the change of use. On the eastern side, the complex incorporates a single surviving unit of the terrace which appears on the map of 1890. The building currently appears to be in a poor state of repair

2.0 Proposal

2.1 Listed building consent is sought for the installation / replacement of the valley gutter and the flashing adjacent to the Grand Theatre.

3.0 Site History

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

Application Number	Description	Decision
19/00562/PRETWO	Pre-application request for the segregation of rear lean-to from main building and to make safe	Closed
19/00561/PRETWO	Pre-application request for the full repair of rear lean-to	Closed
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused following Call in by SoS
07/00672/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings other than 5 Edward Street, the change of use of a residential dwelling at 5 Edward Street to offices, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, workshop, leisure, creche, rehearsal space and residential accommodation, together with ancillary and associated development including pedestrian bridge link, new and enhanced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Withdrawn
07/00670/CON	Application for Conservation Area Consent to demolish 1 Lodge Street (musicians co-op & dance studio) and associated structures	Refused following Call in by SoS

4.0 Consultation Responses

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

Consultee	Response
Conservation Section	No objection subject to conditions requiring the submission of materials to be agreed prior to their use in the development.
National Amenities Society	No comments received

4.2 Two letters of representation have been received regarding this application which raise no objection but have offered comments raising the following concerns:

- Plans represent a change of use as the first floor plan is labelled ‘Performance Hall’. Any loud music performed on this floor would incur noise issues due to no sound protection.
- Impact upon Grand Theatre – permitting the change of use without effective sound proofing measure will compromise the integrity of the Grand Theatre as a historical theatrical value.
- Conflicts with already approved plans – the proposed buttress system will conflict with the design of the car park “levelling off” under the new foyer proposals which have already received planning permission.

5.0 Analysis

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

- **Principle of the development** (NPPF Section 2: Achieving Sustainable Development);

- **Design / Visual Impact** (Development Management DPD Policy DM35, emerging Development Management DPD (2020) Policy DM29 and NPPF Section 12: Achieving well-designed places);

- **Impact upon Heritage Assets** (Development Management DPD Policies DM30, DM31, DM32 and DM33, emerging Development Management DPD (2020) Policies DM37, DM38, DM39 and DM41, NPPF Section 16: Conserving and enhancing the historic environment, and Planning (Listed Buildings and Conservation Areas) Act 1990).

5.2 Principle of development

5.2.1 The building is currently in a very poor state of repair and left as such will only deteriorate further. The works described in the application will ensure the building is safe and watertight encouraging long term building use and continued maintenance. In accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, the principle of the proposed works is accepted subject to assessment of the following matters.

5.3 Design / Visual Impact

5.3.1 Policy DM35 of the DM DPD and Policy DM29 of the emerging Local Plan both require a good standard of design, require proposals to enhance and reinforce the established character of the locality, and require proposals to demonstrate an understanding of the wider context so that they make a positive contribution to the local area.

5.3.2 The proposed works will help restore the application building and enhance the significance of the warehouse and surrounding area. The proposed works would allow the continuation of an active use of this building. They will not be visible and, therefore, will have a negligible impact upon the visual appearance of the application building.

5.4 Impact upon Heritage Assets

5.4.1 As a warehouse sited in close proximity to other industrial structures on St Leonard's Gate and brewery lane, the building has evidential value as a contributor to the industrial archaeology of Lancaster, and of the Lancaster Conservation Area. This is augmented somewhat by the survival of a single unit of the former terrace on the eastern side. Likewise, illustrative historical value can be derived from the building's design, scale and position in Lancaster as visual markers of the type of industry which once took place in this area. Limited aesthetic value is derived from the building's Lodge Street elevation, with its clearly functional arrangement of openings. This is significantly compromised by the building's poor state of repair. Very little aesthetic value may be attributed to the rear lean-to. There is no relevant communal value derived from this part of the building. The building forms part of the setting of the Grade II listed Grand Theatre. While the Lodge Street elevation has a neutral impact on the rear elevation of the theatre, views of the building from St Leonard's Gate and the car park to the north currently have a negative impact on the setting of the theatre.

