



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 27 OCTOBER 2025

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

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

To receive as a correct record the Minutes of meeting held on 29th September 2025 (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.

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|---|--|---|-------------------------|------------------------|
| 5 | A5 <u>21/00722/HYB</u> | Land Off Lancaster Road and adjacent To Turnpike Fold Slyne Lancashire | Bolton and Slyne | (Pages 5 - 44) |
| | | Hybrid application comprising a full application for the erection of 58 dwellings (C3) with associated landscaping, infrastructure, public open space and access arrangements, and outline application for extra care (Use Class C3) and a local centre (Use Class E) development with associated landscaping, open space and infrastructure. | | |
| 6 | A6 <u>25/00615/FUL</u> | Car Park Nelson Street Lancaster Lancashire | Castle Ward | (Pages 45 - 72) |
| | | Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall. | | |

- 7 A7 [25/00588/FUL](#) **Former Bowling Greens Townson Heysham (Pages 73 -
Way Heysham Lancashire South Ward 81)**

Change of use of two bowling greens to multi-use games areas with surrounding fencing and floodlights.

- 8 A8 [25/00286/FUL](#) **Batty Hill Farm Lancaster Road Ellet Ward (Pages 82 -
Cockerham Lancaster 86)**

Part retrospective application for the construction of a roof over existing silage pit, installation of drainage infrastructure to include an attenuation pond.

9 Delegated List (Pages 87 - 94)

10 Updates (Pages 95 - 101)

Updates relevant to any application due to be considered at this meeting have been attached and published here on 23rd October 2025.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sandra Thornberry (Chair), Dave Brookes (Vice-Chair), Louise Belcher, Martin Bottoms, Keith Budden, Tom Fish, Alan Greenwell, John Hanson, Jack Lenox, John Livermore, Andrew Otway, Catherine Potter, Robert Redfern, Sue Tyldesley and Paul Tynan

(ii) Substitute Membership

Councillors Wilson Colley (Substitute), Maria Deery (Substitute), Roger Dennison (Substitute), Martin Gawith (Substitute), Colin Hartley (Substitute), Paul Newton (Substitute) and Joyce Pritchard (Substitute)

(iii) Queries regarding this Agenda

Please contact Eric Marsden - Democratic Support: email emarsden@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582000, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 14th October 2025. Republished with updates on 23rd October 2025.

Agenda Item	A5
Application Number	21/00722/HYB
Proposal	Hybrid application comprising a full application for the erection of 58 dwellings (C3) with associated landscaping, infrastructure, public open space and access arrangements, and outline application for extra care (Use Class C3) and a local centre (Use Class E) development with associated landscaping, open space and infrastructure
Application site	Land Off Lancaster Road and adjacent To Turnpike Fold Slyne Lancashire
Applicant	Taylor Wimpey
Agent	Asteer Planning
Case Officer	Mark Potts
Departure	No
Summary of Recommendation	Approval of both the full and outline applications, subject to conditions and a Section 106 legal agreement. Delegate back to Chief Officer - Planning and Climate Change to finalise legal agreement.

i) Procedural Matters

This application was reported to Planning Committee in October 2023, and it was resolved to be approved subject to conditions and the completion of a legal agreement. The previous Officer Report is appended to this report as a background paper. The draft legal agreement has been agreed between the parties and is ready for engrossing and completion.

Since the resolution, the Climate Emergency Review of the Local Plan has been adopted. This updated report considers the change in policy in relation to sustainable design. There have also been changes to the National Planning Policy Framework and the Planning Practice Guide since the resolution was made. Following the positive resolution of committee members some amended plans were submitted in 2024, these have been consulted upon in August 2025.

This report will focus on the changes to the sustainable design policies only and to address consultee comments since the re-consultation in August 2025. The background paper provides a full and complete account of the site and surroundings, site history and an assessment of proposal and other material planning considerations.

This report will provide a recap of the proposal and will set out our recommendation for both the full and outline elements of the application in light of the changes.

1.0 Application Site and Setting

- 1.1 The site forms part of the North Lancaster Strategic Site which is allocated for residential development of up to 700 dwellings and 2 hectares of employment land. With regards to the delivery of new housing at both the East and North Lancaster Strategic Sites, the Local Plan places a requirement on the

developers / landowners to produce a concept masterplan which sets out how development in this area could come forward over the coming years. The Masterplan has been published and is available in the public domain. The Masterplan area aligns with SPLA Policy SG9 and is bound by Folly Lane to the west, the A6 link road along the north and Kellet Lane to the east. The area in effect comprises a northern expansion of Skerton.

- 1.2 The site measures approximately 4.5 hectares comprising grazed grassland and lies to the west of Slyne Road. Turnpike Fold comprising residential dwellings lie adjacent to the northern boundary with the A683 Bay Gateway and agricultural land beyond. To the south of the site is Beaumont College and Saint John's Hospice, with the Oak Centre located to the south-west of the site. To the west of the site is further greenfield land, and to the east is the A6/Slyne Road and further greenfield land which also form part of the wider Strategic Site.
- 1.3 The site comprises two large pastoral fields, separated by a hedge running from east to west. Levels on the site fall from the southwest where the current level is 41.65 metres Above Ordnance Datum (AOD); along the western boundary the levels fall to 34.38 metres AOD in the northwest corner and then along the northern boundary to 25.02 metres AOD in the north east corner. The site access off Turnpike Fold is at 24.30 metres AOD and the southern boundary with the existing residential properties falls to 22.66 metres AOD in the southeast. The site is located within Flood Zone 1 where land is identified as having a less than 1 in 1,000 annual probability of river or sea flooding.

2.0 Proposal

- 2.1 The current proposal is a hybrid application where full planning permission is sought for the erection of 58 dwellings with associated landscaping, infrastructure, public open space and access arrangements. Outline planning permission is also sought for the construction of a Extra Care Facility (Use Class C3) of up to 60no. beds and a Local Centre (Use Class E) of up to 600sqm.
- 2.2 The outline element comprises means of access to be considered. Subsequent reserved matters would then follow under future separate applications. However, the application does sets out the parameters of the outline element.
- 2.3 Access to the site would be taken from Slyne Road to the west of the site and will consist of a new priority junction with pedestrian refuge island and associated enabling highway work. The access road will serve Phase 1 of the Masterplan (the application site) and future phases 2b and 4.

Full Planning Permission - Residential Development

- 2.4 The proposal relates to the construction of 58 dwellings comprising a mix of 2, 3 and 4 bed dwellings with a density of 41 dwellings per hectare. A mix of house types are proposed which comprises a mix of semi-detached and detached dwellings which are predominately two storey with a limited number of two and half storey. The materials palette would comprise a mix of buff and red brickwork with a number of rendered facades to add variety.
- 2.5 No affordable dwellings are proposed as part of the full planning application; however, the proposed Care Home facility would provide 100% affordable accommodation.
- 2.6 A landscaping scheme has been submitted which retains existing trees along the outer boundaries with heavy duty trees proposed along the sites entrance and towards the rear of the site. Amenity areas would be seeded with wildflower and an attenuation pond is proposed at the site entrance. Private amenity areas would be laid out using ornamental trees and shrubs to define boundaries.
- 2.7 All of the proposed dwellings would have access to off street parking, either in the form of a garage or a private driveway.

Outline Planning Permission – Extra Care Facility and Local Centre

- 2.8 Full details of the proposed Care Home facility and Local Centre would be secured at Reserved Matters stage. However, it is understood that the extra care facility and Local Centre would be a maximum of three storeys. The developable area would be 3.4 hectares with provision for 1.1 hectares of open

space. The local centre would comprise approximately 600square metres of floorspace and could include a coffee shop, pharmacy and community space.

- 2.9 An Environment Statement, Ecological Assessment and Shadow Habitats Regulations Assessment Screening Report, flood risk assessment, noise impact assessment, health impact assessment, mineral assessment review, Phase I Geophysical Survey, air quality assessment, energy statement, statement of community involvement, transport assessment, utility report, heritage statement and Arboricultural Method Statement have accompanied the application submission documents.

3.0 Environmental Impact Assessment

- 3.1 Given the site forms part of a wider allocated site, it means that it falls within the definition of projects for which an Environmental Assessment must be undertaken under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("The EIA Regulations"). The EIA Regulations requires an Environmental Statement (ES) to accompany an application for development consent for certain types of project. The proposed development is considered to fall within the category 10(b) of Schedule II of the Regulations and comprises 'Urban development projects'. The development exceeds the threshold of the area of development, and it has been determined that an EIA and ES is required.

- 3.2 The ES provides a systematic examination of environmental effects that may be caused by a development proposal on the receiving environment. The process allows modification of the project to minimise potentially harmful effects through the incorporation of mitigation measures and enhancement proposals within the design process. The ES covers the following scoped in topics:

- Ground Conditions
- Drainage and Flood Risk
- Climate Change
- Summary of Mitigation and Residual Effects

4.0 Site History

- 4.1 There is no relevant planning history for the site.

5.0 Consultation Responses

- 5.1 The main report outlines the consultation responses to the planning application however given additional consultation has taken place the comments below are noted.

Consultee	Response
Lancashire County Highways	No formal observations received – review of amendments ongoing.
Lead Local Flood Authority	No Objection – as outlined in their previous responses. Conditions are recommended
Historic Environment Team	Maintain the position of No Objection
Lancaster Canal Trust	No Objection – discusses the need to protect the listed bridge and contribute towards sustainable travel.
Canal and Rivers Trust	No Objection and re-iterates the advice as contained within the response of July 2021 and June 2023
Lancashire Police	No Objection , advocates secured by design principles to be embedded into the proposal.
Waste and Recycling	No Objection but do recommend a refuse manoeuvring strategy
Biodiversity Officer	Recommends amendments to the application to capture ; BNG Recreational Capacity, Bat and Bird Boxes and SuDS.
Slyne with Hest Parish Council	Raise concern on drainage matters and would advocate to the developer to re-assure the community that surface water management issues will be
Environment Agency	No comments to make

5.2 At the time of writing this report there have been **10** additional representation raising concerns with the below

- Lack of Infrastructure Provision - Schools, Highways and Medical Facilities
- Lack of landscaping and loss of a green field site
- Not climate resilient
- Drainage Concerns – In particular those residents on Turnpike Fold who currently have issues with their drainage infrastructure.

6.0 Analysis

6.1 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation)

6.1.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities. The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 (after the earlier resolution in 2023) and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction.

6.1.2 The application was submitted and resolved to be approved prior to the adoption of the CERLP. The newly adopted sustainable design policies are more stringent compared to the previous iteration of the policy. The development must now accord with the new requirements (DM30a to DM30c), specifically securing a fabric first approach to reach a minimum of 75% reduction in carbon emissions against Part L of the Building Regulations 2013 (and 100% reduction for dwellings building on or after 01/01/2028), as well as achieving, as a minimum, the optional requirement set through Building Regulations G2: Water Efficiency (or any future successor requirement). Securing compliance with these new policies can be secured by planning condition. Following discussions with the applicant they have submitted a detailed energy report in the spring that sets out that by using proposed enhanced fabric specification in combination with efficient heat pumps this reduces carbon emissions on the site by circa 59% over Part L1 2021. This represents a 90% reduction over Part L1a 2013, surpassing the requirements of Policy DM30a. DM30c requires more awareness and measures to minimise the effects of climate change during construction in particular. The recommended Construction Management Plan will need to cover the requirements of this policy.

6.2 Other Considerations

6.2.1 The applicant has amended the location of the proposed pumping station since the scheme was approved. This has now been relocated to the adjacent side of the access point to the Extra Care/Local Centre Land. To ensure high quality place making upon entering the extra care site, further landscaping has been provided here.

6.2.2 The Biodiversity Officer has raised concerns that the application does not address the new national standards for SuDs which had been introduced in the summer. The industry is transitioning to the new arrangements and therefore on the advice of the Lead local Flood Authority only applications validated after 1 November need to take into account the new standard. It is the case the application was submitted in 2021, and on balance it is not considered appropriate to ask for this, especially as the LLFA raise no objection to the scheme. Concern has been raised regarding bird and boxes,

however this can be addressed by planning condition. Concern have been raised regarding BNG however the application has submitted in advance of mandatory Biodiversity Net Gain and the applicant is proposing replacement hedgerows and wildflower meadows and therefore there will be some gains on site.

6.2.3 The Parish Councils concerns on drainage are understandable and this has come across in the public comments. Residents on Turnpike Fold wish to connect to the proposed adopted drainage scheme that the developer is proposing, however the residents suggest the developer is not engaging on this point. This is a private matter between the parties, and certainly is not something we could insist occurs. The LLFA and UU raise no objection to the scheme and a series of planning conditions cater for the detailed design of the drainage. We would advocate that the developer liaises with concerned parties on Turnpike Fold to address the issue of foul drainage moving forwards.

6.2.4 The County as the Local Highway Authority have not responded formally to the application amendments but given the scheme does not introduce new highway related issues it is not expected that the changes would result in any highway safety concern that was not addressed as part of the resolution in 2023. National Highways raise no objection to the scheme.

6.2.5 The delay in issuing this planning consent has come from protracted discussions associated with the Section 106 legal agreement. This has taken nearly two years which for a scheme of this size is far too long. The local planning authority (LPA) and the applicant are now in broad agreement with the terms included, and therefore it is envisaged by the end of 2025 the permission can be issued alongside the Legal Agreement. The agreement caters for the mechanism for the access road to the adjacent site to be provided. The neighbouring landowner and developer have been in discussions on this point, since the resolution to support the scheme in October 2023. For completeness the LPA have shared a draft of the agreement with the neighbouring landowner. At the time of drafting this report no comments have been forthcoming, however should comments be received councillors will be updated.

6.3.1 Planning Obligations

6.3.2 Whilst the 2023 Committee Report suggested that the legal agreement was close to agreement there has been significant discussions between all parties since this date, and this is the principal reason the permission has not been issued. The following obligations which mirror those in the original report. In the interests of transparency, the draft Section 106 Agreement has been publicised and shared with the neighbouring landowner (given the final bullet point of the obligations below).

- Financial contribution towards provision of a new primary school;
- A contract is entered into to secure land for care facility, or in the event of land not being sold a financial contribution towards affordable housing;
- Public open space scheme to be submitted and approved prior to first occupation.
- Ecological Creation and Management Plan to be submitted and approved prior to commencement.
- Mechanism for access road to be provided through to land to the west.

7.0 Planning Balance and Conclusion

7.1 The site is located on the northern edge of Lancaster forming part of the North Lancaster Strategic Allocation under Policy SG9 of the SPLA DPD and is therefore a sustainable location for new residential development. The scheme would also provide a new local centre in a convenient and accessible location, in line with the requirements of Policy SG10 of the SPLA DPD. The principle of the proposed development is therefore acceptable.

7.2 The scheme would provide 58 new dwellings and whilst no affordable units are proposed within the main part of the site, it is considered that the provision of a 100% affordable extra care scheme is acceptable in lieu of conventional affordable housing provision, to be secured through an appropriate Legal Agreement. The development provides an appropriate mix of size and type of housing, including adaptable and accessible dwellings above that required by Building Regulations. It is also considered that the proposal achieves an appropriate layout and design that responds to its surroundings. Whilst

there are some shortcomings with regard to design and amenity, it is considered that any harm would be outweighed by the public benefits of the scheme, predominantly through the provision of much needed housing in the context of a lack of a 5-year Housing Land Supply (on an allocated housing site). The proposal is also considered to be acceptable in terms of flood risk and air quality and will provide a biodiversity net gain.

- 7.3 County Highways did raise an objection to the application in 2023 and have advised that the impact on the highway network has not been adequately assessed. It is understood that there are issues with the existing highway network, and that this development would result in traffic movements into some of those areas where issues occur. These points are addressed within the original report to committee.
- 7.4 The NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (September 2025) identifies a housing land supply of 2.8 years, which is a significant shortfall against the required 5-year supply set out in NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a strong reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. The principle of development is acceptable, and the tilted balance does apply in this case, however the delivery of residential development is a material consideration.
- 7.5 In terms of the balance to take in determining the planning application, whilst there are considered to be some shortcomings with regard to design and amenity, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a strong reason to refuse permission. The delivery of housing, and policy compliant affordable housing provision, weighs strongly in favour of the proposal. The proposal will provide much needed housing in a sustainable location and, given the significant undersupply of housing within the District - in particular, the need to boost supply - it is considered that the benefits of the proposal do outweigh any harm caused in terms of design and the potential impacts on the highway network.

Recommendation

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting to cater for the provisions below. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.

The following obligations are required;

- A financial contribution towards provision of a new primary school;
- A contract is entered into to secure land for care facility, or in the event of land not being sold a financial contribution towards affordable housing;
- Public open space scheme and management of non-adopted parts of the site;
- An Ecological Creation and Management Plan; and
- A mechanism for an access road to be provided through to land to the west.

Condition no.	Description	Type
	FULL CONSENT CONDITIONS	
1	Timescales (2-year permission)	Control
2	Development to Accord with Plans	Control
3	Drainage Strategy	Pre-commencement

4	Surface Water Drainage	Pre-commencement
5	Foul Water Drainage	Pre-commencement
6	Accessibility M4 (2) Dwellings	Pre-commencement
7	Employment and Skills	Pre-commencement
8	Land Contamination	Pre-commencement
9	Construction Environmental Management Plan	Pre-commencement
10	Ecological Survey	Pre-commencement
11	External Lighting Scheme	Above Ground
12	Landscaping Scheme	Above Ground
13	Drainage Maintenance	Above Ground
14	Drainage Verification	Above Ground
15	Bin Collection	Above Ground
16	Land levels	Pre-commencement
17	Noise Mitigation	Above Ground
18	Fencing Treatment/ Ecology Permeability	Above Ground
19	FRA Mitigation	Control
20	Wildlife Enhancement	First Occupation
21	Bird Breeding Survey	Control
22	Homeowners Information Pack	Pre-occupation
23	Delivery Hours	Control
24	Garage Retention	Control
25	Arboricultural Impact Assessment	Control
26	Obscure Glazed Side Windows	Control
27	Sustainable Construction (newly inserted condition)	Above Ground
28	Materials (newly inserted condition)	Above Ground
	OUTLINE CONSENT CONDITIONS	
1	Details of Reserved Matters	Control
2	Timescale for Reserved Matters Details	Control
3	Drainage Details	Pre-commencement
4	Surface Water Drainage Details	Pre-commencement
5	Foul Water Drainage	Pre-commencement
6	Employment and Skills	Pre-commencement
7	Soil Contamination	Pre-commencement
8	Construction Environmental Management Plan	Pre-commencement
9	Ecological Survey	Pre-commencement
10	External Lighting Scheme	Above Ground
11	Noise Assessment	Above Ground
12	Biodiversity Improvements	Above Ground
13	Drainage Maintenance	Above Ground
14	Drainage Verification	Above Ground
15	Parking Allocations	Above Ground
16	Contract Relating to Care Facilities	
17	Land Levels	Pre-commencement
18	FRA Mitigation	Control
19	Bird Surveys	Control
20	Delivery Hours	Control
21	Arboricultural Impact Assessment	Control
22	Sustainable Construction (newly inserted condition)	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

Agenda Item A5 – Planning Committee October 2023

Agenda Item	A5 – Background Paper
Application Number	21/00722/HYB
Proposal	Hybrid application comprising a full application for the erection of 58 dwellings (C3) with associated landscaping, infrastructure, public open space and access arrangements, and outline application for extra care (Use Class C3) and a local centre (Use Class E) development with associated landscaping, open space and infrastructure
Application site	Land Off Lancaster Road And Adjacent To Turnpike Fold Slyne Lancashire
Applicant	Taylor Wimpey
Agent	Asteer Planning
Case Officer	Simon Newall
Departure	NO
Summary of Recommendation	Approve, subject to conditions, a legal agreement and a satisfactory resolution from County Council Highways Authority

(i) **Procedural Matters**

This application is presented to the planning committee at the request of the Head of Planning Services in the public interest given the scale of the proposal.

1.0 Application Site and Setting

- 1.1 The site forms part of the North Lancaster Strategic Site which is allocated for residential development of up to 700 dwellings and 2ha of employment land. With regards to the delivery of new housing at both the East and North Lancaster Strategic Sites, the Local Plan places a requirement on the developers / landowners to produce a concept masterplan which sets out how development in this area could come forward over the coming years. The Masterplan has recently been published and is available in the public domain.
- 1.2 The Masterplan area aligns with SPLA Policy SG9 and is bound by Folly Lane to the west, the A6 link road along the north and Kellet Lane to the east. The area in effect comprises a northern expansion of Skerton.
- 1.3 The site measures approximately 4.5ha comprising grazed grassland and lies to the west of Slyne Road.
- 1.4 Turnpike Fold comprising residential dwellings lie adjacent to the northern boundary with the A683 Bay Gateway and agricultural land beyond. To the south of the site is Beaumont College and Saint John's Hospice, with the Oak Centre located to the south-west of the site. To the west of the site is further greenfield land, and to the east is the A6/Slyne Road and further greenfield land which also form part of the wider Strategic Site.

- 1.5 The site comprises two large pastoral fields, separated by a hedge running from east to west. Levels on the site fall from the southwest where the current level is 41.65m AoD; along the western boundary the levels fall to 34.38m AoD in the northwest corner and then along the northern boundary to 25.02m AoD in the north east corner. The site access off Turnpike Fold is at 24.30m AoD and the southern boundary with the existing residential properties falls to 22.66m AoD in the southeast.
- 1.6 The site is located within Flood Zone 1 where land is identified as having a less than 1 in 1,000 annual probability of river or sea flooding.