5.4.2 The Listed Building and Conservation Areas Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the heritage asset. This is reiterated by policies DM30, DM31, DM32 and DM33 of the DM DPD and emerging DM DPD (2020) Policies DM37, DM38, DM39 and DM41. In this regard, the heritage assets include the listed Grand Theatre, the application site which is a Non-Designated Heritage Asset and the surrounding Conservation Area.

5.4.3 The proposal directly affects a Grade II Listed Building. As outlined in the Planning (Listed Building and Conservation Areas) Act 1990, the local planning authority should have a desirability of preserving the Listed Building or any features of architectural or historic interest which is possesses (s.16).

5.4.4 The National Planning Policy Framework (NPPF) outlines that any harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194) and great weight should be given to the conservation of the designated heritage asset (paragraph 193). Any harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194).

5.4.5 The policies contained in the current and emerging Development Plan state that proposals which involve external and/or internal alterations to a Listed Building which would have an adverse impact on the special architectural or historic character of the building and/or their surroundings will not be permitted. The loss of historic fabric simply to accommodate new will not be permitted. The council recognises the significance of setting to a heritage asset and proposals that fail to preserve or enhance the setting of a designated heritage asset will not be supported by the council. The greater the negative impact on the significance of the designated heritage asset and its setting, the greater the benefits that would be required to justify any approval.

5.4.6 The proposal involves the replacement of the valley gutter and flashing adjacent to the Grand Theatre. Therefore, the works will directly affect the Grade II Listed Building as mentioned above. The proposed works will ensure that the building is watertight and safeguard it continuation. They will not directly harm the Listed building or its setting.

5.4.7 The Conservation consultee shares this conclusion, and therefore the proposal is considered to cause no harm to heritage assets.

6.0 Conclusion and Planning Balance

6.1 It is considered that the minor repair works to the valley gutter and flashing adjacent the Grade II Listed building does not undermine, or harm the building. The proposed works will ensure that no damage occurs to the Listed building due to water leaking down the shared boundary. Overall, the proposed development complies with policies contained within the current and emerging Development Plan, the NPPF and would constitute a sustainable form of development. It is, therefore, recommended that the development is supported and planning permission granted.

Recommendation

That Listed Building consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Standard 3 year listed building timescale	Control
2	Approved plans	Control
3	Submission of materials and finishes	Pre commencement
4	Rooflights and roof hatches as per submitted 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. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers
None.

Agenda Item	A13
Application Number	20/00660/FUL
Proposal	Erection of a single storey side and rear extension
Application site	40 Strickland Drive, Morecambe, Lancashire LA4 6TD
Applicant	Mr Joseph Frith
Agent	N/A
Case Officer	Mr Sam Robinson
Departure	No
Summary of Recommendation	Approval

(i) Procedural Matters

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

1.0 Application Site and Setting

1.1 40 Strickland Drive is a semi-detached bungalow located in a residential area of Bare. The property features a hipped roof with a dashed exterior, grey roof tiles and white uPVC windows throughout. To the front is a small garden with a driveway to the side leading to a larger rear garden measuring about 100 sq.m and is surrounded by timber fencing. The site is also located within flood zone 2.

2.0 Proposal

2.1 The application seeks consent for a single storey side and rear extension. The proposal measures approximately 3.3m in depth, 5.6m in width with a flat roof height (excluding roof lantern) of 2.7m. The extension features windows and doors to the rear elevation and a floor to ceiling window on the side (southern) elevation. The extension would be finished in dashing to match the existing walls.

3.0 Site History

3.1 The site has no relevant planning history.

4.0 Consultation Responses

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

Consultee	Response
Town Council	No comments received

4.2 No comments have been received from members of the public within the statutory consultation period.

5.0 Analysis

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

- **Design** (NPPF paragraphs 124, 127 & 130: Policy DM35 of the Development Management DPD (2014) and Policy DM29 of the Development Management DPD (2020))
- **Impacts upon residential amenity** (NPPF paragraphs 124, 127 & 130, Policy DM35 of the Development Management DPD (2014) and Policy DM29 of the Development Management DPD (2020))
- **Flood risk** (NPPF paragraphs 163, Policy DM38 of the Development Management DPD (2014) and Policy DM33 of the Development Management DPD (2020))

5.2 Design

5.2.1 In terms of design, the extension remains subservient to the host and appears well proportioned to both the dwelling and site. The matching exterior is considered acceptable while the extension is well sited, set in from both the northern and southern boundaries. As a result, the property will retain sufficient outdoor space for the residents of the property.

5.2.2 The flat roof does provide a small contrast to the hipped roof of the main dwelling, but such is the approximate 15m set back from the highway it will not appear as an obtrusive addition to the area. Considering these matters, the proposal will not cause any visual harm to the existing property or street scene.

5.3 Impacts upon residential amenity

5.3.1 As stated above, the extension is well set in from the side boundaries. Combined with the limited depth of the proposal, the extension will not break the 45-degree rule with the openings on the rear elevations of the neighbouring properties nor will it appear overbearing. The windows/doors on the rear elevation of the extension will overlook the applicant's own rear garden raising no overlooking concerns. There is a single side (southern) facing window but views towards the neighbouring garden space are interrupted by the 1.8m boundary fence. If this fence is retained through condition, there will be no adverse impacts upon residential amenity as a result of this development.

5.4 Flood risk

5.4.1 The property is located within flood zone 2, but given that it is an extension to residential property, a sequential test is not required. In addition to the relatively small-scale nature of the development, the proposal is located on existing hardstanding with the roof water discharged via rainwater goods and through drainage associated with the existing dwelling. As a result, it is considered that there will be no net increase of flooding to properties within the locality of the development.

6.0 Conclusion and Planning Balance

6.1 Due to the relatively small nature of the development involved, the proposal is considered both suitable and appropriate to this residential site. The design is in keeping with the urban area and neither occupies a prominent position within the street nor have a detrimental impact upon flood risk or the residential amenity of the neighbouring properties. As the proposal complies with all the relevant local and national policies listed above, the application is recommended for approval subject to the conditions below.

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 amended plans	Control
3	Retention of southern boundary fence	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. 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