2.0 PROPOSAL

- 2.1 The current proposal is a hybrid application where full planning permission is sought for the erection of 58 dwellings with associated landscaping, infrastructure, public open space and access arrangements. Outline planning permission is also sought for the construction of a Care Home (Use Class C3) of up to 60no. beds and a Local Centre (Use Class E) of up to 600sqm.
- 2.2 The outline element comprises means of access to be considered. Subsequent reserved matters would then follow under future separate applications. However, the application does sets out the parameters of the outline element.
- 2.3 Access to the site would be taken from Slyne Road to the west of the site and will consist of a new priority junction with pedestrian refuge island and associated enabling highway work. The access road will serve Phase 1 of the Masterplan (the application site) and future phases 2b and 4.

Full Planning Permission - Residential Development

- 2.4 The proposal relates to the construction of 58 dwellings comprising a mix of 2, 3 and 4 bed dwellings with a density of 41 dwellings per hectare. A mix of house types are proposed which comprises a mix of semi-detached and detached dwellings which are predominately two storey with a limited number of two and half storey. The materials palette would comprise a mix of buff and red brickwork with a number of rendered facades to add variety.
- 2.5 No affordable dwellings are proposed as part of the full planning application; however, it is understood that the proposed Care Home facility would provide 100% affordable accommodation.
- 2.6 A landscaping scheme has been submitted which retains existing trees along the outer boundaries with heavy duty trees proposed along the sites entrance and towards the rear of the site. Amenity areas would be seeded with wildflower and an attenuation pond is proposed at the site entrance. Private amenity areas would be laid out using ornamental trees and shrubs to define boundaries.
- 2.7 All of the proposed dwellings would have access to off street parking, either in the form of a garage or a private driveway.

Outline Planning Permission – Extra Care Facility and Local Centre

- 2.8 Full details of the proposed Care Home facility and Local Centre would be secured at Reserved Matters stage. However, it is understood that the extra care facility and Local Centre would be a maximum of three storeys. The developable area would be 3.4ha with provision for 1.1ha of open space. The local centre would comprise approximately 600sqm of floorspace and could include a coffee shop, pharmacy and community space.
- 2.9 An Environment Statement, Ecological Assessment and Shadow Habitats Regulations Assessment Screening Report, flood risk assessment, noise impact assessment, health impact assessment, mineral assessment review, Phase I Geophysical Survey, air quality assessment, energy statement, statement of community involvement, transport assessment, utility report, heritage statement and Arboricultural Method Statement have accompanied the application submission documents.

3.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 Given the site forms part of a wider allocated site, it means that it falls within the definition of projects for which an Environmental Assessment must be undertaken under the requirements of the Town and

Country Planning (Environmental Impact Assessment) Regulations 2017 (“The EIA Regulations”). The EIA Regulations requires an EIA to accompany an application for development consent for certain types of project. The proposed development is considered to fall within the category 10(b) of Schedule II of the Regulations and comprises ‘Urban development projects’. The development exceeds the threshold of the area of development, and it has been determined that an EIA and Environmental Statement (ES) is required.

3.2 The ES provides a systematic examination of environmental effects that may be caused by a development proposal on the receiving environment. The process allows modification of the project to minimise potentially harmful effects through the incorporation of mitigation measures and enhancement proposals within the design process. The ES covers the following scoped in topics:

- Ground Conditions
- Drainage and Flood Risk
- Climate Change
- Summary of Mitigation and Residual Effects

4.0 SITE HISTORY

4.1 There is no relevant planning history for the site.

5.0 CONSULTATION RESPONSES

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

Consultee	Response
Canal And River Trust	<ul style="list-style-type: none"> • The parcel of land the subject of the hybrid planning application would not be directly adjacent to the Lancaster Canal and as such we do not have any specific comments to make on this development at this stage based on the details available. • The development of this site could increase vehicle movements over the listed Beaumont Hall Bridge No.109. We would want to ensure that this bridge is protected during the construction phase of the development, and we would suggest that construction traffic is routed to avoid bridge No.109 in particular to avoid damage to this listed heritage asset, which has suffered from bridge strikes. We would welcome this being included in the draft Construction Environment Management Plan (CEMP) for the site.
Clinical Commissioning Group (CCG)	<p>COMMENT</p> <ul style="list-style-type: none"> • The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution. • Contribution of £79,930 towards an extension and reconfiguration at Owen Road surgery. Advises that the trigger of any healthcare contribution to be available is linked to commencement of development.
Construction Skills Training and Employment Partnership (CSTEP)	<p>ADVICE GIVEN</p> <ul style="list-style-type: none"> • This application reaches the threshold for an employment and skills plan as per the SPD for employment and skills. If the planning applicant would like some support in producing an ESP, they can email contact@cstep.co.uk at the appropriate time and we will be happy to help.
Environment Agency	NO OBJECTION
Environmental Health	<p>NO OBJECTION</p> <ul style="list-style-type: none"> • Recommend conditions relating to: • Electric Vehicle Charging Point • Management plan to minimise dust emissions • Noise mitigation measures • Contamination

Fire Safety Officer	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application.
Greater Manchester Ecology Unit (GMEU)	<p>NO OBJECTION</p> <ul style="list-style-type: none"> GMEU conclude that the baseline and Stage 1 screening provided within the applicant's shadow HRA are adequate and appropriate. Bird Box Plan (Taylor Wimpey, dwg 1 rev B) - This plan is acceptable and can be secured via condition. The Report concludes that the proposal will result in the loss of 2.2ha of improved pasture and 124m of priority hedgerow (species poor), which will be mitigated and compensated for by 114m of new hedgerow and 0.7ha of wildflower grassland. Whilst the Biodiversity Net Gain spreadsheets have not been supplied, GMEU are content to accept this assessment of biodiversity gain. <p><u>Homeowners Information Pack:</u></p> <ul style="list-style-type: none"> The document needs a careful proofread – e.g. “curlow” should read curlew on the first layout. The document does not emphasise the importance of large wildfowl such as pink-footed geese and swans, which are a particular feature of the SPA. I would suggest that the term ‘landscape’ is expanded to say the fields, footpaths and coast near your home. This will make it clear that it is not just the coast where the new owner may encounter important birds in winter. – The Morecambe Bay Code ‘Keep your distance’ is not really accurately reflected in the leaflet. The leaflet concentrates purely on nesting birds. It is just as important – if not more so given the designation – to emphasise wintering roosting or feeding birds. – I would recommend that a revision of this document is sought.
Lancashire Constabulary (Designing Out Crime Officer)	<p>NO OBJECTION</p> <ul style="list-style-type: none"> It is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. Recommendations made to ensure that the development meets the accreditation standards for designing out crime.
Lancashire County Council (Education)	<p>OBJECTION</p> <ul style="list-style-type: none"> The Local Plan specifies that education mitigation should be provided through the provision of primary school site on the North Lancaster strategic site. Also, although this site does not form part of the South of Lancaster strategic site, the Local Plan specifies that education mitigation should be provided through the provision of secondary school sites on the South of Lancaster strategic site. As planning applications have been submitted prior to AAP adoption and masterplan adoption, we need to be clear of the position of your authority on school land provision. There is currently no detail provided in any application and conflicting information with our education position provided in the draft masterplan for North Lancaster regarding how either school site will be secured and provided. As you are aware, LCC require that the full school site land is transferred at nil cost as communicated within our response to the North Lancaster masterplan. Without confirmation of the mechanism for the provision of the required school land we are not clear that this development is sustainable and therefore we are not in a position to support the application at this time.
Lancashire County Council (Highway Authority)	<p>FURTHER INFORMATION REQUIRED</p> <ul style="list-style-type: none"> The outstanding issues with regards to the Masterplan: <ul style="list-style-type: none"> the preliminary access design for Phase 2A is missing from Appendix II the preliminary access design for Phase 4 is missing from Appendix II unclear how many dwellings Phase 4 will include does not demonstrate how the Mrs K West's Trust land will be accessed

	<ul style="list-style-type: none"> • does not demonstrate safe and suitable pedestrian and cycle provision (over existing bridges where there is no provision, and conflict between different road users is likely) • We cannot accept any plans shown, until all (for example, planning layout, access layout, swept path analysis, visibility splays etc.) show a consistent layout and access strategy. • The Planning Layout, the Site Access Layout, Visibility Plan, Swept Path of Main Access, Swept Path of 3 Internal, Swept Path of Old Slyne Rd (and Highways and Drainage Layout are not consistent. This is not acceptable to LCC Highways • Drawing 1470-F11 Rev E shows the locations of the northbound and southbound bus stops and provides a pedestrian crossing south of the proposed access. The plan does not show DDA compliant bus stops with shelters. The bus stop locations shown on Drawing 1470-F11 Rev D can be made acceptable, subject to the delivery of necessary footway and hardstanding for pedestrians. • Provision for pedestrians and cyclists is limited and not fully in line with guidance • Speed survey results are concerning • Issues with Visibility Splay • Once plans are provided and agreed with the Highway Authority, we would wish to see a Stage 1 Road Safety Audit (RSA)
Lancashire County Council (Archaeology)	<p>NO OBJECTION</p> <ul style="list-style-type: none"> • I wish to draw your attention to the HET's comments of 30/03/2023 in which it was stated that: "The HET is ... of the opinion that the site does not merit any further archaeological investigation and would therefore wish to withdraw its advice of 29th July 2021 regarding the need for a scheme of post-permission archaeological work." We therefore have no further comments to make, and do not need to be consulted any further with regards to the development of this site.
Lancashire County Council Lead Local Flood Authority (LLFA)	<p>NO OBJECTION</p> <ul style="list-style-type: none"> • Conditions recommended requiring that Development is in accordance with the submitted Flood Risk Assessment, submission of a Final Surface Water Sustainable Drainage Strategy, Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and a Verification Report of Constructed Sustainable Drainage System.
Lancashire County Council (Public Rights Of Way)	<p>NO COMMENT RECEIVED</p>
Lancaster Civic Society	<p>COMMENTS</p> <ul style="list-style-type: none"> • The care facility and community centre included in the application will be welcome developments but left for the future - only an indication of their position is given - no details or likely construction dates are provided. These facilities will be adjacent to each other and near the main road which seems sensible, although the implications of the inevitable increase of traffic on Slyne Road need to be fully assessed. • The proposal is for a dense development of 58 very standard-looking houses of unimaginative design. This does not inspire confidence in the future plans which will emerge for this very extensive development which will be bounded by Halton and Kellet Roads. At this stage we would argue for a more adventurous design for the houses (and one which pays more heed to the local area) which should set the standard for the whole of this site.
Lancaster Canal Trust	<p>COMMENTS</p>

	<ul style="list-style-type: none"> LCT supports the comment made by the Canal & River Trust in relation to protecting canal bridge 109 during construction, and contributing towards additional infrastructure required for the wider strategic housing development.
National Highways	NO OBJECTION
Natural England	<p>NO OBJECTION</p> <ul style="list-style-type: none"> The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
Slyne with Hest Parish Council	<p>COMMENTS</p> <ul style="list-style-type: none"> Slyne with Hest Parish Council has not raised any objections to this proposal in principle. However there are some concerns about the amount of extra traffic movement that so many properties will generate and the impact on the A6 road in that area. Also as this is part of a proposed wider area of development it is considered important that access routes with links for cyclists, horseriders and walkers are taken into full consideration at this stage. Although this development is near to the southern boundary of the parish and part of the North Lancaster Strategic Site some concern has been raised about the pressure on existing facilities and services in the parish including the primary school as this application only includes outline permission for extra care (use class C3 and local centre use class E) and it may be some time before extra facilities overall are in place. It is noted that the proposed allocation of houses is 50% 4-bedroomed, 40% 3-bedroomed and only 10% 2- bedroomed. Based on these figures there would be only 5 or 6 two bedroomed properties. It is unclear what these figures are based on or how they have been derived and what the price of properties will be but it would seem that there is unlikely to be many easily affordable homes, especially for young people who would like to remain in the village and for first time buyers or smaller properties for single people or couples wishing to downsize. There is a shortage of such properties in the parish but already a considerable number of larger properties.
Tree Officer	<p>NO OBJECTION IN PRINCIPLE</p> <ul style="list-style-type: none"> The landscape plans have been amended in response to earlier comments, however revision K does not appear to have taken onboard my comments with regards to the loss of genuine street trees, this needs revising.
United Utilities Water Plc	<p>NO OBJECTION</p> <ul style="list-style-type: none"> Although requesting further information it is recommended the imposition of a planning condition (which includes criteria requiring submission of the requested information) to secure the most appropriate form of surface water and foul drainage across the site.
Waste And Recycling	<p>NO OBJECTION</p> <ul style="list-style-type: none"> It is noted that there are aspects of the development which have shared driveways serving multiple houses which are, in some instances, excessively long. This would result in residents having to wheel bins over unreasonable distances to a collection point at the closest practicable point to the adopted highway. There should be collection points at the end of each shared driveway to ensure vehicular and pedestrian access is not blocked, each of which should be large enough to accommodate up to 6 bins or boxes per property on any one collection day.

Overall, the LPA has received 15 representations which raise the following matters:

- Seeking to ensure the delivery of the North Lancaster Strategic Site as early as possible
- Due to a number of factors, including the very slow delivery of NLSS and other strategic locations, slippage in producing the South Lancaster Area Action Plan (AAP) and the County Council's Gravity Model approach to highways contributions, the Council will not deliver housing at the level aspired to in the LP. This is causing a local housing crisis.

- Assumes that the Council will secure unfettered accesses between the land parcels within the NLSS, enabling the HSL site to deliver housing from 2027/28 (and the TW land east of the A6 delivering from 2028/29).
- It is not sufficient for the TW planning permission to merely secure the unfettered access. It must secure its delivery as quickly as possible.
- Recently pointed the LPA to a Supreme Court case, DB Symmetry Ltd and another v Swindon Borough Council. The ruling means that if a planning authority requires landowners to dedicate land to be adopted as a highway, they must impose this by way of a planning obligation rather than condition.
- Considers it essential that the LPA imposes a time limit of 12 months for the commencement of the residential development that will receive full planning permission.
- In light of the policy wording, agreed SoCG and the local housing crisis, it is not sufficient for the TW planning permission to merely secure the unfettered access. It must secure its delivery as quickly as possible.
- Unclear where the Local Centre would be located
- Good provision of EVCP but no provision is made for reducing the need for cars
- Additional but services would be advantageous
- Will the dwellings have secure cycle provision
- Would the development minimise the environmental and ecological impact
- Concerned regarding the impact on existing mains sewerage system and soakaway
- How does the development meet the local challenges of global climate change
- Questions what infrastructure would be brought forward
- Who is expected to move to the area and where would they work
- Increase in surface water runoff
- Impact of this project on flooding
- Increased parking
- Impact to the local infrastructure and greater impact on local services
- Lack of affordable housing
- Noise disruption during construction works
- Impact on wildlife
- Access from the A6 will be a major problem
- Schooling is in short supply locally
- When The Bay Gateway was granted planning permission, it was made clear that this wouldn't lead to infill in the area between Beaumont and the Road.
- Trouble deciphering the map provided on line and in the leaflet circulated to local residents
- The proposed development is not in keeping with the surrounding buildings, many of which are sandstone, or red brick with slate roofs.
- Worried about the proposed basin/pond on the site to avoid access by local children.
- Leave the current access available to turnpike fold and the farmhouse as a separate entrance to avoid congestion and likely collisions
- Lack of clarity regarding exactly what has been proposed, and that local residents haven't had optimum opportunity to comment on the plans due to lack of awareness of the procedure and its timelines
- Project will impact upon precious areas that residents use for exercise and immersing in nature
- It will also increase pollution, road noise and traffic congestion that the area will be unable to cope with.
- It will drastically reduce the value of nearby properties as the open outlook is such a redeeming feature.
- Proposed development will take away from greenery, peacefulness and rural feel, also change the area detrimentally. It will take away the greenery, peacefulness and rural feel to the area.

6.0 ANALYSIS

- 6.0.1 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lancaster District includes the Strategic Policies and Land Allocations Development Management Documents and the Review of the Development Management (DM) DPD.

- 6.0.2 It is noted that on 31 March 2022 the Council submitted the Lancaster District Climate Emergency Review of the Local Plan 2020-2031 to the Secretary of State for independent examination. This is in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (2) - Regulation 22. Given the stage of the review limited weight is applied in the determination of the planning application.
- 6.0.3 The key considerations in the assessment of this application are:
- Principle of Development
 - Infrastructure Requirements
 - Affordable Housing and Housing mix
 - Housing Standards
 - Sustainable Design and Renewable Energy
 - Effect on landscape character
 - Design and Form
 - Transport and Highway Matters
 - Archaeology and Heritage Assets
 - Flood Risk and Drainage Issues
 - Biodiversity
 - Residential Amenity
 - Contamination
 - Impact on minerals
 - Economic benefits
 - Planning Obligations
 - Planning Balance and Conclusion
- 6.1.1 **Consideration 1 - Principle of Development - NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), and 60-61 and 73-79 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes); SG9 (North Lancaster Strategic site), SG10 (Infrastructure Requirement and Delivery for Growth in North Lancaster) EN3 (The Open Countryside; Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs) and DM4 (Residential Development Outside Main Urban Areas).**
- 6.1.2 In terms of the principle of the development, the site forms part of a wider allocated site under Policy SG9. The allocation is for a residential led scheme which, when fully developed, would plan to deliver approximately 700 dwellings with a range of infrastructure necessary to facilitate the new homes. An area of 2ha of B1 employment land would also be provided within the strategic allocation.
- 6.1.3 SPLA Policy SG9, the acceptability of a residential development is grounded in the goal of promoting sustainable urban growth. The policy emphasises the need for well-designed developments that integrate with existing communities, provide essential infrastructure, and offer a mix of housing types. By adhering to these guidelines, a residential development would not only address the demand for housing but also contribute to the enhancement of the local area. Furthermore, SPLA Policy SG9 encourages developments that respect the character and identity of Lancaster, ensuring that any new residential project maintains a harmonious balance between urban expansion and the preservation of the city's unique charm.
- 6.1.4 SPLA Policy SG10 emphasises the need for well-connected and accessible communities. The residential development's acceptance would facilitate the establishment of a thoughtfully designed network of transportation, pedestrian pathways, and public amenities. This interconnected infrastructure promotes convenient mobility and encourages residents to use alternative modes of transport, aligning with the broader policy goals of reducing congestion and promoting a healthier lifestyle. By integrating seamlessly into the existing urban fabric, the development ensures a sense of belonging and community engagement, fostering social cohesion and active participation among residents.
- 6.1.5 Policy H1 further bolsters the acceptability of a residential development by focusing on the provision of housing within the borough. This policy underscores the importance of catering to various housing

needs, including affordable homes. By integrating affordable housing units within the residential development, developers can align with the policy's objective of creating a diverse and inclusive living environment. This approach not only supports social equity but also aligns with the broader principle of sustainable development, which seeks to create vibrant communities that are accessible to all.

- 6.1.6 In conclusion, the proposed development adheres to SPLA Policy SG9, SG10 and H1 and is considered acceptable and achieves the principle of development. By prioritising sustainable urban growth, respecting local character, and incorporating affordable housing, such a development not only addresses the housing demand but also contributes positively to the city's social fabric and sustainability. Striking this balance ensures that Lancaster's growth is both responsible and beneficial for current and future residents alike.
- 6.1.7 The requirements of Policy SG9 will be considered in detail below, however, the principle of the development is supported as the proposal would be comply with the aims and objectives of Policies SG9 and SG10 with regards to new housing development in this area.

Proposed Dwellings

- 6.1.8 The NPPF was revised in July 2021 but at its core, the objective to 'significantly boost' the supply of homes remains and is reflected in paragraph 60 of the framework. It is acknowledged that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The most up to date housing land supply position for the council is contained within the Housing Land Supply Statement (November 2022) which identifies a 2.1-year supply of housing land. The Council's lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. This means applying a tilted balance in favour of proposals for housing development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.1.9 It is acknowledged that opportunities to address this lack of a 5-year supply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process of which this site is expected to contribute as part of the North Lancaster Strategic site (under policy SG9 of the adopted Local Plan).
- 6.1.10 It is recognised that the proposed development would make a meaningful contribution to the district's five-year land supply and would provide much needed market and affordable housing. This must be afforded substantial weight in the overall planning balance.
- 6.1.11 There are no apparent barriers to the development coming forward within the next 5 year period and therefore, the site is suitable, in principle, for residential development.

Proposed Local Centre

- 6.1.12 To support the residential development Policy SG10 of the Strategic Policies & Land Allocations DPD sets out the requirement for strategic growth in North Lancaster to provide the necessary local services for new residents through the provision of a new local centre. Criterion III of SG10 specifically relates to the provision of a local centre. SGLA Policy SG10 seeks to exercise flexibility over how and where such provision should be achieved but does provide suggested direction. Paragraph 15.27 makes clear that the most appropriate location for local service provision would be in the proximity of the A6 and that the services provided should be for localised needs only (and not competing with other local centres or Lancaster City Centre). It makes clear that the delivery of a foodstore (beyond a local convenience store) would not be supported.
- 6.1.13 The Framework Masterplan sets out the general parameters of the local centre and extra care housing facility. The Local Centre would comprise circa 400sqm of convenience retail floorspace and 200sqm of comparison retail floorspace. Given the retail space will be brought forward and would serve the surrounding residential development there are also sufficient benefits in being easily and safely accessed by foot and cycle.

- 6.1.14 The delivery of retail uses would contribute towards promoting a sustainable, attractive place to live, defining a sense of place and creating a sense of community for its new residents. The proposal presents a scheme which is consistent with SG10 supported by the Framework Masterplan.