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
19/01489/FUL	6 Esthwaite Gardens, Lancaster, Lancashire Erection of a replacement single storey rear extension and part two storey part first floor side extension over existing garage for Mr & Mrs Sullivan (Bulk Ward 2015 Ward)	Application Permitted
20/00028/DIS	Animal Care Sanctuary, Blea Tarn Road, Scotforth Discharge of conditions 3,5,6,7 and 8 on approved application 17/01452/FUL for Animal Care (University And Scotforth Rural Ward)	Application Permitted
20/00056/DIS	Edenmount, Well Lane, Yealand Redmayne Discharge of condition 3 on approved application 19/01389/FUL for Mrs J Holgate (Silverdale Ward 2015 Ward)	Split Decision
20/00070/DIS	Site Of Former Filter House, Scotforth Road, Lancaster Discharge of condition 5 on approved application 19/00996/VCN for Mr Vivian Watts (University And Scotforth Rural Ward)	Split Decision
20/00072/DIS	South Lakeland Caravans, Milnthorpe Road, Yealand Redmayne Discharge of condition 4 on approved application 17/00596/FUL for Mr David Owen (Silverdale Ward 2015 Ward)	Application Refused
20/00107/FUL	Higher Croasdale Grains, Petersbottom Lane, Lowgill Change of use of 2 dwellinghouses and attached agricultural barn into a single dwellinghouse (use class C3), including single storey rear and front extensions and two storey side extension and associated earthworks, installation of air source heat pumps, installation of a package treatment plant and change of use of agricultural land to residential land in association with the dwellinghouse for F & K Estates (Lower Lune Valley Ward 2015 Ward)	Application Permitted
20/00112/FUL	Land Rear Of, Chapel Croft, Main Street Erection of two detached dwellings (C3) and alterations to land levels for Mr TJ and JW Hartley (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
20/00120/FUL	Greenalls Farm, Bay Horse Road, Quernmore Removal of existing earth banking and erection of concrete walls to contain silage clamp for Mr Mark Townley (Lower Lune Valley Ward 2015 Ward)	Application Refused
20/00195/FUL	38 - 40 Euston Road, Morecambe, Lancashire Change of use of first, second and third floor offices (A2) to artists studio space (D1), installation of replacement windows to all elevations, installation of 3 rooflights and raising of existing gate to the rear elevation for J & J Tate (Poulton Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00213/FUL	Land Rear Of Launds Field, Stoney Lane, Galgate Erection of 2 detached dwellings for Mr Slack (Ellel Ward 2015 Ward)	Application Permitted
20/00219/LB	3 Wagon Road, Dolphinholme, Lancaster Listed building application for the installation of two replacement timber windows to the rear elevation, and secondary glazing to the stairwell window to the rear elevation for Dr Harriet Newnes (Ellel Ward 2015 Ward)	Application Permitted
20/00227/FUL	Mill House, Sandside, Cockerham Change of use of agricultural land for the siting of 6 camping pods with associated package treatment plant and creation of access road and parking areas for Mr & Mrs Kellet (Ellel Ward 2015 Ward)	Application Withdrawn
20/00241/LB	23 Castle Hill, Lancaster, Lancashire Listed building application for the installation of replacement timber windows to the side elevation for Mr Siraj Bapu (Castle Ward 2015 Ward)	Application Permitted
20/00269/FUL	2 Steward Avenue, Lancaster, Lancashire Erection of a single storey side extension to northeast elevation, construction of dormer extensions to front and rear elevations, removal of existing chimney and erection of a replacement garage and widening of existing vehicular access point for Mr & Mrs Gargan (John O'Gaunt Ward 2015 Ward)	Application Permitted
20/00275/FUL	Udale, Wyresdale Road, Quernmore Installation of a raised replacement roof to existing bungalow to form a 2-storey house for Mr & Mrs Greaves (Lower Lune Valley Ward 2015 Ward)	Application Refused
20/00284/FUL	Land Adjacent To, 141 High Road, Halton Erection of a 2 storey dwelling for Mr Stephen Gott (Halton-with-Aughton Ward 2015 Ward)	Application Refused
20/00311/FUL	74 Windermere Road, Carnforth, Lancashire Demolition of existing garage and rear extension and erection of a part single part two-storey side extension, a single storey rear extension and a front porch for Mrs Ellershaw (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00320/LB	Shire Hall, Castle Parade, Lancaster Listed building application for replacement broken roof slates, repairs to roof lantern and windows and repointing, removal of existing vent and installation of replacement glass, widening of existing gullies, installation of handrails to the roof parapet walkway, replacement protection bars to crenellations and youngmans board and refix lightening conductor, internal replastering and replacement cill boards and skirting for Mr Paul Simpson (Castle Ward 2015 Ward)	Application Permitted
20/00323/LB	1 Holme View, Main Street, Wray Listed building application for the rebuilding of chimney, alteration to internal layout and installation of partition walls, installation of window and extraction vent and soil and vent pipe for Mr Wood (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00341/PLDC	Melling St Wilfrid CE Primary School, Lodge Lane, Melling Proposed lawful development certificate for the removal of two dovecot flues and installation of a replacement roof to west part of school building using existing slates and grey colour natural slates to match existing for Governors Of St Wilfrid's CE Primary (Upper Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
20/00353/FUL	32 Main Street, Overton, Morecambe Part retrospective application for the erection of a boundary wall to front elevation, creation of a vehicular access and excavation of land to create a parking area for Mr Peter Armer (Overton Ward 2015 Ward)	Application Permitted
20/00355/FUL	5 Park Crescent, Morecambe, Lancashire Erection of a first floor side extension and a single storey front extension for Mr and Mrs Duffy (Bare Ward 2015 Ward)	Application Permitted
20/00366/FUL	Higher Broadwood, Cragg Road, Wray Erection of an agricultural building for livestock for W. Conder & Son. (Lower Lune Valley Ward 2015 Ward)	Application Withdrawn
20/00377/NMA	Nightingale Hall, Quernmore Road, Lancaster Non material amendment to planning permission 17/00046/VCN for the reconfiguration of the play area for Mr Greg Brabin (Bulk Ward 2015 Ward)	Application Permitted
20/00391/LB	Church Gates, Melling Road, Melling Listed building application for the installation of replacement metal windows and repairs to existing timber windows and surrounds for Mr & Mrs M Chapman (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00413/FUL	117B Main Road, Bolton Le Sands, Carnforth Erection of a part 2 storey and part 3 storey rear extension for Mr Michael Wolfenden (Bolton And Slyne Ward 2015 Ward)	Application Withdrawn
20/00424/FUL	3 Scotland Road, Carnforth, Lancashire Installation of a replacement shopfront for Mr. C. Corless (Carnforth And Millhead Ward 2015 Ward)	Application Refused
20/00429/FUL	Juniper Cottage, Silverhill, Gressingham Installation of a package treatment plant for Mr Mark Armstrong (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00430/FUL	Camp House Farm, Hornby Road, Farleton Erection of a cattle feeding building for Mr Graeme Surtees (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00453/VCN	24 - 30 Preston Street, Carnforth, Lancashire Demolition of existing building and erection of three 3-bedroom dwellings (Pursuant to the variation of condition 2 on planning permission 19/01602/FUL to amend the plans to include balconies) for Mr Andrew Muldoon (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00459/FUL	Land At Grid Reference E353625 N469588, Swarthdale Road, Over Kellet Erection of a field shelter for Ms Faye Arkwright (Kellet Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00461/PLDC	Greetlands, Back Lane, Wrayton Proposed lawful development certificate for the replacement of two existing windows with a single door and window on the southeast elevation for Dr & Mr Holmes (Upper Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
20/00471/CU	135 Balmoral Road, Heysham, Morecambe Part retrospective application for the change of use of a dwellinghouse (C3) to a social care office (B1) for Mrs Sabe Connor (Heysham North Ward 2015 Ward)	Application Permitted
20/00472/FUL	Wellington View Farm, Bay Horse Road, Ellel Creation of a new field access for Mr Russell Sanderson (Ellel Ward 2015 Ward)	Application Permitted
20/00474/FUL	Wrayton Hall Farm, Back Lane, Wrayton Relevant demolition of agricultural buildings, change of use of agricultural barn to a dwellinghouse (C3), installation of a raised terrace and associated earthworks and drainage infrastructure and change of use of agricultural land to residential land in association with the proposed dwellinghouse for Mr & Mrs Ashton (Upper Lune Valley Ward 2015 Ward)	Application Permitted
20/00476/FUL	12 Calder Close, Carnforth, Lancashire Erection of an attached garage to side elevation for Charlotte Tyers-Hunter (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00487/FUL	Flat 1, 1 Wellington Terrace, Morecambe Construction of a dormer extension to the rear elevation for Mr L. Woodruff (Poulton Ward 2015 Ward)	Application Permitted
20/00490/VCN	West Penwyth, Kirkby Lonsdale Road, Over Kellet Demolition of existing dwelling (C3) and erection of a replacement dwelling (C3) (pursuant to the variation of conditions 2 on planning permission 19/01571/VCN to increase the height and width of the two storey rear projection of the dwelling, reposition the solar panels to the south west elevation, repositioning of the external staircase, and alterations to the internal layout and window arrangement) for Mr and Mrs Oliver Whiley (Kellet Ward 2015 Ward)	Application Permitted
20/00494/FUL	37 Heysham Mossgate Road, Heysham, Morecambe Erection of a boundary fence for Mrs Gemma Bartlett (Heysham South Ward 2015 Ward)	Application Refused
20/00496/PLDC	5 Heysham Mossgate Road, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr.&Mrs. I. Zanelli (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted
20/00499/PLDC	20 Silverdale Avenue, Heysham, Morecambe Proposed Lawful Development Certificate for the conversion of existing attached garage to habitable room, removal of garage door and installation of replacement window for Mr. C. Peters (Heysham South Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