Proposed care facility

- 6.1.15 Whilst not a requirement of Policy SG9, it is proposed to deliver a 100% affordable extra care housing facility comprising up to 60 beds. The applicants have indicated that the care facility could comprise a pharmacy, coffee shop and community space equating 400sqm. The height of the Local Centre and Extra Care Housing facility would be a maximum of three storeys.
- 6.1.16 The delivery of retail and community uses would contribute towards promoting a sustainable, attractive place to live, defining a sense of place and creating a sense of community for its new residents.
- 6.1.17 The most optimum location on the masterplan site is earmarked for the local centre, with an opportunity presents itself to combine an extra care scheme and a community hub that could potentially serve all the new housing and should it prove possible, a policy compliant local centre. Therefore, in conclusion, the proposed retail space and care facility would be associated with the wider land allocation and adjacent residential development. It is considered there would be local benefit when combined with the creation of a community hub within the site which would weigh in favour in the overall planning balance.

6.2.1 Consideration 2 - Infrastructure Requirements - NPPF paragraph 93 and 95 (Community Facilities; Strategic Policies and Land Allocations (SPLA) DPD policies: SG9 (North Lancaster Strategic Site), SG10 (Infrastructure Requirement and Delivery for Growth in North Lancaster); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)

- 6.2.2 It is important that necessary infrastructure which is both local and strategic in nature is delivered in the right place, at the right time, to ensure that development can be achieved in a sustainable manner for the benefit of new and existing residents and local businesses.
- 6.2.3 The Local Plan transport and accessibility policies seek to direct new development to sustainable locations and to ensure new development provides and encourages opportunities for a range of transport options and to reduce the overall need to travel. Policy requires development to make positive contributions to the walking and cycle network.
- 6.2.4 Policy SG10 is interlinked with SG9 and sets out the requirement for necessary strategic infrastructure to deliver growth in North Lancaster, including highway infrastructure. The infrastructure that is required to make strategic growth in North Lancaster achievable is set out in more detail within the Council's Infrastructure Delivery Plan (IDP).
- 6.2.5 DM DPD Policy 58 sets out a framework for planning contributions to ensure that growth within the district is supported, where necessary, by the provision of infrastructure, services and facilities. The Council will require planning contributions where they meet the tests set out in paragraph 57 of the Framework which are:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

Education

- 6.2.6 The submitted parameter plan shows the quantum of development and includes land available for a school within the wider site. The Framework Masterplan also states that contributions will be collected as part of any future planning applications to contribute towards the delivery of the primary school.
- 6.2.7 Policy SG10 sets out infrastructure that would be required to support development in this area, covered by Policy SG9. This includes the delivery of sufficient education places at both a primary and secondary school. The Schools Planning Team state they will be seeking a school site for the provision of new school places by establishing a new school or by expanding an existing school onto the proposed school site.

- 6.2.8 An appropriate financial contribution would be agreed towards the provision of educational facilities so as to not undermine the delivery of the school infrastructure required to support development in this area, covered by policy SG10.

Health provision

- 6.2.9 The response from the NHS sets out that the proposal will generate approximately 318 new patient registrations based on average household size of 2.34 persons. The site falls within the catchment area of Owen Road Surgery and they have advised that this need can only be met through the extension and reconfiguration of the existing premises in order to ensure sustainable general practice. To account for the new infrastructure a contribution of £79,930 has been requested. The response continues to say that the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated. It is advocated that the general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. It is therefore recommended the trigger of any healthcare contribution to be available linked to commencement of development.
- 6.2.10 It is not clear how the requested contribution would be used and, with a lack of evidence to support this request, it is considered that it fails to meet the requirements of the CIL regulation tests and could not therefore be requested at this time.

Transportation

- 6.2.11 In relation to highway infrastructure projects, the Highway Authority have set out that the key measures being developed include:
- A6 Preston Lancaster Road,
 - Scotforth Road
 - Bailrigg Garden Village,
 - A588 Corridor (South) and A588
 - Ashton Road (North)
 - Pointer Roundabout
 - City Centre Gyratory
 - Cacton Road
 - Slyne Road
 - Local Highway Network Around M6 Junction 34
 - Lancaster and Morecambe Area Wide Local Road/Management Changes
- 6.2.12 The final contribution would be calculated at the time of including it within a legal agreement.

Open Space

- 6.2.13 Policy DM27 'Open Space, Sports and Recreational Facilities' states that proposals which seek to protect and enhance existing designated open spaces, sports and recreational facilities, that are provided for their important value, will be supported by the Council. The policy continues, that where a development proposal is located in an area that is recognised to be deficient in open space, sports and recreational facilities, there is a requirement to provide appropriate contributions towards these forms of open space provision, either through on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site.
- 6.2.14 Policy DM27 also refers to development that is proposed adjacent to designated open spaces, sports and recreational facilities, in that it will be required to incorporate design measures that ensure there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.

- 6.2.15 In accordance with Policy DM27, any provision made for open space, sports or recreation facilities should be fully accessible to the public without any restrictions and will be provided in addition to any private amenity space or landscaping. Proposals should not have an adverse impact on surrounding residential amenity in terms of light and noise-disturbance, with any potential impacts being appropriately mitigated against. Policy DM43 highlights that development proposals should incorporate new and/or enhanced amenity green spaces of an appropriate type, standard, size and reflects the needs/deficiencies for the area as set out within the Council's Open Space Assessment or successor documents.
- 6.2.16 The application is supported by a Framework Masterplan Plan which includes open space provision across the Masterplan area. It proposes:
- Natural and semi-natural open space – 8ha
 - Amenity greenspace – 5ha
 - Equipped area of play – 0.07ha
 - Young person provision – 0.07ha
 - Parks and gardens – 10ha
 - Allotments and Community Gardens – 1.6ha
- 6.2.17 The total site area for the current application is 4.5ha, comprising 1.4ha for the outline application area and 3.21ha for the full application area. The breakdown of land uses on the full application site will be broadly as follows:
- Open space – 0.97ha
 - Development area – 2.14ha
- 6.2.18 The above amount of open space would satisfy DM DPD Policy 27 and 43. Details regarding how the open space within the site is maintained and managed can be secured by a Legal Agreement.
- 6.3.1 Consideration 3 - Affordable Housing and Housing mix - NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations (SPLA) DPD policy: SG9 (North Lancaster Strategic site) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs) and DM3 (The Delivery of Affordable Housing).**
- 6.3.2 This application sits outside of the Council's conventional approach to securing affordable housing through Section 106 obligations which would otherwise require the developer to provide 30% affordable housing in accordance with Policy DM3. In this instance an opportunity has presented itself to combine an extra care scheme and a community hub that could potentially serve all the new housing and should it prove possible, a policy compliant local centre. All these components are within the outline element of this application.
- 6.3.3 Because of the specialist nature of extra care schemes, whilst the developer supported the principle of this, they themselves would not look to build the scheme in the same manner as conventional affordable housing units secured through S106 obligations. On this basis, the agreed strategy is for the operator of the extra care scheme to purchase the site and bring it forward through the provision of their own capital funding and grant subsidy through the affordable homes programme to make it viable.
- 6.3.4 The need for extra housing was initially set out in Lancashire County Council's Extra Care Strategy published in 2014 and produced in collaboration with the 12 district councils. The strategy was relaunched as the Housing with Care and Support Strategy in 2019 which seeks to increase the provision of specialist housing for older people and younger adults with disabilities. The main objectives are:
- to reduce the number of admissions to residential care by increasing the housing options of older people allowing them to remain in an independent setting for as long as possible
 - to provide at least one new purpose-built extra care scheme in each district of Lancashire by 2025
 - to provide schemes that provide a minimum of 60 dwellings for rent (either stand alone or part of a mixed tenure scheme)
- 6.3.5 Underpinning the strategy is the needs analysis produced by The Housing Learning and Improvement Network (LIN) which estimates the need for extra care for Lancaster to be for 238 units where there are currently no units in existence or development.

- 6.3.6 More recent analysis has considered the need for extra care by ward revealing that north Lancaster, Slyne and Bolton le Sands are deemed to be in high need of extra care, and this was the main driver for exploring a mechanism of creating a new extra care scheme on the north Lancaster strategic site.
- 6.3.7 The proposed extra care would provide a minimum of 60 apartments all for rent meeting NDSS (Nationally Described Space Standard) and M4(2) accessibility standards and would seek to create on-site services and facilities within or adjacent to the main building which will serve the needs of the residents and beyond, ensuring that the scheme is very much embedded within the community. Typically, extra care schemes provide co-located services such as hairdressing and beauty services, coffee shop/bistro, communal areas, gardens and a community hub for residents and wider uses.
- 6.3.8 Given the nature of the outline application and the proposed care facility is considered to be the affordable units in lieu of conventional provision within the application, it is crucial this is secured through a Legal Agreement. The legal agreement will provide certainty that the units will be built for the affordable market and that there is a registered care provider who will take management of the scheme in perpetuity.
- 6.3.9 The Legal Agreement provides a framework of deliverability which will set out how and when the care facility would be brought forward to completion to align with the wider Phase I of the scheme. The legal agreement will provide a mechanism to ensure that the Applicant enters into a contract to allow the land to be sold, or in the event that the land cannot be purchased by the Local Authority, a contribution in lieu of the necessary affordable housing provision for the scheme, equivalent to 30%, is secured.
- 6.3.10 In respect of the Applicant's comment in respect of offsetting the current affordable housing offer to wider parts of the allocation, this can only be considered under the relevant application and against the Local Plan and any other materials considerations. All future phases of the development will be expected to provide 30% affordable housing in accordance with Policy DM3.
- 6.3.11 All of the dwellings proposed as part of the full planning application would be market housing. However, it should be recognised that if the proposed model is implemented, the number of affordable dwellings will exceed the Council's normal policy requirement within the phase 1 development and offers a unique opportunity to provide much needed specialist housing for the elderly and a more bespoke innovative local centre placing older people at the heart of the new community in north Lancaster. It is considered the alternative option of a care facility for the affordable market, secured by Legal Agreement, is a material factor and weighs in favour against the requirements of SG9 and DM3 for this application.

Housing Mix

- 6.3.12 DPD Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The SHMA identifies an indicative approach to housing mix which is in the table below with the proposed mix:

Property Type	Market %'age	Proposed mix %'age
House (2 bed)	20	12
House (3 bed)	35	47
House (4+ bed)	25	41
Bungalow	10	0
Flat/apartment (may include 1 bedroom house)	10	0
Total	100	100

- 6.3.13 It is noted there is an absence of flats and bungalows with the proposed mix having a slight weighting to larger properties. However, taking the proposed mix into account it is considered the move towards larger properties would represent an aspirational mix and would push up the housing stock for family housing for the north Lancaster expansion. The proposed mix would on balance achieve the relevant criteria of SG9 and results in an appropriate mix of house types and sizes.

6.4.1 Consideration 4 - Housing Standards – SG9 (North Lancaster Strategic Site) Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards)

6.4.2 Policy DM2 adopts the NDSS for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2) in relation to accessible and adaptable Dwellings. The proposed dwellings largely comply with the space standards and securing the policy compliant housing standards can be secured and access requirements can be controlled by planning condition.

6.5.1 Consideration 5 - Sustainable Design and Renewable Energy - NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Strategic Policies and Land Allocations (SPLA) DPD policies: SG9 (North Lancaster Strategic Site); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation).

6.5.2 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. SGLA Policy SG9 provides support for developments that seek to adopt sustainable construction and design methods aimed at minimising energy use, reducing emission and maximising energy efficiency in accordance with DPD Policy DM30. The strategic policy asks that proposals investigate opportunities to deliver district heating systems and the provision of electric charging points and infrastructure in accordance with DPD Policy DM31.

6.5.3 It is difficult to consider the proposal would be close to net zero for regulated energy associated CO2e emissions or embodied carbon. Nevertheless, an Energy Statement submitted by the applicant informs the strategy in how the development seeks to reduce the carbon footprint of the residential development.

District heating systems

6.5.4 The applicant's Energy Statement discusses that district heating can be a viable option where there is a high density of housing, particularly in high rise accommodation and where existing heat networks are already in place that can be connected up to. It is agreed that given the low relative density of accommodation proposed, the lack of significant anchor loads, the absence of existing heat networks to connect into, the phased construction would make operating the plant unviable at the outset. Given there is a high fabric efficiency being strived for it does mitigate the requirement for high temperature heating, site-wide district heating.

Proposed residential development

6.5.5 In relation to the units comprising the detailed planning application, SAP assessments appropriate to the build types being proposed have been used in this report to characterise the energy demand expected from these units. Approximately 76% of the predicted demand (regulated and unregulated energy use across the detailed and outline elements, excluding e/v charging) relates to space heating, domestic hot water and cooking, with about 24% relating to electrical energy use. It is anticipated that the development will utilise modern methods of construction (a set of building techniques centred around the offsite production of panel systems which can be easily assembled onsite), energy efficient building fabrics, optimising orientation and site layout, limit solar shading and use natural ventilation. Additional measures such as energy efficient lighting and smart meters will be employed to help reduce the electrical energy demand. The improved assembly process should mean that a higher level of building performance is achieved by avoiding gapping, minimising thermal bridging, improving airtightness and ensuring insulation materials are properly fitted.

6.5.6 It is proposed the heating system will use highly energy efficient gas boilers and though no additional renewables are stated to be incorporated in the energy statement. The Energy Statement does acknowledge that should the situation change as a result of future policy requirements, building regulation changes or the applicant's design approach.

6.5.7 The latest iteration of drawings does show that the dwellings have solar PVs on the roof planes which may suggest a change in design approach, but they would potentially still be at odds with a net zero future-proofed design resulting in a future retrofit burden should Building Regulations change or other

controlling matters. In relation to renewables and particularly Policy DM30, given the slight uncertainty with the Building Regulation position the Energy Statement explores various technologies and although taking a fabric first approach remains positive. It is therefore considered the imposition of a planning condition would satisfy DM Policy 30 and provide flexibility to explore different technologies holistically with the design of the dwellings to start to addressing CO2 savings and result in an acceptable form of development.

Care Home Facility & Local Centre (in outline)

- 6.5.8 The energy demands associated with the outline elements are not supported by detailed assessments, due to remaining in the early stages of the design process. However, the Energy Statement does anticipate that the fabric efficiency will be improved to provide an uplift over and above current building regulations. At this stage, given the lack of detailed design parameters it is not possible to state a precise figure on the scale of the improvement.
- 6.5.9 It is therefore considered the imposition of a planning condition would again satisfy DM Policy 30 and provide flexibility to explore different technologies holistically with the design of the building(s) to start to addressing CO2 savings and result in an acceptable form of development.

Electric car charging

- 6.5.10 DPD Policy DM31 echoes SG9 where it requires that development proposal must demonstrate that they have sought to minimise the levels of air polluting emissions generated and adequately protect their new users, and existing users, from the effects of poor air quality. One of the ways in which the Council will seek to minimise the impact of new development on air quality will be to ensure that development provides a suitable level of infrastructure for the charging of electric / plug-in hybrid vehicles. PAN05 provides guidance for the provision of electric charging points in domestic and commercial development.
- 6.5.11 In respect of EV charging points the Building Regulations were amended in June 2021 to ensure that new residential and mixed-use buildings are provided with infrastructure for the charging of electric vehicles (Requirement: S1 and S4). As such, the Building Regulations have been brought into line with the NPPF and the Government's policy in respect of the increase in the use of electric or part powered electric vehicles. Taking into account the recent change to the Building Regulations the imposition of a planning condition to require an EV charging scheme would duplicate regulatory requirements. As such, the imposition of a planning condition would fail the tests as set out in the NPPF and national planning guidance. Quantifying the effects of air quality mitigation, especially when mitigation is largely about encouraging modal shift, is challenging. However, the applicant has presented a robust assessment informed by the Transport Assessment and the Travel Plan measures that would reduce traffic over time, which in turn reduces anticipated emission levels from the development. It is considered there to be sufficient mitigation proposed to demonstrate the effects on air quality would not be significant.
- 6.5.12 Overall, it is considered that the proposal would not conflict with the Development Plan or the NPPF in respect of air quality.

6.6.1 Consideration 6 - Effect on landscape character (NPPF: Chapter 12, Chapter 15 paragraph 174 - 177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD Policy SG9 (North Lancaster Strategic Site), EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).

- 6.6.2 The sensitivity of this location to development was recognised by the Council in preparing the Local Plan and is supported by the designation of the adjoining land as Urban Setting Landscape (USL). USL are defined as those landscapes peripheral to the built form and located on the edge of the main urban area. They are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context for legibility to features either within the landscape or surrounding it. Whilst falling outside the USL designation the City Council would expect proposals at this location to be sensitive to this designation and as identified by Policy SG9 the Council will require proposals to create landscape buffers between the development site and in this instance the Bay Gateway Link Road.

- 6.6.3 SPLA DPD Policy SG9 has allocated development through the Local Plan process. Through this process consideration has been given the implications of development and their mark on the landscape. The supporting text to SG9 identifies the land within the allocation to be characteristic of the 'Low Coastal Drumlins' Landscape Character Type within the wider setting. It is noted that its pastoral landscape emphasises the undulating drumlin nature of the local topography and existing vegetation. A low coastal drumlin occupies a prominent north to south location within the site.
- 6.6.4 The criteria for assessing landscape impacts are provided under Policy DM46 of the Development Management document which recognises that, in addition to nationally and locally designated landscapes, the district also has a range of landscapes and townscapes which are valued, unique and provide a direct sense of place, which the Council seeks to protect and enhance. The policy goes on to state that outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance, and landscaping. The need to consider both the individual and cumulative impacts of a proposal are also noted.
- 6.6.5 A masterplan has recently been prepared and published for the North Lancaster allocation. Although this encompasses the whole SG9 allocation the masterplan can be used to inform how the smaller parcels of land within can be developed and how it affects the wider landscape. This application has been supported by a design and access statement which uses the masterplan as the starting point for how the site is developed.

Topography and presence of built form

- 6.6.6 The landform of the site generally slopes from west to east with a high point in the southwestern corner of the site on a local ridgeline. This ridgeline is part of the characteristic 'drumlin' landform and slopes from west to east with the fall towards the centre of the site where the gradient eases and the site slopes more gently towards the east of the site and with Sylne Road.
- 6.6.7 The proposed development is located on the easterly facing side of the drumlin and as such views would mainly be from the north and east along Sylne Road. Wider views from the north and east are obscured by the undulating landform, thus limiting the mark on the landscape to relatively close to the site. Whilst there are views from the south along Syne Road, these are more limited and obscured by the presence of existing building and vegetation.
- 6.6.8 It is considered the layout has been designed to take advantage of the topography of the site where the heightened part of the drumlin has been retained as open space. This has reduced the extent of the built form to the lower parts where the heights of the buildings, where although still graduated would still respect the existing landform. The proposed open spaces on the west and northwest areas of the site allows for structural landscaping to be created to form the predominant feature on the top of the drumlin which aligns with the principles set out in the wider masterplan.

Landscape features

- 6.6.9 In respect of the landscape features given the existing pastoral use the land has the presence of established hedgerows delineating the field boundaries along the western and northern side of the application site and the site for outline consent. a small number of trees are dispersed along these boundaries.
- 6.6.10 A two groups of trees are presence along the southern boundary comprising Cypress, Elder, Sycamore and Hawthorn specimens with a smaller group mid-way along the eastern boundary of plum trees.
- 6.6.11 With the exception of dead trees, it is not proposed to remove any trees as part of the development. Therefore, the retained trees will contribute to the landscape setting.
- 6.6.12 There will be a notability removal of part of the central hedgerow to facilitate the attenuation pond, pumping station, main access spine road and access road for the north of the site. Whilst it may not be possible to mitigate the section between the east boundary and access to serve the northern parcel of land, there would be opportunity to plant a replacement hedgerow on a slight different alignment to mitigate the loss resulting from the access road. Taking this and that the other field boundaries have

retained the hedgerows the loss, although regrettable, would not be significant to the wider landscape effect of the development.

- 6.6.13 Compensatory planting would bolster and improve the green infrastructure within the site which in turn contributes to the appearance of the development within the landscape setting.
- 6.6.14 As such subject to the securement of a landscaping scheme to mitigate and bolsters the site's general appearance and street trees within the wider landscape setting it is considered the development would satisfy SG9 and DM46.

Landscape buffers

- 6.6.15 It has been established in this report that the quantity would satisfy Local Plan policies. However, Criteria X and XIV of SG9 requires that developments should create green buffers that provides the visual separation and protect the general amenity of the neighbouring areas of St Johns Hospice, Hammerton Hall and existing residential properties within and directly adjacent to the application site.
- 6.6.16 The application site does not extend to the boundary of St John's Hospice. Given Beaumont College occupies the intervening between the site to the north and St John's Hospice to the south it is considered the relationship to be acceptable. There is a degree of openness afforded by an intervening field to the Hammerton Hall complex, the application site does however share a field boundary with the building. The proposed layout allows for a swath of open space to flow from the northwest corner of the site to the westerly corner of the site which reflects the parameters of the overarching framework masterplan. Taking the width of the westerly section of the open space into account it is considered there to be a sufficient buffer with Hammerton Hall.
- 6.6.17 Consequently, and notwithstanding that design is discussed below it is considered that the development can be accommodated within the site, taking into account the proposed parameters without significantly adversely harming the wider landscape character.

6.7.1 Consideration 7 - Design and Form - (NPPF: Chapter 15 paragraph 174 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy SG9 North Lancaster Strategic Site, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), Policy EN4 (North Lancashire Green Belt), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); A Landscape Strategy for Lancashire (2000).