20/00500/PLDC	Everdale, 24B Chapel Lane, Overton Proposed Lawful Development Certificate for the conversion of attached garage to habitable room/store, removal of door, installation of replacement window and installation of rooflight for Mr.&Mrs. R. Lewis (Overton Ward 2015 Ward)	Lawful Development Certificate Granted
20/00501/PLDC	5 Cleveleys Avenue, Lancaster, Lancashire Proposed Lawful Development Certificate for the erection of a single storey rear extension and relocation of a gas meter for Mr & Mrs Edwards (Skerton West Ward 2015 Ward)	Lawful Development Certificate Granted
20/00503/FUL	Land To The Rear Of, The Nib, 9 West View Erection of a pair of semi-detached dwellings for Mr White (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
20/00504/FUL	The Ashes, Spring Bank, Silverdale Erection of a single storey side extension for Mr Andrew Armstrong (Silverdale Ward 2015 Ward)	Application Permitted
20/00509/PLDC	17 Bay View Crescent, Slyne, Lancaster Proposed lawful development certificate for the construction of a dormer extension to the northwest side facing roof pitch, and the installation of 3 fixed obscure glazed rooflights to the southeast side facing roof pitch for Mr and Mrs Seddon (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted
20/00521/FUL	Agricultural Building, Sandside, Cockerham Erection of an agricultural building for livestock/storage for Mr Terrence Billington (Ellel Ward 2015 Ward)	Application Permitted
20/00525/PLDC	3 Conder Brow, Carnforth, Lancashire Proposed lawful development certificate for erection of single storey rear extension for Mr & Mrs D. Steel (Carnforth And Millhead Ward 2015 Ward)	Lawful Development Certificate Granted
20/00526/FUL	34 Gloucester Avenue, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr. E. Sansom (Scotforth East Ward 2015 Ward)	Application Permitted
20/00534/RCN	Hall Garth, Main Road, Galgate Erection of an agricultural workers bungalow (pursuant to the removal of condition 3 on 86/878 to remove agricultural occupation restriction) for Mr J A Sayer (Ellel Ward 2015 Ward)	Application Permitted
20/00536/FUL	13 The Rise, Bolton Le Sands, Carnforth Construction of a dormer extension to the front elevation for Miss Yost (Bolton And Slyne Ward 2015 Ward)	Application Permitted
20/00539/FUL	21 Church Grove, Overton, Morecambe Demolition of conservatory and erection of single storey rear extension for Mr Garry Betts (Overton Ward 2015 Ward)	Application Permitted
20/00543/FUL	4 Buckingham Place, Morecambe, Lancashire Demolition of existing garage and erection of a single storey outbuilding for Mr Jake Fern (Harbour Ward 2015 Ward)	Application Permitted
20/00548/FUL	20 Altham Road, Morecambe, Lancashire Construction of dormer extensions to the front and rear elevations for Mr. C. Senior (Westgate Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

20/00549/PLDC	4 Spruce Avenue, Lancaster, Lancashire Proposed lawful development certificate for demolition of conservatory and erection of single storey rear extension, and installation of a rooflight to the existing side projection lean-to roof for Mr.&Mrs. N. Evans (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted
20/00551/FUL	Laurel Bank, Borwick Lane, Borwick Erection of single storey rear and side extensions and construction of raised rear patio and decking areas for Mr and Mrs Kennon (Kellet Ward 2015 Ward)	Application Permitted
20/00552/PLDC	10 The Green, Bolton Le Sands, Carnforth Proposed lawful development certificate for conversion of garage into ancillary habitable room for Mrs Frances Ash (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Refused
20/00553/FUL	72 Low Lane, Morecambe, Lancashire Demolition of conservatory and erection of a single storey rear extension for Ms Kelly Taylor (Torrisholme Ward 2015 Ward)	Application Permitted
20/00555/PAH	4 Farmdale Road, Lancaster, Lancashire Erection of a 4 metre deep, single storey rear extension with a maximum roof height of 3.2 metres and a maximum eaves height of 3.2 metres for Mr Skelland (John O'Gaunt Ward 2015 Ward)	Prior Approval Not Required
20/00574/FUL	18 Hawkshead Drive, Morecambe, Lancashire Construction of two dormer extensions to the front and rear elevations for Miss K. Butler (Westgate Ward 2015 Ward)	Application Refused
20/00576/PLDC	8 St Johns Road, Heysham, Morecambe Proposed Lawful Development Certificate for the erection of a single storey rear extension for Mr & Mrs. T. Clarke (Heysham North Ward 2015 Ward)	Lawful Development Certificate Refused
20/00577/PLDC	4 Allandale Gardens, Lancaster, Lancashire Proposed lawful development certificate for the conversion of the dwellinghouse (C3) into a house in multiple occupation (C4) for Adele Redgrave (Marsh Ward 2015 Ward)	Lawful Development Certificate Granted
20/00578/PLDC	1 Chelsea Mews, Lancaster, Lancashire Proposed lawful development certificate for conversion of dwellinghouse (C3) into house in multiple occupancy (C4) for Adele Redgrave (Skerton East Ward 2015 Ward)	Lawful Development Certificate Granted
20/00586/FUL	1 Norwood Drive, Morecambe, Lancashire Erection of a single storey rear and side extension for Mr B Redmayne (Torrisholme Ward 2015 Ward)	Application Permitted
20/00589/FUL	10 Wakefield Avenue, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr Paterson (Bare Ward 2015 Ward)	Application Permitted
20/00591/PLDC	27 Primrose Street, Lancaster, Lancashire Proposed lawful development certificate for construction of dormer extension to the rear elevation and alterations to a soil and vent pipe for Mr. P. Beveridge (John O'Gaunt Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