- 6.7.2 The NPPF states in paragraph 130 planning policies and decisions should ensure that developments: function well and add to the quality of the area; are visually attractive; are sympathetic to local character and history; establish/ maintain a sense of place; optimise development on the site; and create places that are safe, inclusive and accessible and which promote well-being. Paragraph 134 of the NPPF states that where a development is not well designed it should be refused, especially where it fails to reflect local design policies and guidance on design.
- 6.7.3 The National Design Guide and the National Model Design Code provide detailed advice and guidance to inform high quality new developments by detailing guidance and structure to help deliver good design which focuses on ten design characteristics across three themes (physical character, community and climate). The Design Considerations in SG10 include the need for the design, layout and materials used to be sympathetic to the locality and create a strong sense of place, providing a well-designed and high-quality environment for residents. This is reflected in DM29 which also requires development to positively contribute to the identity and character of the area.
- 6.7.4 This is a hybrid application, with full planning permission sought for a 58-unit residential development comprising 4 no. 2-bedroom semi-detached, 3 no. 2-bedroom mews, 14 no. 3-bedroom semi-detached, 13 no. 3-bedroom detached and 24 no. 4-bedroom detached dwellings with landscaping, access and associated infrastructure. Outline planning permission is also sought for an approximately 60-bed extra care facility with a local centre of up to 600 sqm, alongside associated infrastructure and landscaping. Given that the extra care and local centre element of the application is made in outline, it is not possible to consider matters of design and form at this time, and it is anticipated that these will be explored in detail at the reserved matters stage.

- 6.7.5 The immediate area is characterised by semi-rural, low-density development surrounded by countryside/agricultural land, with small clusters of development that follow the road pattern to the north, east and west. Further to the south are the outskirts of Lancaster, where development is of a much higher density and follows a relatively rigid pattern. The layout of the proposed dwellings is similarly rigid, with houses arranged along three spur roads running in a north-south direction from the main access road off the A6. Dwellings also occupy similar positions within each plot, which complements the relatively formal arrangement of development within Lancaster to the south.
- 6.7.6 Policy DM29 of the DM DPD sets out standard separation distances of 21m between dwellings where windows of habitable rooms face each other and 12m where a habitable room faces onto a side wall, which are met in all cases. It also states that for every half-metre change in levels between properties, a further 1m separation should be provided. Owing to the topography of the site, there are some cases where there are differences of up to 5m between the levels of neighbouring dwellings. This would equate to an overall requirement of 31m between some dwellings where windows of habitable rooms face each other, which cannot be met. However, Policy DM29 also acknowledges that there may be instances where the minimum distances need to be increased or reduced depending on circumstances, for example site topography or density considerations. Given that the level changes involved are so significant, it is anticipated that windows of habitable rooms to the rear of the higher properties will primarily look over the rooftops of neighbouring dwellings rather than into the windows of the dwellings themselves, which would justify a relaxation of the standards in this case.
- 6.7.7 All dwellings are consistent in terms of their design and materials palette, comprising buff coloured stone facing blocks on the elevations, with gable roofs constructed using slate grey interlocking concrete tiles. Windows, drainage goods, fascias and soffits will be black, with anthracite grey front and garage doors (where applicable). Each dwelling will have its own access and on-plot parking to the front and side, with lawns to the front and rear. Whilst the restricted materials palette arguably results in a development of limited visual interest or innovative design, the proposed materials are consistent with those found elsewhere within the surrounding area.
- 6.7.8 The layout plan indicates bin storage in each individual garden (although there are no elevations) and detached garages for plots 1, 7-8, 33-34, 37-39, 42-43, 45, 48-49 and 54-55. Refuse collection is understood to take place at the kerbside, as per the existing situation within the immediate area.
- 6.7.9 A substantial area of open space containing a number of trees is shown within the western portion of the site, with a pond in the northeastern corner and the location of these features is broadly consistent with that of the Comprehensive Masterplan for the North Lancaster Strategic Site, as set out elsewhere within this report.
- 6.7.10 On balance, whilst there are some potential shortcomings in terms of design and separation distances, the proposal is considered to comply with the principles of Policy SG10 and DM Policy DM29.
- 6.8.1 **Consideration 8 - Transport and Highway Matters - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SG9 North Lancaster Strategic Site. T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan;**
- 6.8.2 In relation to transport considerations, both national and local planning policy strive to ensure development is:
- Located in areas that are or could be made sustainable;
 - Safe and accessible for all users;
 - Promotes sustainable transport modes;
 - Minimises the need to travel by private car by prioritising pedestrian and cycle movements;
 - Ensure the highway safety and efficient of the highway network is maintained;
 - Create safe, accessible, well-connected and attractive places.
- 6.8.3 The site is proposed to be accessed via a new junction and access road off the A6 Slyne Road located to the south of Turnpike Fold, which serves a number of existing properties. The A6 Slyne Road is a

single carriageway with a 30-mph speed limit along the site's frontage. The internal layout has been designed to provide access through to the adjoining site to the east controlled by Hollins Strategic Land, with three spurs leading off to the south terminating in cul-de-sac arrangements. Most units have their own driveways and parking, however there are also limited visitor parking areas.

- 6.8.4 As the Local Highway Authority (LHA), Lancashire County Council Highways have raised a number of concerns regarding the scheme throughout the determination of the application, both technical and financial. In terms of technical issues, these have primarily related to: access to the wider masterplan site; inconsistencies between the plans submitted in terms of the layout and access strategy shown; a lack of DDA compliant bus stops with shelters; issues relating to the delivery of the turning head on Slyne Road, South of Turnpike Fold; disjointed provision and routing for cyclists and pedestrians; incorrect visibility splays; insufficient access widths to suit vehicles associated with the local centre; and a lack of vehicle tracking for a large refuse vehicle for the access to the old Slyne Road that serves the existing properties. Amended plans have been provided to address the above and the LHA have been reconsulted on the proposal, having provided extensive comments to date. Based on negotiations to date it is anticipated that a resolution can be reached between the Applicant and the LHA, and whilst final comments have not been received, an update will be given to Members at the Committee.
- 6.8.5 In terms of parking provision, County Highways advised that the integral garages for the Forrester and Farrier house types are below the acceptable level of 3 metres by 6 metres to be considered as a parking space, therefore an additional parking space would need to be provided. The plans were subsequently amended to provide a widened drive for these units. County Highways also advised that there is a shortfall on parking spaces for the two bedroom apartments which only provide one space. In response to this, the agent set out that, that whilst the parking standards state that 2 / 3 bed houses should have 2 parking spaces, flats are stated to be assessed on a case by case basis and given that the flats comprise a double and twin room they are not the same as a 2 or 3 bed house in terms of usage. They also stated that that, the site is located close to a frequent bus service and uptake of sustainable modes is being encouraged and purchasers would be aware of only having one car parking space. Whilst more spaces would be preferable, this position was accepted by County Highways in a further response in June 2022, and it is not considered that it would lead to a detrimental impact on highway safety.
- 6.8.6 In terms of financial matters, the LHA have commented throughout the determination of the application highlighting the need for a contribution towards the wider highway network. A figure has been set out in the latest response (June 2023), alongside technical issues that were required to be addressed, as discussed above. The response sets out that, the development of the Highway Infrastructure Strategy has also included the development of a mechanism to ensure an equitable distribution of S106 contributions to fund its required infrastructure. A gravity approach has been developed that determines the degree of the development's influence and impact on areas of concern (locations of initiative) and also has regard to other sources of funding available/secured. A request for a contribution of £493,921 has been made (£422,637 for the residential component and £71,284 for the local centre component), which would be used to fund the following initiatives:
1. M6 J33
 2. A6 Preston Lancaster Road
 3. Bailrigg Garden Village
 4. A588 Corridor (South)
 5. A588 Ashton Road (North)
 6. A6 Scotforth Road (and Other Parallel Routes Such as Bowerham Road)
 7. Pointer Roundabout
 8. City Centre Gyratory
 9. A683 Caton Road
 10. A6 Slyne Road (and Other Feeder Roads)
 11. Local Highway Network Around M6 Junction 34
 12. Lancaster Area Wide Local Road/Management Changes
 13. Morecambe Area Wide Local Road/Management Changes
- 6.8.7 The Applicant has provided a rebuttal to the latest response from the LHA. In summary, they consider that the Highway Authority has refused to consider the transport implications associated with the proposed development but have instead focused on their strategic aspirations within and around Lancaster. Given this impasse, Lancaster City Council, need to make a planning judgment on the

information provided and the impact on the highway network, including whether the information that is being requested is reasonable and is proportionate to the scale of the development. Lancaster City Council, as the Local Planning Authority need to ensure that any request complies with the tests in the CIL Regulations (2010), which are reiterated at paragraph 57 of the NPPF. In particular, a planning obligation must only be sought where it meets all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

6.8.8 Whilst discussion have been ongoing with the LHA for some time, unfortunately the approach put forward fails to comply with the tests for the above reasons. It is appreciated that a lot of work has been put into the development of the model and the collating the information in relation to the proposed projects, but unfortunately there is no strong policy position to support this as a District wide approach.

6.8.9 The Local Planning Authority is currently in a position where it is being pushed to determine the application, following significant delays in relation to the request for infrastructure contributions. It appears that what is being requested from the LHA in terms of assessment is overly onerous. They have advised that the issues can be overcome by supporting the Infrastructure Strategy and the Gravity Model approach, however this fails to comply with the CIL tests, as discussed above.

6.8.10 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.8.11 The LHA have raised a number of concerns regarding the Transport Assessment including concerns about the operation of the existing highway network. It is acknowledged that there are issues with areas of the highway network, although the exact extent of this in terms of severity is not clear. The development would result in additional vehicle movements on the network in areas that do experience congestion. Mitigation can be sought where there are impacts, including residual cumulative impacts. However, the approach currently put forward is a District wide one that fails to comply with CIL tests and therefore cannot be supported by the Local Planning Authority. Whilst the development would have some impact on the highway network, from the information provided, it is not clear that this would be a severe impact that would justify the refusal of the application.

6.9.1 Consideration 9 - Archaeology and Heritage Assets - NPPF: Section 12, Section 16; SPLA DPD Policy SP7 (Maintaining Lancaster District's Unique Heritage); DM DPD Policy DM37 (Development Affecting Listed Buildings), DM39 (The Setting of Designated Heritage Assets) and DM42 (Archaeology).

6.9.2 SGLA Policy SG9 requires development proposals to fully assess the potential affect upon the setting and significance heritage assets at Beaumont Hall, Hammerton Hall, Carus Lodge, Carus Lodge Cottage, the curtilage listed wall on Halton Road, Hammerton Hall Bridge, Folly Bridge, Beaumont Hall Bridge, Halton Road Bridge and the Lune Aqueduct as a result of proposed development. Where potential concerns may arise, mitigation measures should be put in place. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site. DPD DM Policies 37 and 39 echo the assessment of setting and significance heritage assets.

6.9.3 An Archaeology and Heritage Desk-Based Assessment has been prepared and submitted in support of this planning application. The Assessment considers the archaeological potential of the Site and the potential impact of the development proposals on any designated or non-designated heritage assets.

Identified Heritage Assets

- No designated heritage asset are recorded within the site;
- Potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site;
- Setting of Grade II Listed Beaumont Hall,
- Setting of Grade II Hammerton Hall Bridge (no. 111);
- Setting of Lancaster Canal Folley Bridge (No. 112).

Level of Significance

- 6.9.4 No significant archaeological remains have been identified within the site, and there is considered to be a low potential for any significant unknown archaeological remains to survive buried within the site. It is anticipated that no significant archaeological remains will therefore be truncated by the proposed development. It is considered the level of significance would be set to low.
- 6.9.5 The proposed development would not have a direct impact on the listed buildings but would be within its setting. It is considered the level of significance would be set to low.

Impact on Heritage Assets

- 6.9.6 The applicant's assessment has identified that no designated archaeological remains are located within the site and thus no designated archaeological remains will therefore be adversely physically affected by development within the site.
- 6.9.7 The LLC Historic Environment Team acknowledges there to be no known features of archaeological interest recorded within the application site; however, it is realised that there was evidence of prehistoric activity was found both to the north and east during works associated with the M6 Heysham Link Road. Therefore, the site is considered to have some archaeological potential. This is further supported as the HET states that during background work to the Local Plan allocation it was concluded that no archaeological work would likely to be necessary west of the canal, but to the east some limited investigation could be required as a condition of any planning consent. The land referred to is the application site and therefore it is considered to meet the
- 6.9.8 Therefore, given the potential of archaeological is relatively low risk it is considered expedient a planning condition which would require the submission of a programme of archaeological works in accordance with a written scheme of investigation to be undertaken prior to excavation works that would occur on the site.

Effect on setting of each heritage asset.

- 6.9.9 **Beaumont Hall** – the building is 275m to the east of the site. The historic setting of the hall would have comprised the open land that surrounded it. This open landscape character was altered in the mid-20th century with the construction of a large housing estate to its south. However, within the open land to the north of the hall there are remnants of the medieval and postmedieval agricultural landscape, which may be contemporary with the origins of the hall. The setting of the Beaumont Hall comprises its immediate surroundings, its historic driveway and its grounds, where the property can be best appreciated. Views from the wider landscape from the hall are restricted by intervening vegetation and is ultimately not discernible from the site and vice versa.
- 6.9.10 **Lancaster Canal including Hammerton Hall Bridge and Lancaster Canal Folley Bridge** - It is acknowledged that the proposed development would change its historic agricultural setting. However, it is agreed with the applicant's statement that any visual relationship between the proposed development and the Canal will be limited, as a result of the vegetation and dispersed tree line which bounds the northern side of the Canal. It is considered there to be no direct historic relationship between the Canal and the site and the proposed development will not affect the intelligibility of the relationship between the Canal and its associated historic structures comprising the surrounding contemporaneous bridges and Aqueduct.
- 6.9.11 In conclusion, it is considered the proposed development would have an effect on the setting of the settings, however, the impact would not harm be significant. The attachment of appropriate archaeological conditions would enable the protection of artefacts. It is therefore considered the development would not have a significant adverse impact on heritage assets. Any harm which may

arise, having due regard to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is weighed against the delivery of housing within an allocated site as being a significant public benefit in the balancing of this application as per Paragraph 202 of the NPPF. Overall, the proposed development is considered to meet Policy SP7, DM42.

6.10.1 Consideration 10 - Flood Risk and Drainage Issues - (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SG9 North Lancaster Strategic Site and SP8 (Protecting the Natural Environment); Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015); Application of the Flood Risk Sequential Assessment Test and Exception Test Planning Advisory Note (PAN) (February 2018).

6.10.2 Paragraph 159 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the highest risk (whether existing or future). Paragraph 162 of the Framework goes on to state that development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas at a lower risk of flooding through the application of the sequential test. Local planning policy DM33 reinforces the requirements of the Framework by advocating that development proposals should minimise the risk of flooding by taking a sequential approach directing development to the areas of lower risk of flooding. SGLA Policy SG9 requires "...the preparation of a Flood Risk Assessment that details how, through design, construction and occupation phases of development the matters of flood risk will be dealt with. This should, where necessary, include suitable and appropriate mitigation measures which are delivered to the satisfaction of the Authorities.." (Criteria XVIII).

6.10.3 The Environment Agency Flood Zone map indicates that most of the Site lies within Flood Zone 1, the lowest risk of flooding, categorised as 'Low Probability' (less than 1 in 1000 (0.1%) annual probability of fluvial or tidal flooding). A Flood Risk Assessment accompanies the planning application and has been prepared using desktop studies of online and acquired mapping, observations of current land use, topography, and drainage features (i.e. watercourses and culverts) from Site walkovers. The FRA is to be considered in conjunction with the relevant sections of the Environment Statement in respect of flood risk.

6.10.4 The FRA has been identified that the site falls in an easterly direction with land to the west falling away to the west towards the Lancaster Canal; land on the southern boundary is at similar levels to the site and the Bay Gateway runs to the north of the site with a well-developed drainage system. The underlying bedrock comprises siltstone, mudstone and sandstone of the Roeburndale formation, a sedimentary bedrock that formed approximately 324 to 328 million years ago in the Carboniferous period. Superficial deposits have been recorded as Glaciofluvial sheets (sand and gravel) in the west and as Till (diamicton) elsewhere. A band of alluvium (clay, silt and gravel) runs on a north to south alignment following the location of Howgill Brook. The soils of the area are characterised as freely draining slightly acid loamy soils. There is very little potential for run-off from adjacent land onto the site. The proposed development and submitted FRA will now be considered if it meets the sequential and exception test in addition to ensuring future users are protected from the risk of flooding.

Sequential Test

6.10.5 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. The proposed site was considered within the Strategic Flood Risk Assessment (SFRA), which has in turn informed the Local Plan. The SFRA concluded the site was suitable for housing development subject to the site layout being considered and designed around identified flood risks to pass the sequential test.

6.10.6 The NPPG states that the Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding. However, there are certain circumstances where it will not be required. These circumstances comprise if the site has been allocated for development and been subject to the test at the plan making stage. The application site is within the land allocation area, SGLA

Policy SG9 and has been subject to the test at the plan making stage. Based on the location of the site in Flood Zone 1 and the development is considered 'More Vulnerable' it is deemed appropriate according to NPPF and NPPG. Therefore, the development is appropriately situated, and the Sequential Test is not required.

Exception test

- 6.10.7 The flood risk vulnerability classification for the proposed development is 'more vulnerable' and the developable areas within the site is in flood zone one. As such it is not required to apply the Exception Test.

Surface water runoff

- 6.10.8 Paragraph 169 of the NPPF and policy DM 34 of the DM DPD make it clear that major development proposals should incorporate sustainable drainage systems based on the surface water drainage hierarchy. Sustainable drainage schemes should, where possible, also provide multifunctional benefits. SGLA requires the submission of a comprehensive drainage plan which sets out how surface water will be managed on the site.
- 6.10.9 The ES states that the intention is for the site to dispose of all its surface water after a reduction in flow rates by SuDS techniques on site. A drainage plan shows surface water to feed into an attenuation basin adjacent Turnpike Fold where discharge will then flow via a hydrobrake to a public connection to the east of the site. These flows will be restricted to Qbar greenfield rates with an allowance for future climate change of 40% provided within on-site attenuation.
- 6.10.10 The LLFA have commented that the proposed drainage system comprises of an entirely end-of-pipe pond solution, thus, does not meet the definition of paragraph 055 of the Planning Practice Guidance as systems should be "designed to control surface water runoff close to where it falls, combining a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for the predicted impacts of climate change. They provide benefits for water quantity, water quality, biodiversity and amenity."
- 6.10.11 The LLFA have nevertheless raised no objection to the proposed development and allows for the principle of development to be granted and full detailed drainage designs to be conditioned for approval via a discharge of condition application. This would allow greater flexibility in respect of the planning process and for the scheme to be considered in detail at a later stage.
- 6.10.12 United Utilities have taken a similar position in requesting a surface water and foul water drainage strategy be secured by planning condition. However, whilst UU have recommended conditions for the management of the SuDs on site (not being party to the discharge process), this aligns with the recommendation from the LLFA.
- 6.10.13 The development sufficiently demonstrates that the development can sustainably drain without increasing the risk of flooding on site or elsewhere. The proposal accords with the requirement so the Development Plan and the NPPF.

Foul Water

- 6.10.14 Wastewater from the housing would be connected to the public foul sewerage network. It is anticipated that that a pumping station will be constructed to the north of the housing and east of the proposed community use. A rising main 125 mm pipeline would then connect on Green Lane in agreement with United Utilities.
- 6.10.15 United Utilities have requested a condition for the submission of a foul water drainage system. This would allow the applicant to explore the options and set up principle arrangement in connection taking on board the site's foul water requirements.
- 6.10.16 The Environment Agency and LLFA, raises no objection in terms of flood risk or surface water drainage subject to conditions. In terms of foul water drainage, United Utilities do not object subject to conditions and therefore the proposal is in line with SGLA Policy SG9 and DM35 of the DM DPD.

- 6.11.1 **Consideration 11 - Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity).
- 6.11.2 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended under the Habitats Regulations 2019) requires that plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of a Special Protection Area (SPA), or a Special Area of Conservation (SAC), collectively termed Habitats Sites, unless there are imperative reasons of overriding public interests and no alternatives. Government policy is that Ramsar sites should be given the same protection as European sites (Habitats Sites), outlined in paragraph 181 of the National Planning Policy Framework (NPPF).
- 6.11.3 The Conservation of Habitats and Species Regulations 2017 (as amended) transposed the Land and Marine aspects of the Habitats Directive (Council Directive 92/43/EEC) into British Law. SACs and SPAs in the UK no longer form part of the EU's Natura 2000 ecological network. The 2019 Regulations have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.
- 6.11.4 Regulation 63 of the Habitats Regulations require a Competent Authority (in this case the Lancaster City Council) to carry out an assessment under the Habitats Regulations Assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a designated site.
- 6.11.5 The Habitats Regulations require any person applying for such consent, permission or authorisation to provide such information as the Competent Authority may reasonably require for the purposes of the assessment. This information is commonly presented as Information to Inform a Habitats Regulations Assessment (IIHRA or Shadow HRA). However, it remains the responsibility of the Competent Authority to make an appropriate and reasoned decision.
- 6.11.6 There is a need to consider the Habitats Regulations as the application site lies within Natural England's SSSI Impact Risk Zones (IRZ) for Morecambe Bay & Duddon Estuary SPA/Ramsar. Whilst such sites were until January 2021 protected under European legislation, the UK government has retained the protection and the extent of assessment of what has now become our National Site Network (NSN) under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Effect on designated sites

- 6.11.7 The North Lancaster Strategic Site (SG9) was considered in the strategic level HRA (Arcadis 2019) which supports Lancaster District's Local Plan (adopted July 2020). The application site forms part of this wider Strategic allocation. – The Strategic Site was screened out from further assessment associated with impacts of the allocation 'alone' (Arcadis Table 16), but that the allocation was screened in for likely impacts 'in combination' with other plans, proposals and reasonably foreseeable projects. The Strategic HRA identified the broad scope of mitigation (Arcadis, Table 29) that may be required for this specific allocation (SG9) which includes Home owner packs and Input to Scheme design as it may be possible to incorporate measures into scheme designs to reduce potential use of adjacent functionally linked land by new home owners.
- 6.11.8 The sHRA has provided updates both the survey evidence base and reviews the features that might result in LSE (Likely Significant Effects - screening). It provides a more recent analysis of the scientific understanding and suggests mitigation (Stage 2 Appropriate Assessment) of the scheme.
- 6.11.9 The sHRA's conclusions encompass the whole of the North Lancaster Strategic Site (SG9), however, the assessment has considered the existing baseline and conducted additional survey work over the winter of 2019/2021 on the site's usage by qualifying bird species. The sHRA concludes and is considered survey evidence on to draw an informed conclusion beyond reasonable scientific doubt for FLL, that the application site itself is not considered Functionally Linked Land.

Stage 1: screening and assessment of likely significant effect

- 6.11.10 The assessment of likely significant effect (LSE) is the first stage of a HRA and is intended to be a simple exercise to address the question:
“is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant [adverse] effect on the conservation objectives and integrity of the European site”.
- 6.11.11 To address this question, it is necessary to identify and consider the realistic and credible pathways / mechanisms by which the development proposal may lead to an effect on the European designated site(s).
- 6.11.12 It is considered that the screening conclusion is acceptable as it has been sufficiently shown that the likely significant effect can be screened out with the exception of recreational disturbance in line with the findings of the strategic HRA. Therefore stage 1 has been passed.

Stage 2: Inherent / Embedded Mitigation and Appropriate Assessment of Identified Impacts

- 6.11.13 The purpose of the appropriate assessment stage is to more precisely assess the likely effects identified and to inform a conclusion as to whether an adverse effect on the designated sites integrity can be ruled out.
- 6.11.14 The sHRA's conclusions encompass the whole of the North Lancaster Strategic Site (SG9), however, it does conclude that the strategic allocation, as a whole, would likely result in a marginal increase in visitors to the sensitive site. Whilst the sHRA was first drafted prior to the ruling of case law (People Over Wind Case, C-323/17, 2019) the sHRA does consider the mechanisms to rule out an adverse effect on integrity (AEOL), which is the test for a Stage 2 HRA.
- 6.11.15 In its analysis the sHRA indicates that the area of POS within the whole of the Strategic allocation for SG9, will be sufficient by design to manage the recreational disturbance LSE. This approach would be consistent with Mitigation G, as described within the Local Plan's Strategic HRA. The development of the Strategic scheme includes 27.7ha of green infrastructure within the larger North Lancaster Strategic Site (SG9), which under the policy is to be supported by a Comprehensive Masterplan. The current scheme is seeking to deliver 1.1ha of the total quantum of the wider scheme and only a proportion of the overall proposed housing. The Framework Masterplan and the quantum of open space it proposes has recently been endorsed by the Council.
- 6.11.16 The sHRA also recommends the use of information leaflets within sales packs, which the Strategic HRA as appropriate in mitigation F. This provision also forms part of the requirements for Policy SG9. The agreement of the information and any bespoke text to be provided within the homeowners' sales packs should be provided, agreed and produced prior to the occupation of the first property on the site.
- 6.11.17 In respect of the in-combination analysis the sHRA considers recreational disturbance of the wider strategic site in combination with other projects, plans and reasonably foreseeable proposal. The sHRA concludes that the mitigation is sufficient to conclude that there would be no AEOL either alone or in combination.

Summary of Appropriate Assessment

- 6.11.18 It is considered the baseline and Stage 1 screening provided within the applicant's shadow HRA are adequate and appropriate.
- 6.11.19 Mitigation has been proposed (Stage 2 Appropriate Assessment) in the form of provision of on-site POS in the Strategic SG9 allocated site as a whole and by the delivery of homeowners information packs. Although an example of a homeowners pack has been submitted it falls short of achieving an acceptable standard. However an acceptable Homeowners pack can still be secured by planning condition. An informative note will advise the applicant of the shortcomings of the homeowners pack that has already been submitted. This is considered appropriate and adequate.
- 6.11.20 The framework Masterplan has been endorsed by the Council and therefore the sHRA and the two elements of mitigation (quantum of POS and homeowners packs) can be used to conclude that there will be no adverse effect on integrity of the National Sites Network.

- 6.11.21 As such the Authority adopts the sHRA and has fulfilled its role as the Competent Authority to consider the likely significant effects on the designated wildlife sites.

Protected species

- 6.11.22 The application has been supported by an Ecological Impact Assessment. The survey focused on the application site reaching a view that protected species and wildlife would not be severely affected by the proposed development providing works are undertaken in an appropriate manner taking on best environmental practice. No notable habitats were recorded on site and the site is of limited floristic value, there are no likely impacts on any protected or notable species. The design proposals have included new bat and bird boxes, bug and bee hotels and hedgehog highways within the fencing.
- 6.11.23 It is considered the Report has used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]). The surveys were conducted predominantly in 2019. However, given the nature of the findings it is considered that there will have been no substantive or material changes in the status of the site for biodiversity in the intervening period. However, it is noted that a number of species surveys will need to be updated prior to implementing any scheme which may gain permission.
- 6.11.24 It is recommended that preconstruction surveys are undertaken for badger, and nesting birds will be required should any vegetation clearance works be undertaken outside the bird breeding season (March to August inclusive). Any lighting strategy for the scheme is recommended to avoid direct lighting of the offsite woodland to the south (during and post construction) as this is a key bat commuting corridor. These matters can be addressed by planning condition and given the submitted ecology mitigation is acceptable can be included in the suite of approved drawings.

Biodiversity net gain

- 6.11.25 The Government's response to the 2018 consultation on net gain suggested there would be a two-year implementation period for mandatory BNG once the Environment Bill received Royal Assent and became the Act (which happened on 9 November 2021). The Act includes provision for secondary legislation to set a date for the requirement to come into force. It is anticipated that the mandatory requirement to come into place in November 2023.
- 6.11.26 As such calculation of the baseline Biodiversity Units using the Defra Metric are not compulsory, but they do provide an objective measure of whether a development can provide a net gain in biodiversity, as is strongly encouraged by the NPPF and by Local Policy. SGLA Policy SG9 requires demonstration how a proposal will contribute to the delivery of green infrastructure corridors and ecological networks, identifying opportunities for enhancing biodiversity with improved functionality of both the district's ecological and green infrastructure networks.
- 6.11.27 The proposal will result in the loss of 2.2ha of improved pasture and 124m of priority hedgerow (species poor), which will be mitigated and compensated for by 114m of new hedgerow and 0.7ha of wildflower grassland. Whilst the Biodiversity Net Gain spreadsheets have not been supplied, it is accepted the assessment of biodiversity gain.
- 6.11.28 It is considered the level of biodiversity net gain can be secured by Legal Agreement which allows the corresponding contributing features to be secured by planning condition. This would allow the greatest level of flexibility and securement to ensure the scheme is policy compliant.

Trees and hedgerows

- 6.11.29 The effect to tree and hedgerows within a development site is considered principally under DM DPD Policy 45 with the emphasis echoed through SPLA Policy SG9. The policy approach is twofold whereas the Council will support the protection and incorporation of existing of trees and hedgerows which includes other natural features. Then to encourage appropriate opportunities to encourage new planting of new trees, hedgerows and woodlands. The protection of existing trees, woodland and hedgerows will be where they positively contribute either as individual specimens or as part of a wider group to the visual amenity, landscape character and / or environmental value of the location. It is stated that new

development should positively incorporate existing trees and hedgerows which is further echoed throughout the SPLA and DM DPDs.

- 6.11.30 No ancient woodlands or priority habitats were identified within the site. The submitted Arboricultural Impact Assessment does not identify any trees to be felled.
- 6.11.31 In respect of the hedgerows within the site it is noted that the western and northern boundary hedgerow would be retained. Part of the central existing hedgerow however will be removed to facilitate part of the spine road, access road to the north parcel of land and attenuation pond. There is opportunity that some of the hedgerow can be replanted which aligns with the spine road leaving the space for the access road and attenuation pond. When established would mitigate the loss. Whilst this would still represent a loss of the amount of hedgerow within the site it is considered the wider planting in the open space and street planting does mitigate to a certain degree the limited loss (providing part of the hedgerow is replanted which would be adjacent to the alignment of the spine road).
- 6.11.32 It is considered the loss to be acceptable with adequate compensatory planting secured by planning condition. As such the proposal would on balance satisfy DM DPD Policy 45 and SG9.
- 6.12.1 Consideration 12 - Residential Amenity - NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policies EN9 (Air Quality Management Areas); Development Management (DM) DPD policies DM29 (Key Design Principles), DM Policy 31 (Air Quality Management and Pollution) and DM57 (Health and Well-Being).**
- 6.12.2 The key areas for the consideration with regard to the general design principles within Policy DM29 would be the impact upon the amenity of the occupants of neighbouring properties such as issues of overlooking, overshadowing and whether or not the dwellings will be overbearing. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.
- 6.12.3 Taking into account that representations have been received from properties that are adjacent to the site and the presence of neighbouring properties the following part of the assessment has been guided by the affected properties.
- 6.12.4 The proposed development presents an acceptable relationship with the land to the south taking into account this land could be transferred in the future to extend the cemetery. The assessment now turns to focus on particular properties of significance.

Turnpike Fold

- 6.12.5 The neighbouring properties are north of the application site, however there is a sufficient degree of separation between plots Nos. 4 and 5 to the facing side of Turnpike Fold. The intervening space is occupied by the pumping station and attenuation basin. Given the degree of separation it is unlikely a significant loss of daylight would occur and the loss of privacy would not be severe. It is inevitable there would be an increase in noise given the context of the existing site, however, the effect would not warrant a refusal of the application.

Slyne Road – Highfield, Symlea, Slyne Villa, Wyngarth and Sherbourne

- 6.12.6 It is acknowledged that there would a significant change to how the environs of the existing properties as a result of this proposal. Therefore, a careful consideration is required to the effect on the amenity of the properties.
- 6.12.7 It is considered the effect to Highfield to not be severe as the existing property faces the side of the garden of plot 16 and is similar to the finished floor level to the proposed dwelling. A reduction of daylight and sunlight would be towards the later part of the day taking the position of the proposed side of plot 16 and the rear of the existing property into account.

- 6.12.8 The rear of Symlea would directly face the side of plot 16. There is a windows at first floor in the side elevation of the proposed dwelling, however, given it serves a bathroom the opening can be obscured glazed to limit overlooking. There is a 22 metre separation between the proposed gable side and existing rear of Symlea which allows an acceptable degree of outlook to be maintained.
- 6.12.9 Slyne Villa has an offset relationship with the site boundary and the frontage of plot 16. As such it is considered overlooking of the garden space from plot 16 and direct views to the rear of the existing property are limited. There would be a reduction in sunlight and daylight to the rear of Slyne Villa, however, it is considered on the cusp of acceptability given its offset position.
- 6.12.10 In respect of Sherbourne and Wyngarth the semi-detached pair of properties have a similar finished floor level as the rear facing houses of plots 8 and 9. Taking into account the proposed height of plots 8 and 9 it is considered the separation distance between the rear building lines would present a relationship to balance a degree of privacy and effect on daylight to the existing properties. Whilst there would be a loss of sunlight from the wider development and the closer plots the reduction is considered to not be severely detrimental to the existing properties or private garden spaces.

Beaumont College

- 6.12.11 It is considered unlikely the proposed dwellings would affect the College to the south given the retention of the trees and the separation form the site boundary.

Future occupiers

- 6.12.12 The proposed dwellings have a sufficient amount of private gardens space and although there are relationships which result in being overshadowed given the difference in levels and extent of retaining walls is not severely detrimental to warrant a refusal of the application.

6.13.1 **Consideration 13 - Contamination - Development Management (DM) DPD policies DM32 (Contaminated Land) and DM57 (Health and Well-Being).**

- 6.13.2 Policy DM32 requires, where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the works (including investigation and recording the nature of any contamination) can be undertaken without the escape of contaminants that could cause unacceptable risk to health or to the environment, suitable methods of remediation are proposed and it is demonstrated that the development site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment, including the apparatus of statutory providers. Policy DM 57 requires development does not have an adverse impact on the environment such as remediation of contaminated land.
- 6.13.3 Paragraph 183 of the NPPF advocates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and risk arising from contamination.
- 6.13.4 The applicant has provided a Phase I and Phase 2 Ground Investigation utilising available information for the site, BGS borehole logsheets supplemented by a series of trial pits and exploratory boreholes within the Environmental Statement. It is reported that the site has been undeveloped and is therefore likely to contain limited made ground deposits. However, the site history as farmland identified the potential for unmarked infilled ditches which may contain made ground.
- 6.13.5 The site is in an area of moderate risk from possible Unexploded Ordnance (UXO). It is understood that this is due to the site's proximity to the former Caton Wagon Works and Holton Training Camp. However, futher investigations will inform a Construction Environmental Management Plan ('CEMP') and Best Practicable Means ('BPMs') to ensure no adverse impacts are experienced as a result of construction activity.
- 6.13.6 Taking into account the past use of the site it is unlikely that contamination will be present in the ground. It is noted that the Council's Environmental Health section and the Environment Agency raise no objection in principle to the proposal.
- 6.13.7 Paragraph 188 of the NPPF states that planning decisions should be on whether a proposed development is an acceptable use of land, rather than the control of processes or emissions. To ensure

the safe development of the site it is considered expedient to recommend a planning condition should any unexpected contamination be identified during the construction phase, the area affected by the contamination will be isolated and assessed by a suitably qualified environmental professional. This would make the development acceptable in respect of Policy DM32.

6.14.1 Consideration 14 - Impact on minerals - NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)

6.14.2 There are two Mineral Safeguarding Areas as identified by Lancashire County Council and considered in the Joint Lancashire Minerals and Waste Local Plan within the site. The first area is relatively linear in shape and runs north to south near to the southern end of Barnacre Close and Bailrigg Chase. The second area is a spur connecting to a larger area to the west and follows the route of Burrow Beck along the north-western boundary of the site.

6.14.3 Policy M2 of the Joint Lancashire Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

6.14.4 The emerging Policy “MW7 – Safeguarding Minerals”, states that planning permission will be supported only where the applicant can demonstrate to the satisfaction of the local planning authority that either:

1. The mineral resource is not likely to be subject to commercial extraction due to pre-existing sterilisation or the quality or quantity of the mineral resource; or
2. The development will not prejudice the working of the mineral resource; or
3. The need for the development outweighs the need to avoid the sterilisation of the mineral resource.

6.14.5 The submission includes a mineral assessment report. This sets out that sand and gravels are only present across 50% of the site in the eastern portion which is likely to be the reason for the site being located within the MSA. The report confirms:

- The site is allocated for mixed use development and there is a very clear and identified need for the residential development in the borough.
- The site interrelationship with highly sensitive receptors including adjacent residential housing and close proximity to infrastructure would preclude mineral extraction given that the environment and physical impact would be unacceptable.
- Access to the site for the extraction of sands and gravels would be through a limited access area in between residential properties which would present large scale dust, traffic and noise impacts.

6.14.6 Consequently, it is agreed that the mineral has no value, so the proposed development is compatible with the adopted and emerging mineral safeguarding policy.

6.15.1 Consideration 15 - Economic benefits - Development Management (DM) DPD Policy 28 (Employment and Skills Plans)

6.15.2 Policy DM28 of the DM DPD requires the applicant to undertake and implement an ‘Employment and Skills Plan’ that will set out opportunities for, and enable access to, employment and the up skilling of local people through the construction phase of the development proposal.

6.15.3 The applicant has submitted a framework for an Employment Skill Plan. The framework sets out the Socio-Economic Benefits, opportunities, programme for development, details of any employment and training measure with how the ESP will be monitored.

6.15.4 It is considered the framework is an appropriate approach to the ESP. It is considered the details and approval of the plan can be secured by planning condition to address the provisions of Policy DM28.

6.16.1 Consideration 16 - Planning Obligations

6.16.2 Negotiations are currently taking place between the Applicant and the Council regarding the Section 106 agreement. Whilst the Heads of Terms are yet to be finalised, the following has been agreed in principle:

- Financial contribution towards provision of a new primary school;
- A contract is entered into to secure land for care facility, or in the event of land not being sold a financial contribution towards affordable housing;
- Public open space scheme to be submitted and approved prior to first occupation.
- Ecological Creation and Management Plan to be submitted and approved prior to commencement.
- Mechanism for access road to be provided through to land to the west.

6.16.3 It is anticipated that the Section 106 will be close to agreement, if not agreed, by the committee date. Any progress will be reflected to Members in an update report accordingly.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 The site is located on the northern edge of Lancaster forming part of the North Lancaster Strategic Allocation under Policy SG9 of the SPLA DPD and is therefore a sustainable location for new residential development. The scheme would also provide a new local centre in a convenient and accessible location, in line with the requirements of Policy SG10 of the SPLA DPD. The principle of the proposed development is therefore acceptable.

7.2 The scheme would provide 58 new dwellings and whilst no affordable units are proposed within the main part of the site, it is considered that the provision of a 100% affordable extra care scheme is acceptable in lieu of conventional affordable housing provision, to be secured through an appropriate Legal Agreement. The development provides an appropriate mix of size and type of housing, including adaptable and accessible dwellings above that required by Building Regulations. It is also considered that the proposal achieves an appropriate layout and design that responds well to its surroundings. Whilst there are some shortcomings with regard to design and amenity, it is considered that any harm would be outweighed by the public benefits of the scheme, predominantly through the provision of much needed housing in the context of a lack of a 5-year Housing Land Supply. The proposal is also considered to be acceptable in terms of flood risk and air quality and will provide a biodiversity net gain.

7.3 The LHA have raised an objection to the application and have advised that the impact on the highway network has not been adequately assessed. It is understood that there are issues with the existing highway network, and that this development would result in traffic movements into some of those areas where issues occur. However, regrettably, the Local Planning Authority is unable to support the approach put forward from the Highway Authority with regards to mitigating impacts on the highway network as it would not be in compliance with the tests set out in the Community Infrastructure Levy (CIL) Regulations as discussed above. In particular, the approach relates to a number of projects that are quite distant from the site and, taking a planning judgement, it is considered all these areas are not sufficiently related to the impacts of the development proposed or would all be required to make the development acceptable. The sum of money requested is also very large and appears to be disproportionate to the scale and impacts of the scheme and would impact on the viability of the scheme.

7.4 It is unfortunate that an appropriate way forward has not been agreed with the Highway Authority, despite continued discussions. However, as the impact on the wider highway network cannot be agreed between them and the applicant's consultant, and that the application has been in the system a long time, a decision needs to be made on this in its current form. It is acknowledged that National Highways have not objected to the application, in terms of the impact on the Strategic Highway Network. From the information provided, it is not considered that the proposal would have such a severe impact on the highway network, in isolation or cumulatively, to justify the refusal of the application on highway grounds.

7.5 The LHA's outstanding objection also relates to technical matters, primarily concerning inconsistencies between the plans submitted. It is understood that these are minor in nature and it is therefore anticipated

that a resolution can be reached between the Applicant and the LHA prior to Committee and Members will be updated accordingly.

- 7.6 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. Whilst the principle of development is acceptable and the tilted balance does not apply in this case, the delivery of residential development is a material consideration.
- 7.7 In terms of the balance to take in determining the planning application, whilst there are considered to be some shortcomings with regard to design and amenity, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. The delivery of housing, and policy compliant affordable housing provision, weighs strongly in favour of the proposal. The proposal will provide much needed housing in a sustainable location and, given the significant undersupply of housing within the District - in particular, the need to boost supply - it is considered that the benefits of the proposal do outweigh any harm caused in terms of design and the potential impacts on the highway network.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions, a satisfactory Highways resolution and a legal agreement to secure:

- A financial contribution towards provision of a new primary school;
- A contract is entered into to secure land for care facility, or in the event of land not being sold a financial contribution towards affordable housing;
- Public open space scheme and management of non-adopted parts of the site;
- An Ecological Creation and Management Plan; and
- A mechanism for an access road to be provided through to land to the west.

Condition no.	Description
	FULL CONSENT CONDITIONS
1	Timescales
2	Development to Accord with Plans
3	Drainage Strategy
4	Surface Water Drainage
5	Foul Water Drainage
6	Accessibility M4 (2) Dwellings
7	Employment and Skills
8	Land Contamination
9	Construction Environmental Management Plan
10	Ecological Survey
11	External Lighting Scheme
12	Landscaping Scheme
13	Drainage Maintenance
14	Drainage Verification
15	Bin Collection
16	Land levels
17	Noise Mitigation

18	Fencing Treatment/ Ecology Permeability
19	FRA Mitigation
20	Wildlife Enhancement
21	Bird Breeding Survey
22	Homeowners Information Pack
23	Delivery Hours
24	Garage Retention
25	Arboricultural Impact Assessment
26	Obscure Glazed Side Windows
	OUTLINE CONSENT CONDITIONS
1	Details of Reserved Matters
2	Timescale for Reserved Matters Details
3	Drainage Details
4	Surface Water Drainage Details
5	Foul Water Drainage
6	Employment and Skills
7	Soil Contamination
8	Construction Environmental Management Plan
9	Ecological Survey
10	External Lighting Scheme
11	Noise Assessment
12	Biodiversity Improvements
13	Drainage Maintenance
14	Drainage Verification
15	Parking Allocations
16	Contract Relating to Care Facilities
17	Land Levels
18	FRA Mitigation
19	Bird Surveys
20	Delivery Hours
21	Arboricultural Impact Assessment

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

In accordance with Article 35 of the above Order, your decision notice contains reasons for the imposition of planning conditions (where planning conditions are imposed), and in the case of each pre-commencement condition, a justification for the pre-commencement nature of the condition(s).