20/00592/FUL	3 Arna Wood Barn, Arna Wood Lane, Aldcliffe Installation of replacement windows and door to front elevation for Mr Peter Wilson (Scotforth West Ward 2015 Ward)	Application Permitted
20/00603/FUL	355 Heysham Road, Heysham, Morecambe Demolition of existing rear lean-to and erection of a single storey rear extension for Mr. B. Butler (Heysham Central Ward 2015 Ward)	Application Permitted
20/00611/NMA	Land At Grid Reference 350900 470170, Leapers Wood Road, Over Kellet Non material amendment to planning permission 19/01368/VCN to include a parts delivery enclosure for Mr Ian Parker (Kellet Ward 2015 Ward)	Application Permitted
20/00621/FUL	27 Knowlys Avenue, Heysham, Morecambe Removal of existing terrace and construction of a raised terrace to the rear for Mr Philip Cheeseman (Heysham Central Ward 2015 Ward)	Application Permitted
20/00629/FUL	10 Hutton Gardens, Warton, Carnforth Demolition of conservatory and erection of a single storey rear extension for Mr & Mrs A. Boyd (Warton Ward 2015 Ward)	Application Permitted
20/00633/NMA	36A Lindeth Road, Silverdale, Lancashire Non-material amendment to planning permission 19/00488/FUL to alter the cladding to all elevations for J. Wilkinson & H. Morwood (Silverdale Ward 2015 Ward)	Application Permitted