Lancaster City Council has made the decision 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 decision 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	A6
Application Number	25/00615/FUL
Proposal	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.
Application site	Car Park Nelson Street Lancaster Lancashire
Applicant	Martha Shields
Agent	Mrs Deborah Smith
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval subject to conditions

1.0 Application Site and Setting

- 1.1 The application site is located to the south of and accessed from Nelson Street in Lancaster. The site measures 0.36 hectares in area and is currently used as a pay and display car park. The northern boundary of the site features the vehicular access onto Nelson Street along with a stone boundary wall. A larger stone boundary wall extends the length of the eastern boundary and forms a retaining feature to Lancaster Canal which is located immediately adjacent the site to the east. There is a pedestrian access point from the development site to the canal towpath. The southern tip of the site is adjacent the Quarry Road bridge. The western boundary of the site is formed by a further stone boundary wall which separates the site from the residential development complex to the west. Within the site, there are a number of trees which are located around the site perimeter, adjacent to the stone boundary walls. Car parking infrastructure including tarmac surfacing, parking bays, pay and display machines and lighting are also present.
- 1.2 The site itself is mostly flat, however, outside of the site levels increase along Nelson Street towards the canal bridge and traffic lights. The canal is located at a higher level than the development site with St Peters Road being located higher still. Quarry Road bridge to the south is also higher than the development site.
- 1.3 The site is located within a historically sensitive location with a number of designated and non-designated heritage assets (NDHA) nearby, these include St Peters Cathedral – Grade II*, Cathedral House – Grade II, Lancaster Canal – NDHA, The Polish Centre – NDHA, Scott Wilkinson Bulk Street – NDHA, The Old Stables Bulk Street – NDHA and The White Cross – NDHA. The site is also located within the Lancaster Conservation Area – Character Area 6: Canal Corridor South.
- 1.4 The site is located within the House in Multiple Occupation Article 4 area, and Regulation 7 Direction (to let board) area. The adjacent canal towpath, and the existing cycle route which passes through the development site form part of the existing cycle route network (policy T2). Land to the east along the canal towpath is allocated within the Councils Local Plan as open space – Significant Other

Green Infrastructure typology. The site is in close proximity to the Lancaster Air Quality Management Area. The site falls within the High Risk Urban Catchment designation. The western edge of the site falls within areas identified as being as medium-high and high risk of groundwater flooding, though the built development and access routes mostly remain outside of this. The western part of the site is also identified as being at low-medium risk of surface water flooding. The canal is identified as a Biological Heritage Site, environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4. The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary.

2.0 Proposal

2.1 This application seeks full planning permission for the erection of 39 affordable residential units comprising 4 development blocks consisting of:

- Block A – 4 x 3-bed dwellings
- Block B – 12 x 1-bed apartments and 4 x 2-bed duplex apartments
- Block C – 3 x 2-bed duplex apartments
- Block D – 12 x 1-bed apartments and 4 x 2-bed apartments

2.2 The proposed units would consist of 32 affordable rented dwellings and 7 shared ownership dwellings. All units are designed to meet the National Described Space Standards (NDSS), whilst 20% of the units will meet Building Regulations Part M4(2).

2.3 The development consists of the following buildings:

Block	Scale (storeys)	Type	Height (approximate in metres)
A	3	Dwellings (terraced townhouses)	11.5
B	4	Apartment block	12.5 and 14.8
C	2	Apartment block	8.5
D	2	Apartment block	Ranges from 14 - 15.3

The buildings are to be finished in a combination of natural stone, brickwork, natural or cast stone details, render and aluminium windows/doors. Roofing materials will consist of slate with solar panels incorporated into some roof slopes, flat roofed elements will be finished with an appropriate flat roofing finish. A substation is proposed along the northern boundary of the site. Refuse stores will be located within the site. The proposal also includes the regrading of the land within the site to increase levels in the eastern area close to the boundary with the canal.

2.4 The development will be served by the existing vehicular point of access on to Nelson Street. The existing pedestrian and cycle connection onto the canal towpath, which is located close to the northern boundary, will be retained. New areas of public realm will be created within the site located between the building block A and the Nelson Street boundary and between block C and D. A new pedestrian access will be formed to provide access from this open space onto the adjacent canal towpath. Private and shared gardens and landscaped areas are provided, along with communal refuse and cycle storage facilities. A total of 8 parking spaces are retained along the western boundary.

3.0 Site History

3.1 The site has a limited planning history owing to it being used as a car park for a long time. The only recent planning history on the site relates to the temporary use of the car park as a medical testing centre during the Coronavirus outbreak.

Application Number	Proposal	Decision
20/01264/NOT	Use of Car Park as walk in medical testing centre	Temporary use

4.0 Consultation Responses

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

Consultee	Response
County Archaeology	No objection – Subject to conditions to secure a programme of archaeological monitoring and recording works.
Lead Local Flood Authority	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> • Final surface water drainage scheme • Construction surface water management plan • Verification approved drainage system has been installed • Management and maintenance of the approved drainage system <p>Site specific advice regarding flood risk mitigation and drainage component design is also provided.</p>
Environmental Health	No response received.
Planning Policy Team	No response received.
Conservation Team	No objection – clarification is suggested on proposed materials including for stone, slate, solar panel design and window design.
Waste and Recycling	Comments include the design requirements for bin capacity, storage areas and vehicular movements.
Historic England	No objection – The site does not currently contribute positively to the conservation area or to the settings of the highly graded listed assets nearby. We therefore welcome the intention to redevelop this site and to provide improved public access to the canal and a linked route through the conservation area.
Climate Change Team	No objection – Conditions recommended to secure compliance with identified policies. Further comment regarding building heating, cycle route and cycle parking are also provided.
Canal and River Trust	<p>Comments include:</p> <ul style="list-style-type: none"> - Discussion of the potential impact on the structural integrity of the canal, a condition is requested to secure a Risk Assessment and Method Statement. - Comments regarding character, design and heritage matters. Generally supports the proposal, but raises comments regarding certain design aspects of the scheme, including Block D, soft landscaping, canal boundary wall reduction/design. - Supports the towpath access, though requests a condition to secure final details of towpath integration design. - Consideration of environmental impacts including the request for a Construction Environment Management Plan (CEMP) to be secured by condition. - Expresses some concern regarding the impacts of potential canal overtopping resulting in flood risk. - Discusses the proposed loss of trees and mitigation opportunities. A landscaping condition is recommended. - Discussion of separate consents required for towpath connection works, associated advice notes are requested.

Lancaster Canal Trust	Supports the comments made by the Canal & River Trust in relation to structural integrity, character and heritage, towpath access, construction management, flooding/drainage and ecology/landscaping.
Property Services	No response received.
Engineers	No response received.
Environment Agency	Provides commentary on the potential for past industrial uses to have resulted in ground contamination.
NHS Lancashire and South Cumbria Integrated Care Board (ICB)	No objection subject to securing a financial contribution of £21,708 based on 39 units (67 persons) towards new infrastructure at Lancaster Medical Practice (stating a new build at Bailrigg). Failure to secure the contribution would result in the ICB objecting to the development.
Natural England	No objection – In accordance with the Council Habitat Regulations Assessment, conditions are required to secure a Surface Water Management Construction Method Statement, foul drainage details, homeowner information packs, on-site open space provision and associated linkages to the canal and associated on-going management.
United Utilities	No objection – Subject to condition to secure drainage requirements.
Biodiversity Officer	Confirms that the Biodiversity Net Gain baseline assessment is acceptable.
Arboricultural Officer	Expresses concern with the proposed quantum of tree removals, conflict with retained trees and capacity to mitigate the losses within the site.
Strategic Housing Officer	No objection – Supports the proposal as it will increase the supply of social and affordable housing, meet identified local housing needs, provide high quality homes in a sustainable location with low running costs for residents, align to the adopted Canal Quarter Masterplan and SPD and contribute towards the council's actions on climate change.
Fire Safety Officer	Provides commentary on Building Regulation requirements relating to accessibility and water provision.
Lancaster Civic Vision	Indicates support for the proposal including compliance with Canal Quarter Masterplan and Lancaster Conservation Area requirements and delivery of affordable housing. Discusses the need for thoughtful design to minimise risk of antisocial behaviour along canal towpath, and impacts of loss of parking.
County Active Travel	No response received.
Sustainable Growth	The submitted Employment Skills Plan provides a positive commitment to delivering the required policy objectives. A final fully detailed Employment Skills Plan will need to be secured by condition.
County Highways Authority	Expresses concern for the following reasons: <ul style="list-style-type: none"> - Inadequate parking provision within the development site. - Lack of space of delivery vehicles. - Contribution requested towards the Lancaster Travel and Transport Infrastructure Strategy.
Lancaster BID	Objection – Loss of city centre car parking facilities, car parking losses are not compensated for, impacts upon vitality and viability of city centre businesses, inadequate parking to serve the development, lack of data to support Council Car Parking Strategy.

Lancaster and Morecambe Chamber of Commerce	Some support offered to the principle of affordable residential development; however, Objections are also raised due to the loss of public parking, the economic consequences, and the lack of an integrated city centre parking strategy.
Lancaster Footlights & Grand Theatre Charitable Incorporated Organisation (CIO)	Objection – Loss of city centre car parking facilities and car parking losses are not compensated for, impacts upon vitality and viability of city centre businesses, concerns raised over the likelihood and timescales for delivering the Councils Parking Strategy.

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

177 letters of objection raising the following material planning considerations:

- Loss of city centre car parking facilities, including impacts upon elderly and disabled people through the loss of centrally located accessible parking spaces
- Loss of city centre parking not compensated for
- Increased parking demand in surrounding locations
- Impacts upon vitality and economic viability of city centre businesses
- Increased traffic and highway safety concerns
- Increased pressure on community facilities including education and health
- Increased traffic pollution
- Lack of parking within the development site
- Conflict with regeneration goals
- No need for additional housing
- No need for additional student accommodation
- Visual impacts
- Loss of trees and biodiversity impacts
- Loss of habitat and habitat fragmentation
- Location of substation and impacts on residential amenity
- Risk of increased antisocial behaviour and conflicts between cyclists and pedestrians
- Scale of Block D and impacts on daylight and overlooking/loss of privacy
- Location of bin store and impacts on residential amenity
- Potential flood risk impacts on surrounding development

2 letters of support, noting the following reasons:

- Benefits of city centre housing

5.0 Analysis

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

- Principle of development
- Housing needs, affordable housing, housing standards and mix
- Traffic impacts, access, parking and sustainable travel
- Flood risk and drainage
- Design and place making
- Heritage matters
- Residential amenity and pollution
- Biodiversity and trees
- Sustainable design
- Canal Infrastructure
- Air quality
- Employment & Skills Plan
- NHS
- Open space

- 5.2 **Principle of Development** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 5 (Delivering a Sufficient Supply of Homes), Chapter 7 (Ensuring the vitality of town centres), Chapter 11 (Making Effective Use of Land); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SG5 (Canal Quarter, Central Lancaster); EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan
- 5.2.1 Principle of housing growth
The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future development. This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. Morecambe, Heysham and Carnforth play a supporting role to Lancaster. These are import urban settlements that will also accommodate new residential and economic development. This approach aims to deliver sustainable growth across the district. Accordingly, the principle of new housing growth within the urban area of Lancaster fully accords with the strategic development strategy set out in the SPLA DPD.
- 5.2.2 Canal Quarter Regeneration
The site falls within the Central Lancaster Regeneration Priority Area (Site EC5.2) which sets out that the city centre will be strengthened as a sub-regional centre including through the regeneration of the Lancaster Canal Quarter Area. This site falls within the Lancaster Canal Quarter designation identified through policy SG5. The overarching aim of this policy is to facilitate the regeneration of this area to enhance the City Centre for residents and visitors alike. The Council has introduced a Supplementary Planning Document along with an associated Masterplan for development in this area. Within the Masterplan, the redevelopment of this site for housing is identified as Phase 1A and represents the first step in the delivery of a wider reaching regeneration objective for the Canal Quarter Area. In this regard, the proposal accords with the aims and objectives established within the SPD and Masterplan documents, and for the reasons described further in this report, the proposal is also considered to satisfactorily address the relevant development criteria specified within policy SG5. As such, the delivery of housing in this site accords with the development strategy for the Canal Quarter Area. The contribution the development will make to the wider regeneration of the area is a material consideration which carries significant weight in favour of the scheme.
- 5.3 **Housing needs, affordable housing, housing standards and mix** NPPF Chapter 5 (Delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).
- 5.3.1 Paragraph 61 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (September 2025) identifies a housing land supply of 2.8 years. Despite a slight increase from the previous Supply Position (which identified a 2-year supply position), the latest position remains a significant shortfall against the required 5-year supply requirement.
- 5.3.2 The delivery of social and affordable housing is a key priority for Lancaster City Council. The Housing Needs Study in 2017 provided a detailed assessment of housing need in Lancaster district. For the Lancaster South sub-area, a total of 1,666 households were in need of affordable housing. This highlights the local housing pressures and acute need to increase the supply of social and affordable housing in the district. Unfortunately, relative to the identified annualised delivery requirement of 236 homes per year identified within the Housing Needs Study, there have been a number of years of under delivery of affordable dwellings within the District. This has resulted in a significant accrued shortfall in affordable housing units since the Local Plan was adopted in 2020.
- 5.3.3 Within the adopted Homes Strategy 2020-25, the Council identifies the key importance of the Nelson Street development site, both for its regeneration opportunities, but also for its ability to contribute towards the provision of new affordable housing development. Council owned sites, including

Nelson Street, will play a key role in supporting the delivery of new homes to increase the supply of social and affordable housing within the District.

- 5.3.4 Given the acute under supply of housing, including affordable housing, when considered against the Councils overarching housing requirements, the provision 39 dwellings represents a notable contribution towards meeting overall housing needs, which must be afforded significant weight within the overall planning balance.
- 5.3.5 Furthermore, all of the proposed 39 residential units are for affordable occupation. The proposal includes a mix of house types including one, two and three bedroom properties in the form of 35 apartments and 4 townhouses. The supporting Affordable Housing Statement identifies that there will be 32 affordable rented homes and 7 shared ownership homes. The Councils Housing Strategy Officer has confirmed that this represents an appropriate tenure mix considering the nature of the scheme and the dwelling types being provided. The delivery of a 100% affordable housing development far exceeds the requirements set out in policy DM3, which sets a 20% target for the development of brownfield sites in Lancaster. The contribution that this development provides to the delivery of affordable homes in the district weighs substantially in favour of the development. A condition to secure the final details of the affordable housing provision at this site, and to ensure that this remains as affordable housing in perpetuity, is recommended.
- 5.3.6 Policy DM1 supports proposals for new residential development that uses land effectively, taking account of characteristics of different locations, where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development and where the proposal meets evidenced housing needs. As stated above, the housing mix includes 1, 2 and 3-bedroom units. The development is considered to accord with policy DM1 as it would clearly meet an evidenced housing need for Lancaster specifically.
- 5.3.7 Policy DM2 relates to housing standards requiring all new dwellings to meet the Nationally Described Space Standards (NDSS) and at least 20% of new affordable housing and market housing to meet building regulations M4(2) Category (Accessible and Adaptable dwellings). The scheme has been designed to ensure that all dwellings meet the requirements of the NDSS. Moreover, 20% of the units will meet M4(2) requirements, as identified within paragraph 4.3 and the associated drawing within the Design and Access Statement. A condition to ensure that those units meet the M4(2) requirements is recommended.
- 5.3.8 The development will make a positive contribution to the district's supply of housing and, more importantly, affordable housing. The proposed residential units are designed to meet the required housing standards set out in the Local Plan. The development is considered to fully accord with the Council's housing policies set out in the Development Plan.
- 5.4 **Traffic impacts, access, parking and sustainable travel** NPPF Chapter 9 (Promoting Sustainable Transport) and Chapter 12 (Achieving Well-designed and Beautiful Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SP10 (Improving Transport Connectivity), SG5 (Canal Quarter, Central Lancaster), T2 (Cycling and Walking Network), T3 (Lancaster Canal); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision) and DM63 (Transport Efficiency and Travel Plans).
- 5.4.1 The district's development strategy which is set out within policies SP2 and SP3 aim to manage growth in a sustainable manner. To achieve this, policy directs development to the main urban areas, therefore maximising opportunities for existing centres and sustainable travel options to be utilised. Development proposals must ensure that the specified criteria set out in paragraph 115 of the NPPF are satisfied, these are summarised as follows:
- Sustainable transport modes are prioritised;
 - Safe and suitable access to the site can be achieved for all users;
 - The design of streets, parking areas and other elements meet standards that reflect national guidance;
 - Any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.

These criteria are reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policies DM1 and DM29 also require development to be located where the environment and infrastructure can accommodate the impacts of expansion and require development to be well connected to existing settlements and services. Policy SG5 also sets out transport design criteria for proposals located within the Canal Quarter regeneration area.

5.4.2 Access Design

At present, there is only one vehicular access into the site, this is located on the northern boundary and provides access/egress onto Nelson Street. The proposal seeks to retain this point of access within this development, to provide vehicular access for residents and service vehicles. Given the established use of this site as a short stay car park, the retention of this access to serve the development proposed is acceptable. The Local Highway Authority (Lancashire County Council) has reviewed this proposal, and whilst they have raised issues with respect to parking provision, the access design has not been identified as an area of concern.

5.4.3 Existing visibility splays achieved from this point of access would remain unchanged. The proposed access arrangement drawing contained within the submitted Transport Statement indicates that acceptable visibility splays are retained which account for the existing street trees along Nelson Street. The applicant has demonstrated safe and suitable accesses can be provided for all users in accordance with local and national planning policy.

5.4.4 During construction of the development, the submitted Construction Environmental Management Plan will be essential throughout the build programme. This can be controlled through planning Condition.

5.4.5 Transport Strategy and Parking Provision

The impacts of the proposal upon parking provision within the City Centre is a particular area of concern raised by interested parties and by the County Highways Authority. Interested parties have also raised concern with the subsequent impacts of the loss of parking capacity centre upon the success of local businesses. As an existing car park, the site provides a total of 126 car parking spaces towards the overall public car parking provision within the City. The proposal would result in the loss of this site as a publicly accessible pay and display car parking facility. This is a notable loss of a relatively centrally located car park. However, within Section 7.0 of the Councils Lancaster City Centre Parking Strategy 2025-2028, the loss of the parking capacity provided at the Nelson Street site has been accepted, as this aligns with the Council wider reaching objectives for regeneration, housing and climate priorities. To mitigate parking capacity reductions in the short and medium term, Section 7.2 of the Parking Strategy 2025-2028 sets out a host of mitigation strategies that the Council is implementing. This includes a host of measures to encourage a transport modal shift, to facilitate improved management of retained car parks, as well as measures to increase capacity through the introduction of other car park sites, including Castle Car Park. Whilst there is a loss resulting from the development of Nelson Street, the Parking Strategy 2025-2028 shows year on year how the identified mitigation strategies would facilitate an increase in the number of parking bays, following a short-term loss in 2025 following the release of Nelson Street car park. Based on the implementation of the Councils identified parking strategy, it is considered that the impacts of the development with respect to loss of pay and display parking capacity within the City can be satisfactorily mitigated. As such, it is considered that this site is capable of being released for the development of a 100% affordable housing scheme, in line with wider regeneration objectives.

5.4.6 The proposed development incorporates the provision of 8 on-site parking spaces. The Transport Statement indicates that these spaces would be allocated to the 7 shared ownership units with the remaining space being additional for alternative use. Clearly, the provision of 8 parking spaces for a development of 39 residential dwellings falls below the parking standards set out within Policy DM62. This is a highly constrained site, the development of which forms the first phase of a highly important regeneration opportunity for the City Centre. The development proposed seeks to adopt a pragmatic approach to the level of parking, so as to strike a viable balance between housing provision and parking demand. A condition to secure the 8 parking spaces and associated vehicular access/turnings areas is recommended.

5.4.7 It is important to highlight that Policy DM62 actively encourages car free or limited car parking provision in appropriate locations where there is clear justification for the level of provision proposed.

Lancaster City Centre is identified as an acceptable location in which this type of development would be supported. In this case, there is sufficient justification for the delivery of lower car parking provision within this development. The site is located within a highly sustainable location with easy access to town centre facilities and services as well as access to alternative transport modes. In this location, residents would benefit from a high level of accessibility and sustainable transport options. It would both be possible and would encourage residents to adopt a car free lifestyle, or to at least reduce dependence on car travel. To this end, the development proposed would facilitate a more sustainable and active way of life which aligns closely with planning policies relating to design, sustainability and health. For this reason, the provision of 8 parking spaces to serve this development is acceptable.

- 5.4.8 With respect to traffic impacts, the supporting Transport Statement indicates that the proposed development is estimated to generate 7 and 9 two-way trips in the AM and PM peak hours. Relative to the sites existing use as a pay and display car park, this would represent a significant reduction in vehicular trips to this site. On this basis, it is concluded that the proposed development will not have a material impact on the local highway network.

- 5.4.9 County Highways indicates within its consultation response dated 9th July 2025 that it may request a financial contribution to be directed towards the initiatives set out within the Lancaster Travel and Transport Infrastructure Strategy, in order to mitigate the effects of the development on the wider network. The response states that discussions are on-going within the Highway Development Control strategic team, and that an additional response would be provided. Despite Officers requesting that further clarification be provided, no additional response from County Highways has ever been provided. As such, it is deemed that the financial contribution is not required. Even if a late request is made, there is a reasonable argument that the development of this site as an almost car-free development, combined with the improvements towards active travel and links to the canal, that a contribution would not be necessary to make this development acceptable.

- 5.4.10 With respect to manoeuvrability within the site, the application is supported by a swept path analysis detailing the way in which a large refuse collection vehicle, or other similar sized delivery vehicle can manoeuvre within the site. This includes use of the central public realm area, as such this represents a shared user environment. It will be necessary to ensure that the hard landscaping of the site is clear to demarcate this area as shared space. The surfacing will also need to be able to facilitate the loadings of larger vehicles. Final details of hard landscaping, to include all surfacing materials and public realm design to limit unauthorised parking in landscaped or open space areas, can be secured by planning condition.

- 5.4.11 Sustainable travel
Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and access to public transport. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure in accordance with policy T2 of the SPLA DPD. In light to the location of the site adjacent to Lancaster Canal, the requirements of Policy T3 with respect to transport are also a material consideration.

- 5.4.12 The proposed development includes the retention of the existing pedestrian and cycle route through the site, and which links the canal towpath to Nelson Street. This would then be incorporated into an area of publicly accessible public realm space, as identified within the supporting External Works Strategy Proposals document. As with the current pedestrian/cycle route through this site, the facility would be a shared use facility, rather than being able to provide dedicated facilities for cycling, separate from pedestrian users, which isn't feasible in light of the constraints of the site. This is supported, and the improved public realm and landscaping will create attractive, safe and legible routes through the site, reducing conflict with parking vehicles which presently exist within the car park environment.

- 5.4.13 The existing cycle and pedestrian connection through the development site is an important connection linking the towpath with the city centre. The construction phase of the development will unavoidably impact the operation of this important link. To minimise disruption and to ensure that the pedestrian link to the towpath can be retained open and in use when it is safe to do during construction phases, the submitted CEMP sets out appropriate pedestrian routes and crossing points within the construction site layout. During periods of required closure, appropriate diversion

routes for both pedestrians and cyclists will be clearly sign posted. This route is not a formal Public Right of Way, therefore, formal stopping up or diversion orders are not required in this instance.

- 5.4.14 In addition to the retention of the existing northern pedestrian link to the canal towpath, the development also incorporates a new area of public realm within the centre of the site, between Blocks C and D, this includes the lowering of the canal boundary wall to aid in transparency between the site and canal environment, and provision of a new connection to the towpath. This will complement the design of the scheme, but also serves to incorporate a development frontage to the canal towpath, successfully integrating this environment into the development. This approach accords with the requirements of policy, including the design requirements of policy T3 relating to Lancaster Canal, as well as the Lancaster Canal Quarter Masterplan. A condition to secure the implementation of the pedestrian links prior to the occupation of the development is recommended. A further condition to secure the final hard landscaping details is also recommended.
- 5.4.15 Cycle parking will be available to the residents of the proposed dwellings. The Site plan shows the provision of 3 cycle stores with a total of 37 cycle spaces provided for residents. The proposed Site Plan also shows 4 storage sheds in the rear gardens of the proposed town houses. The sheds will be suitable for cycle storage. Final details of the cycle storage enclosure/facilities, as well as their implementation can be secured by planning condition.
- 5.4.16 Overall, the development is considered to positively contribute towards a safe and accessible pedestrian/cycle environment and provides opportunities to encourage active travel. In this regard the development accords with the NPPF and policy DM60 and DM61 of the DM DPD.
- 5.4.17 With regard to public transport, the site is located in close proximity to a number of bus stops. The train station is also within walking distance of the site. Consequently, it is not necessary for the development to contribute to services and associated public transport facilities to make the development acceptable. The enhanced pedestrian connections will naturally support improved access to these services in accordance with policy DM60, DM61 and DM63.
- 5.4.18 To conclude, it is considered that the development satisfactorily meets the aims and objectives of the relevant transport and sustainable travel policies. Despite the concerns raised by members of the public, the highway authority and the business community, in respect of parking, it is acknowledged the scheme does not conform to the maximum standards set out in policy DM62/Appendix E and is below the expected standards. However, car free/low parking provision developments within Lancaster City Centre are actively supported, therefore, the reduced level of parking provision in this location does not represent a conflict with policy overall. The loss of parking provision as a result of the development of the pay and display car park is accommodated for within the Councils City Centre Parking Strategy.
- 5.5 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).
- 5.5.1 Flood Risk
Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and aim to reduce flood risk overall. This approach is consistent with the NPPF, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.
- 5.5.2 As identified within the Councils Strategic Flood Risk Assessment (SFRA), the western edge of the site falls within an area identified as being as medium-high and high risk of groundwater flooding. However, due to the layout of the development, it is only the refuse/cycle store, areas of landscaped gardens and a small part of the existing access onto Nelson Street which fall within the groundwater flood risk areas. The rest of the built development, including all residential accommodation, remain outside of these areas of groundwater flooding.

- 5.5.3 The Environment Agency Flood Map for Planning indicates that parts of the western area of the site are identified as being at medium risk of surface water flooding. The Councils SFRA identifies that the extent of this surface water flood risk increases in the future when incorporating the effects of climate change.
- 5.5.4 The application is accompanied by a detailed site-specific flood risk assessment which has included careful topographical assessment to model surface water flow paths within the wider area and within the development site. This modelling has concluded that surface water from outside the site is not able to enter the proposed development site due to the substantial stone boundary walls which enclose it. Direct rainfall into the development site ponds at the surface, however, this is deemed to be a result of ineffective and poorly maintained gully and drainage systems within the car park, thereby exacerbating the perceived extent of surface water flooding. Furthermore, there have been no recorded incidents of canal overtopping flood events leading into the development site. The new development will benefit from a carefully designed surface water drainage system to ensure that both on-site surface water risk (including climate change allowances) and subsequent downstream risk is mitigated. This will serve to remove the risk of flooding from surface water.
- 5.5.5 The application is supported by a flood risk sequential test, as this was necessary to address the requirements of local and national planning policy. However, it is necessary to highlight the recent changes to guidance set out within the Planning Practice Guidance (PPG) relating to the application of the sequential test for surface water flood risk. These changes to the PPG came into effect on the 17th of September 2025 and state that if a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development and would not increase flood risk elsewhere, the sequential test need not be applied. In light of the findings of the submitted site specific flood risk assessment with respect to surface water mitigation, it is now considered the flood risk sequential test is not engaged due to the identified surface water flood risk.
- 5.5.6 However, the location of the refuse/cycle store, and a small part of the existing access, which lie partly within medium-high risk of groundwater flooding (as identified within the SFRA) does engage the sequential approach to development. As stated above, the application is supported by a flood risk sequential assessment, however, this was produced in respect of surface water flood risk and does not consider whether or not there are sequentially preferable sites available for development that are at a lower risk of groundwater flood risk. In this regard, the submitted sequential test does not satisfactorily address the sequential approach to development. In any case, it is necessary to consider the merits of the submitted sequential test when determining an overall position of this matter.
- 5.5.7 The scope of the sequential test has been restricted, with agreement from Officers, to the Canal Quarter policy designation as identified by policy SG5. When assessing the extent of groundwater flood risk within this whole designation (as identified within the Councils SFRA), the entire western half of the designation is at medium to high risk of groundwater flooding, as such, there would not be a sequentially preferable site, in flood risk terms, in the western area to deliver this proposal.
- 5.5.8 The eastern half of the Canal Quarter designation is not at any form of groundwater flood risk according to the Councils SFRA. As such, sites within this area would be sequentially preferable to develop. However, as identified within the Canal Quarter Masterplan, development proposals for the whole of the Masterplan designation have already been established. Delivering this residential development elsewhere within the Canal Quarter Masterplan area would subsequently hinder the deliverability of the wider policy and regeneration objectives for this designation. Furthermore, whether alternative sites within the wider designation can be considered 'reasonably available' is also in question. To constitute 'reasonably available', alternative sites need to have a reasonable prospect of being developed at the same time as the proposal. This scheme is likely to come forward in early 2026, however, given the extent of preparatory works that would most likely be required in on sites within the eastern half of the designation, these would most likely not be comparable with respect to delivery timescales. It is necessary to highlight that the delivery of a residential development within this site is in accordance with the planned Masterplan for the area.
- 5.5.9 It must also be acknowledged that it is only the refuse/cycle store, and a small part of the existing access which fall within the identified groundwater flood risk area. The more sensitive residential

buildings are not located in areas identified as being at risk from groundwater. Moreover, alternative accesses that are not at flood risk exist, including those to the canal towpath and most of the Nelson Street access.

5.5.10 Whilst sites at a lower or no risk of groundwater flooding exist within the Masterplan area, it is considered a pragmatic approach must be adopted in light of the site-specific circumstances set out. Whilst there is conflict with the sequential approach to development, and therefore Policy DM33, it is considered that this conflict is minor in terms of impact and harm. For this reason, this conflict should only be afforded limited weight within the overall planning balance.

5.5.11 Drainage Strategy

Development proposals must ensure that surface water is managed in a sustainable way accounting for climate change and ensure that flood risk is not increased elsewhere as a result of the proposal. The supporting drainage strategy has considered the SuDS hierarchy and proposes an attenuated surface water discharge into the existing public combined sewer. Surface water from the development site will be stored and attenuated on-site with the final rate of discharge limited to the pre-development rate. Preferential discharges to the ground and other watercourses have been satisfactorily ruled out due to the constraints of the development site. The Lead Local Flood Authority has reviewed the drainage strategy and has confirmed that it raises no objection to the development as a result. Conditions are requested to secure the final drainage design, associated operation and maintenance plan, and verification report. These conditions are recommended. The conditions requested by the LLFA would also address the request made by United Utilities (UU) for drainage details. Appropriate agreements for drainage connections would also be required from UU separately from this planning permission.

5.5.12 The LLFA has also requested a further condition to secure a Construction Phase Surface Water Management Plan. In an attempt to address this matter prior to the determination of the application, the developer had submitted a Construction Phase Surface Water Management Plan. The LLFA have reviewed this document, noting it is not sufficient, and have confirmed that their original pre-commencement condition request is still required, and so this pre-commencement condition is also recommended.

5.5.13 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. UU have raised no objection to the foul drainage proposals. Final details of the foul drainage strategy are to be secured by condition.

5.6 **Design and place making** NPPF Chapter 8 (Promoting healthy and safe communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed and beautiful places); Strategic Policies and Land Allocations (SPLA) DPD policies: SG5 (Canal Quarter, Central Lancaster), T2 (Cycling and Walking Network), T3 (Lancaster Canal); Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM26 (Public realm and civic space), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan and the National Design Guide.

5.6.1 The NPPF places an increasing emphasis on the need to deliver high-quality, inclusive, beautiful and sustainable places. This is reflected in the Local Plan through a number of different policies. Policy DM29 seeks to achieve this by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Development proposals are expected to make a positive contribution to their surrounding through good design, the creation of positive spaces and attractive streetscapes and good accessibility and connectivity between buildings and urban spaces.

5.6.2 The design of the development has evolved through pre-application engagement and through negotiations during the determination of this planning application. This is reflected in the current design, as effort has been focused on developing a scheme which responds to the various site constraints, as well as retaining existing and providing new pedestrian linkages to the canal towpath. The scheme also seeks to provide enhanced areas of publicly accessible (not just to residents) areas of public realm. This offers significant benefits to the health and well-being of the community as well as encouraging more active travel.

- 5.6.3 The layout and form of the built development is carefully thought out to make most efficient use of the site and spaces around the proposed buildings. The inclusion of the canal towpath into the eastern frontage of the development and the provision of a larger areas of pedestrianised open space within the site are positive additions to the development, that provide safe and attractive areas for residents and the wider community. The lowering of the canal boundary wall and the regrading of levels within the site, along with the removal of trees/raising of tree canopies will increase the transparency between the development and the adjacent canal. Positively incorporating the canal environment in this manner has various benefits including the creation of a sense of place, delivery of a well-designed and attractive place to live, increasing natural surveillance of the towpath and discouraging anti-social behaviour and increasing safety, as well as encouraging engagement between future residents. The layout has, as far as possible, considered security and measures to reduce the fear and risk of crime and antisocial behaviour. The proposal also incorporates areas of private amenity space, including private gardens for the townhouses and communal gardens for residents of the apartment blocks.
- 5.6.4 The areas of open space and the pedestrian linkages to the canal towpath are essential and deliver important benefits in terms of design, transport and sustainability. Therefore, the provision of the open space areas and the associated pedestrian linkages prior to occupation of the development and their retention for use by residents and the wider public in perpetuity is required, this can be secured by condition. The application is supported by an External Works Strategy Proposal which sets out the general design intentions for the hard and soft landscaping of the site. The general design approach set out within this document is thought to be suitable, and will facilitate the formation of attractive and welcoming open space areas. The soft landscaping will also help to soften the built form over time. A final hard and soft landscaping scheme, to be informed by the External Works Strategy Proposal, can be secured by condition.
- 5.6.5 The scale and layout of the 4 dwellings and the apartment blocks are driven by the demands and requirements of the proposal to deliver a high quality yet viable 100% affordable housing scheme, but also the site constraints. This includes the roughly triangular shape of the site, relationship with the canal, relationship to surrounding heritage assets and the scale and layout of surrounding residential built form to the west.
- 5.6.6 The site has the benefit of being situated adjacent to relatively large residential accommodation to the west (The Roundhouse) which ranges from 3 to 5 storeys in height. Furthermore, due to the increasing levels within the area, development to the east of the site is located at a topographically higher level than the application site. The characteristics of the surrounding topography and scale of the surrounding buildings is such that the proposed 2 to 4 storey development proposed can be comfortably accommodated within the street scene without resulting in undue harm to the character of the townscape.
- 5.6.7 The northern elevations of the 4 townhouses and apartment block B will be set back somewhat from the northern boundary of the site, and the street trees and retained trees along the northern boundary will help to assimilate these structures into views along Nelson Street. Notwithstanding this, the design of these buildings is also considered to be attractive, creating active and interesting frontages that interact with the street scene. In particular, the angled double gabled frontage of block B creates a landmark structure in a prominent part of the site.
- 5.6.8 The site also features a prominent frontage along its eastern elevation adjacent to the canal, which would be visible from both the canal and from St Peters Road. The interaction of the development with the canal environment is an essential component of this scheme. Along this length of the site, the scale of the buildings varies in terms of numbers of storeys and overall building heights, and to a lesser extent materiality. This variation in design and form serves to create differentiation in built form to break up its massing whilst also adding visual interest. This is important given the length of the development site along this eastern boundary and the scale of the development overall. This design approach along this prominent and extensive site frontage is acceptable, and the incorporation of the canal environment into the development frontage successfully blends the built form into the canal setting.
- 5.6.9 With respect to the design approach for the buildings, the scale and form have been well considered in light of the surrounding site constraints. The buildings, in particular the larger apartment blocks, have been well designed with prominent gabled frontages. This creates a sense of verticality that is

further increased by the verticality of the fenestration design. This in turn leads to a design that is akin to historic warehouse or mill type structures with vertical loading slots. In light of the location of the site adjacent to the canal, this approach is thought to correspond well to the character of the locality. The proposed materials including the use of natural stone to the lower portions of buildings along with brick cladding and stone detailing to the upper sections is thought to be appropriate in principle in this setting. The use of render to block C will also serve to add some differentiation and create a visual break between the larger brick clad blocks either side. Given the sensitivity of the locality, it is essential that all materials are of high quality with final colours and finishes being appropriate to the setting. For this reason, a condition to secure the final details and samples of materials is essential.

5.6.10 Whilst the proposal indicates the use of natural stone for the lower walls, the current intention is to utilise cast artificial stone for the detailing within the upper brick clad elevations. At present, there is some doubt over the use of artificial stone including whether it would be an appropriate material, or achieve the high-quality finish required in this setting. Natural cut sandstone would be the optimal material, however, it has been put forward that there are high quality artificial stone products. In this instance, it is considered prudent to impose a condition to secure the details of the final product, including reviewing samples of both materials on site, in consultation with the Councils Conservation Team.

5.6.11 Due to the varying topography within the area and the scale of the development overall, the roofscape design is also important. The proposal sets out that the buildings would feature a natural slate finish along with integrated roof mounted solar panels to the pitched roofs. The use of slate is essential in this location, and it is envisaged that a high-quality native slate would be utilised, given the historic sensitivity of the location. Final details and samples of the slate are also to be secured by condition. The use of solar panels is welcomed, and this will contribute notably to the sustainable design credentials of the scheme. In design terms, given the height of the buildings and the locations of the panels within the roof slopes, it is thought that the panels themselves would not be overly obtrusive within the roofscape. Again, final details of the solar panels can be secured by condition.

5.6.12 It is considered that the development taken as a whole will result in beneficial effects to the character and appearance of the area. The replacement of the current car park which, in terms of design and appearance, represents poor quality sense of place, with a development which can be comfortably accommodated within the environment, is seen as an enhancement. The scheme successfully delivers greater connectivity between the City Centre and Canal, and it provides for newly created public open spaces that complement the visual and physical links with the Canal. The proposal also serves to position development to enable framed views of heritage assets to be retained and create a unique sense of place both for residents and the wider community. Overall, it is considered that the general design approach with respect to layout and built form supports the design principles set out within policy SG5 and the SPD and Masterplan associated with the Canal Quarter designation.

5.7 **Heritage matters** NPPF Chapter 16 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings) and DM42 (Archaeology).

5.7.1 The Local Planning Authority has a statutory duty to consider the impact of these proposals on the Conservation Area under section 72 of the Planning (Listed Buildings and Conservations Areas) Act (1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is supported by Section 16 of the National Planning Policy Framework, and by policy DM38 of the DM DPD. Policy DM38 requires that proposals preserve or enhance the character and appearance of the Conservation Area, and in particular that they do not '*have an unacceptable impact on historic street patterns/boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area*'.

5.7.2 There are also statutory duties under sections 16 and 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to consider the impact of the proposals on the adjacent Listed Buildings and to ensure that their setting is preserved. This duty is also similarly echoed within Section 16 of the NPPF paragraphs, and by policies DM37 and DM39 of the DM DPD. Policy DM37

states that *'The significance of a Listed Building can be harmed or lost... through development within its setting. Any harm (substantial or less than substantial) ...will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'*

- 5.7.3 The impact of the proposed development on Non-Designated Heritage Assets (NDHAs) must also be considered in light of NPPF paragraph 216, and a balanced judgement reached with regard to the scale of harm or loss and the significance of the asset. Policy DM41 supports this obligation and further requires that *'Proposals affecting the setting of a Non-Designated Heritage Asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.'*
- 5.7.4 The site is located within a historically sensitive location with a number of designated and non-designated heritage assets (NDHA) nearby, these include St Peters Cathedral – Grade II*, Cathedral House – Grade II, Lancaster Canal – NDHA, The Polish Centre – NDHA, Scott Wilkinson Bulk Street – NDHA, The Old Stables Bulk Street – NDHA and The White Cross – NDHA. The site is also located within the Lancaster Conservation Area – Character Area 6: Canal Corridor South.
- 5.7.5 As already set out within this report, the canal frontage forms a key component to the design of this scheme. In heritage terms, the canal is a NDHA that is of high significance to the industrial and mercantile history of the city. The development site itself is a former coal wharf that was served by the canal. The canal is a key feature of the Conservation Area, and it is flanked in number of locations by former mill buildings which used it for the transportation of goods and materials.
- 5.7.6 The Cathedral is located in close proximity to the development site to the east of the canal. This is a Grade II* listed structure designed by Paley and Austin in high neo-gothic architecture. The cathedral is a highly significant heritage asset that dominates the surrounding townscape, and which is a key landmark structure on the city skyline and in views within the Conservation Area. Situated next to the Cathedral is Cathedral House, which is grade II listed. Lancaster Town Hall is located not too far away. This is a Grade II* listed building, but due to the intervening building block, this structure would not be greatly affected by the proposals.
- 5.7.7 The application is supported by a Heritage Statement. This has been considered and assessed by the Council's Senior Conservation Officer who has raised no objections to the development. The Heritage Statement sets out an accurate and robust assessment of the site's history and an assessment of the significance of heritage assets surrounding the site.
- 5.7.8 Between the late 19th and mid-20th centuries, the development site was historically used as a Coal Wharf linked to and serviced by the Lancaster Canal. Since this, the site has been cleared and used as a car park. The openness of the car park creates a numb space that contrasts with the dense urban fabric and character of the Lancaster Conservation Area. It also fails to align with key street frontages or interact positively with the canal environment. The proposed development successfully addresses the overarching layout and design principles that are set out within the Canal Quarter Masterplan, in doing so, it is considered that the proposal interacts positively with the special character and appearance of the Lancaster Conservation Area.
- 5.7.9 The nearby Grade II* listed Lancaster Cathedral is a highly significant and prominent building within the Conservation Area. This building is primarily experienced from Nelson Street and St Peters Road where its architectural detailing and significance are best appreciated. However, it is also experienced along Lancaster Canal which forms a verdant yet industrial context to its setting. Finally, other views are achieved from surrounding streets from which its scale, particularly of the spire, are appreciated. The layout and design of the development have been developed around a series of key views of the Cathedral. The proposal is purposely set back from boundaries, such as along Nelson Street, so as to protect and retain important views of the asset. The massing of the various buildings within the development are subservient to the asset and ensure that the listed building maintains its prominence within the locality. The use of similar materials with respect to tone and texture and pitched roof forms will also aid the development to sit comfortably within these framed and key views.
- 5.7.10 It is acknowledged that the development will obscure the asset in a view from Quarry Road adjacent to the Roundhouse (View 7 within the Heritage Statement), however, to a certain extent, the existing tree coverage already limits this view. The taller form of the development would exacerbate this;

however, the upper portions of the spire would remain in view, emphasising the dominance of the Cathedral over the development. Conversely, when further along Quarry Road adjacent to the Canal bridge (Views 8 and 9 within the Heritage Statement), the proposed development represents an opportunity to enhance the setting of the Cathedral by providing contextually derived buildings that replace what is presently benign open car parking.

- 5.7.11 On the whole, the proposed development will sustain the significance of Lancaster Cathedral and those elements of its setting which positively contribute to it. Furthermore, the proposal also provides the opportunity to enhance other identified views through providing a more attractive and contextually appropriate development.
- 5.7.12 With respect to Lancaster Canal, which is identified as a NDHA, the development positively integrates the canal environment. This involves a partial reduction of the existing stone boundary walls along the towpath. This boundary wall has previously been altered; it is also heavily overgrown by vegetation. Including alterations to this wall are acceptable and this will also allow for improved interaction and visibility along the towpath. This will ensure that the development will sustain the local significance of the Canal as a NDHA.
- 5.7.13 With respect to the other identified designated and non-designated heritage assets, for the reasons described within the Heritage Statement, the proposal will ensure that the setting and significance of these assets will be sustained, and Officers concur with these conclusions.
- 5.7.14 Overall, this proposal represents a key opportunity to regenerate this part of the Lancaster Conservation Area in accordance with the aims and objectives and design parameters of the Canal Quarter Masterplan and associated policies. The proposal constitutes a contemporary and innovative design that reflects the urban character and industrial heritage of the site. The proposal would preserve the special character and appearance of the Lancaster Conservation Area and the setting of the identified designated and non-designated heritage assets. As identified by the Conservation Officer, there will be a need to secure final details and samples of materials (as already stated in this report) to ensure that these are of high quality and are appropriate materials in this environment. The proposal therefore accords with the legislative framework and relevant planning policies set out above.
- 5.7.15 Archaeology
In respect of archology, on-going correspondence between the developer and the Historic Environment Team at Lancashire County Council has taken place during the determination of this application. This has involved a review of the supporting archaeological desk-based assessment and ground investigation reports, combined with the results of previous archaeological investigations within the surrounding area. It is ultimately concluded by the Historic Environment Team that a formal archaeological watching brief for excavations is required due to the depths of these excavations and the potential for archaeological remains to be disturbed. This can be addressed by an appropriately worded planning condition.
- 5.8 **Residential Amenity and Pollution NPPF Chapter 8 (Promoting Healthy and Safe Communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Ground Conditions and Pollution); Development Management DM) DPD DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being).**
- 5.8.1 Paragraph 198 of the NPPF requires planning policies and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF are also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically states that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.8.2 Residential Amenity

The proposed development has the potential to impact existing residential development. Existing residents most likely to be affected include those along the western side of The Roundhouse, those within the northern extent of Court View House and residents of Swan Yard to the east of the canal.

5.8.3 With respect to the Roundhouse, those dwellings with outlook, including windows and balconies, along the west facing elevation currently enjoy an open view over the car park. As part of this development, the following separation distances between the west facing elevation of the Roundhouse and the identified development blocks are provided:

- Block A – 16.9 metres
- Block C – 17.4 metres
- Block D – 18.5 metres

The eastern elevation of all three development blocks include habitable room windows, which would face directly the western facing windows and balconies of the Roundhouse. In this circumstance, there should normally be at least 21 metres. However, there may be instances where these minimum distances need to be increased or reduced depending on site specific circumstances. In this case, the development is located within the city centre, a dense urban environment where reduced separation distances between independent developments are commonplace. Furthermore, existing trees along the shared boundary which are retained within the context of this development will provide some screening to both filter views and soften the development. This would be further complemented by proposed landscaping within the site.

5.8.4 The proposal requires the inclusion of an electricity substation within the development site. This was originally proposed adjacent to the western boundary of the site and next to the neighbouring private gardens within the Roundhouse. Some concern about the impact of this substation structure upon the amenity of residents is raised within the public comments received by the Council, particularly in terms of noise. Noise from substations is relatively low level, particularly when contained within a building. Within an urban environment where higher background noise levels are experienced, this essential infrastructure would not result in undue concerns with respect to noise. However, the location and scale of the building would have reduced separation distances to the ground floor dwellings and would have resulted in poor standards of amenity for those existing residents. To prevent this, the substation has now been relocated to the frontage of the site, where it will sit comfortably adjacent to the stone wall forming the boundary to Nelson Street. The tree protection plan has not been updated to reflect this minor layout change, however, updates to these documents can be secured by planning condition.

5.8.5 The separation distance retained between the development (Block D) and the northern elevation of Court View House is just over 30 metres, within the intervening space are trees and Quarry Road. The separation distance retained between the development (Block D) and the eastern facing dwellings within the Swan Yard is just over 22 metres, with intervening views filtered by the retained trees. Overall, it is considered that the separation distances provided are suitable for development in this location.

5.8.6 The proposed development and surrounding developments are apartment buildings set over multiple stories. Due to the height of surrounding buildings, there would be a relatively high level of overlooking, particularly from high level windows. For this reason, the private outdoor amenity space, including the private gardens of the four proposed townhouses (Block A), could experience relatively low levels of privacy. Likewise, the private gardens of surrounding dwellings, such as those along the eastern side of the Roundhouse would also experience a sense of overlooking from Block D as a result of the proposed development. However, those west facing windows within Block D are of slim proportions and are secondary windows, which would to an extent reduce the perception of being overlooked. The secondary habitable room windows to the first, second and third floors within the west facing elevation of Block D are also proposed to be obscure glazed, which would remove overlooking views. This can be secured by planning condition. The large oriel style window within the west facing elevation of Block C would be clear glazed and would look directly towards the Roundhouse. However, the separation distance and retained boundary trees would ensure that this does not result in unacceptable overlooking or loss of privacy. Furthermore, there are already relatively high levels of mutual overlooking within the Roundhouse development itself, including from upper floor windows and the first-floor balconies. Relative to this, it is concluded that the sense of

overlooking achieved from the development site, would not result in increased harm to the standard of amenity of residents within the Roundhouse.

- 5.8.7 Within the development, Block B includes windows within the west facing elevation, which look directly over the gardens of the four proposed townhouses (Block A). However, those windows are either secondary windows to habitable rooms or are within the communal stairwell or corridor. To mitigate this, it is proposed that these west facing elevation windows are to be finished with obscure glazing, which can be secured by planning condition. In addition, the single window within the north facing elevation of Block C is also proposed to be finished with obscure glazing, this too will form the subject of a planning condition.
- 5.8.8 Dwellings located at a lower level within Blocks B and D and which are located closest to the canal would experience a degree of overshadowing from the trees along the canal boundary. However, as identified within the submitted Arboricultural Impact Assessment, of the seventeen trees which form tree Group 5, sixteen will be removed in order to facilitate the development. Furthermore, two trees within tree Group 6, which are located along the canal towpath will also be removed. The crown of retained trees will also be thinned and lifted and ivy removed. Along with the regrading of levels within the site, the stone boundary wall along the canal boundary will also be lowered. This will lessen the current level change between the development site and canal towpath level, as detailed within Section B-B contained within the Design and Access Statement. Together with the tree removals and tree works, this will enhance the visual connection from the proposed apartments to the canal towpath, offering improved outlook and a greater sense of engagement with the waterside setting. This relationship is acceptable overall, and minimum daylight and sunlight standards are met for the development as a whole. The impacts upon daylight and views of open sky for surrounding residents are also thought to be acceptable, with sufficient separation distance retained to surrounding buildings consistent with the development's urban location.
- 5.8.9 Three of the private gardens for the four proposed townhouses (Block A) are below the required sizes in terms of depth and area. The usual standard for private gardens is 10 metre depth and 50 square metres in area. Not including the internal domestic storage building/shed, the three gardens measure 7.5 metres in depth and approximately 30 square meters. The fourth garden is larger and meets the required standards. In relation to garden sizes, the postamble to Policy DM29 encourages a level of provision for the health and well-being of residents. Whilst a number of the dwellings proposed do not meet the required standards, the overall development secures additional external open space, which will positively contribute to the overall inclusiveness of the development and the health and well-being of future residents.
- 5.8.10 Although the development does not meet the amenity standards (interface distances and garden sizes) for some aspects of the scheme, the overall design, layout and access to open space would outweigh and mitigate those conflicts. Accordingly, the development is considered to provide an acceptable standard of amenity for all new residents in addition to safeguarding the standard of amenity that surrounding residents currently enjoy. The proposal therefore conforms with the objectives and requirements set out in the NPPF and policy DM29.
- 5.8.11 Noise
The submitted Noise Impact Assessment identifies noise emanating from the surrounding road network as a potential issue. The Assessment concludes that the communal garden to Block D, which is adjacent to Quarry Road, would require mitigation in the form of acoustic barriers to a height of 2.8 metres enclosing the garden. However, the erection of a 2.8-metre-tall fence or barrier would give rise to visual amenity concerns. In this instance, residents would also have the opportunity to utilise the on-site open space to the north of Block D, or to utilise the tranquil setting to be found at various lengths of Lancaster Canal. For this reason, the provision of a 2.8-metre-tall acoustic barrier to enclose the rear garden area of Block D is not recommended.
- 5.8.12 The assessment also concludes that to achieve acceptable noise levels within residential properties, it is recommended that improved glazing be installed to the windows facing Nelson Street and Quarry Road, and that a ventilation system is installed to allow for the provision of an alternative method of ventilation without the need for opening windows. This can be secured by planning condition. Accounting for the required conditions, the development will not give rise to unacceptable noise impacts and would comply with the requirements of policy DM29 and the NPPF.

5.8.13 Contaminated land

Paragraph 196 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 197 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The potential for contamination to be present within this site has also been identified by the Environment Agency, due to the historic industrial uses that this site has facilitated in the past.

5.8.14 The application is supported by an appropriate ground investigation and remediation strategy. The ground investigations have highlighted moderate risks from identified sources of contamination both during the construction phase and to the residential end users. The submitted remediation strategy has been designed in light of the findings of the ground investigation and includes mitigation strategies to remove the risk from the identified contamination sources. A condition to ensure that the development is undertaken in full accordance with the remediation strategy, and the provision of an associated Validation Report is recommended.

5.9 **Biodiversity and Trees** NPPF Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 (Protecting the Natural Environment), EN7 (Environmentally Important Areas) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.9.1 Policies SP8 and EN7 recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigated. This policy also encourages new tree and hedgerow planting of native species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.

5.9.2 Impact on designated sites

The development site is located approximately 2.3km from the Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) (the SPA and SAC both form part of the UK National Site Network) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. No direct impacts will arise from the development. The identified impacts are indirect, relating to potential pollution pathways and the effect of potential increased recreational disturbance. Accordingly, the Local Planning Authority has undertaken its own Habitat Regulations Assessment (and Appropriate Assessment) to fulfil its duty as the Competent Authority.

5.9.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas subject to appropriate mitigation being secured by planning condition. To mitigate potential impacts through pollution pathways during the construction phase of the development, a Construction Environmental Management Plan (CEMP) has been provided. This document includes a Surface Water Management Construction Method Statement (SW CMS), which sets out the measures to be adopted during the construction phase to protect existing drainage infrastructure to ensure pollution does not enter adjacent watercourses, including the build-up of silt. Moreover, the LLFA have requested a planning condition to secure a construction phase surface water drainage strategy which will include details of measures to ensure surface water flows are retained on-site during the construction phase(s), or directed towards an agreed outfall, as well as measures to be adopted to manage siltation and pollutants and to prevent these from entering any receiving groundwater and/or surface waters, including watercourses. Both the CEMP

(incorporating the SW CMS) and the construction phase surface water drainage strategy are to be secured by planning condition.

- 5.9.4 To mitigate impacts arising during the operational phase of the development, this requires the implementation of a suitable foul and surface water drainage scheme, which will be secured through the identified LLFA conditions, and a separate foul drainage condition. The proposal also requires measures to mitigate increases in potential recreational disturbance. The proposed development includes areas of public realm amenity space within the site but more significantly includes enhancements to an existing link and the provision of an additional new connection to the canal towpath. Any grant of planning permission would secure the provision of on-site amenity space and the connections to the towpath by planning condition. Planning conditions shall also secure the ongoing management and maintenance of the on-site amenity space and the towpath connections. Finally, any residual impacts remaining can be suitably mitigated by the provision of Homeowner Information Packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of alternative areas for recreation, in particular for dog walking. This too can be secured by planning condition.
- 5.9.5 With the implementation of the mitigation outlined above, it is considered that the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached to any planning consent. Natural England has been consulted and concurs with the Council's Appropriate Assessment. In respect of the impact of the development on the National Sites Network, the RAMSAR and SSSI the development is considered to accord with strategic policy SP8, EN7 of the SPLA DPD and policy DM44 of the DM DPD.
- 5.9.6 Habitats and Protected Species
The application is supported by an Ecological Survey and Assessment, this included a desktop study, data search and extended Phase 1 Habitat Survey. This summarises the baseline condition of the site, which comprises a hardstanding car park bordered by stone boundary walls. The hardstanding does not hold any ecological importance. The various individual trees and areas of vegetation are deemed to be of site value only, further discussion of the impacts of the development upon trees is set out below. The survey concludes that there are no habitats within the site which constitute Priority Habitat, semi-natural or irreplaceable habitat. No invasive plant species were detected within the site.
- 5.9.7 The trees and ivy-covered wall at the site margins are suitable for use by nesting birds. Mitigation measures to ensure nesting birds are protected are set out within the report and can be secured by condition. Measures to secure enhancements for nesting birds, to be incorporated as part of the proposed development, can also be secured by condition. None of the trees support features suitable for use by roosting bats. The boundary walls have also been assessed to have 'negligible' suitability for use by roosting bats. However, the trees provide suitable foraging and commuting habitat for bats, which is further complemented by the canal corridor. Recommendations to ensure the site remains suitable for foraging and commuting bats, and habitat enhancement opportunities are set out within the report, final details of these measures can be secured by condition. The peripheral forb vegetation within the site may be used by foraging hedgehog, therefore precautionary mitigation measures are deemed necessary and will form the subject of a condition. No other protected species have been detected.
- 5.9.8 A small area of the site overlaps with the Lancaster Canal environment to provide the open space pedestrian linkages. The canal is identified as a Biological Heritage Site. The Ecological Survey and Assessment has considered the potential impacts of the proposal and set out a mitigation strategy to ensure the development does not result in undue harm to the canals ecological value. This includes a pollution incident response plan and an Environmental Management System (EMS) to help avoid pollution and set out required actions to ensure appropriate measures are undertaken if an incident occurs. This can be secured by condition, and combined with the already submitted CEMP (incorporating the SW CMS) and construction phase drainage strategy, it will ensure that any adverse effects on this non-statutory designated site for nature conservation can be avoided. Subject to conditions securing the above mitigation measures and a scheme for ecological enhancement measures, it is contended the development would not conflict with policy DM44 and mitigation can be secured to ensure there is no significant adverse effect to protected species.

5.9.9 Arboricultural Impacts

An Arboricultural Impact Assessment (AIA) and Tree Survey support the application. As the development site is located within the Lancaster Conservation Area, any tree with a diameter of 75 mm or more when measured at 1.5 metres above the ground is protected. The AIA identifies six individual trees and six groups of trees with the potential to be impacted by the development. Trees are an important feature of the site which contribute to the verdant environment associated with the canal. Trees within the site are clearly visible to the public. In order to facilitate the development, a large proportion of the trees within the site will require removal. This includes 6 trees within Group 1 in the southern corner of the site, 16 trees within Group 5 along the eastern boundary, and 2 trees within Group 6 along the canal towpath. Trees within Groups 1, 5 and 6 are all identified as B category trees, which are trees defined as being of moderate quality with an estimated remaining life expectancy of at least 20 years. In total, 24 B category trees require removal, as identified within the Tree Removal Plan contained within the AIA.

5.9.10 In addition to the B category tree removals, a number of trees within Group 4, which is located along the northern boundary adjacent to Nelson Street, will also require removal. Group 4 contains 8 ash trees all of which exhibit mid to advanced stage ash dieback. Accordingly, Group 4 is identified as a category U group, which are trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. As a result of their declining condition, trees within Group 4 are not suitable for retention, however, these trees will also require removal due to the relocated position of the substation. The AIA, including the associated Tree Removals Plan and Protection Plan has not been updated at this stage to reflect the change to the substation location. As such, an updated AIA including Tree Removals Plan and Protection Plan and Arboricultural Method Statement (AMS) will need to be secured by planning condition. This update will also need to account for below ground services and drainage infrastructure, as identified within section 4.2 of the AIA.

5.9.11 In addition to the identified tree removals, further works to the retained trees including crown lifting and crown thinning to create 2.5 to 4 metres ground clearance, as well as ivy removal, are also required. A forthcoming Tree Works application will be submitted for these works, to be determined by the Councils Arboricultural Officer.

5.9.12 Of the retained trees, there are areas of conflict between the development and their identified root protection areas. The submitted AMS sets out the appropriate working methods which must be adopted for all works within root protection areas. An updated AMS is to be secured by planning condition to account for below ground infrastructure and the substation alteration. Future pressure upon the retained trees also requires careful consideration. This is particularly relevant to the retained trees along the eastern boundary of the site adjacent to the canal. As described within paragraph 5.8.8, dwellings located at a lower level within Blocks B and D and which are located closest to the canal would experience a degree of overshadowing from the trees along the canal boundary. However, combined with the tree removals, tree works and regrading of land/lowering of the canal boundary wall, it is considered that the impact of these trees upon the amenity of residents can be mitigated to an acceptable level. This is reinforced by the daylight study of the southern apartment building (Block D) which confirms that minimum standards for daylight and sunlight are met for the apartment adjacent to the canal wall.

5.9.13 Policy DM45 states *'new development should positively incorporate existing trees and hedgerows and where this cannot be achieved the onus is on the applicant to justify the loss. Where it is adequately justified the council will seek replacement tree planting at the ratios adopted in the Councils tree Policy (2010)'*. It is clear that there would be notable numbers of trees removed from the site in order to facilitate the scheme, including the loss of a number of higher quality B category trees in addition to poorer quality U category trees. The loss of trees would be perceived within the area and would serve to open views into the site and to a certain extent diminish the verdant and enclosed character of the site. It would also result in harm to the ecological value of the site. The loss of trees to this extent is disappointing and weighs negatively against the proposal. However, tree removals are required in order to deliver an affordable housing scheme that is both viable and which successfully incorporates the adjacent canal environment, on this basis, tree removals are to a degree unavoidable. Replacement tree planting is necessary, and this has been considered within the External Works Strategy Proposals. This suggests that around 25 medium sized trees including birch, holly and rowan as well as some ornamental fruit bearing species will be planted. This would

provide some mitigation; however, it will not replace the environmental and amenity value of the larger mature trees which have been identified for removal, which include larger, longer living species including sycamore, willow, lime and ash. The final details of the soft landscaping of the site will need to be secured by planning condition. Therefore, the proposal does result in some conflict with policy DM45 overall.

5.9.14 Biodiversity Net Gain (BNG)

The submitted application is subject to mandatory BNG, and the application is supported by a Biodiversity Net Gain Assessment. This outlines the baseline biodiversity value of the site in BNG terms which has been calculated as 6.19 habitat units and 0.28 watercourse units. The assessment concludes that, when accounting for the development as proposed, the scheme would result in a 55% loss in habitat units and cannot deliver the mandatory 10% biodiversity net gain for both area-based habitats or watercourse habitats. This is mainly a result of the identified tree removals, which cannot be sufficiently compensated for by tree planting at the site due to the space required. In light of this, in accordance with the BNG hierarchy, it is necessary to provide the developments mandatory BNG requirement in an off-site location. In this case, the developer has been in contact with an off-site habitat provider for the purpose of purchasing off-site Biodiversity Units to meet the deficit. The final details of the mandatory BNG requirement for this development would need to be secured through the standard biodiversity gain condition.

5.10 **Sustainable Design and Renewable Energy** NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 14 (Meeting the challenge of climate change, flooding, and coastal change): Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation)

- 5.10.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new development in the District, and the possible associated mitigation measures, will be a significant consideration in the assessment of development proposals.
- 5.10.2 The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.10.3 The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction and also made changes to some other policies.
- 5.10.4 Policy DM30a: Sustainable Design and Construction requires all new residential development to achieve a minimum reduction in carbon emissions of 75% over the 2013 building regulations standards, to be achieved through a fabric first approach in line with the energy hierarchy. The design specified within the supporting Energy and Sustainability Statement exceeds the 75% carbon reduction requirement for the five sample plots selected within the development. This is encouraging, however, a fully detailed Sustainable Design Statement incorporating Energy Carbon Statement that provides this calculation for all 39 residential units within the scheme will be required, and this will need to be secured by planning condition. It should be noted, any development commenced after 1 January 2028 would need to deliver a 100% reduction, as opposed to 75%. This requirement will be built into the aforementioned planning condition.
- 5.10.5 Policy DM30b: Sustainable Design and Construction – Water Efficiency requires that all new residential developments should achieve the optional water requirement set through Part G of the building regulations. This equates to a predicted usage of 110 litres per person per day. This matter is addressed at a high level within the supporting Energy and Sustainability Statement which is encouraging. A condition requiring the development to accord with the optional water requirements is recommended.

- 5.10.6 The Councils Climate Policy Hub Team have raised comments regarding potential for overheating issues, which is a risk in new, energy efficient buildings. It is advised that further information be provided on the developments overheating strategy, and this can be assessed as part of the later design stage to be included within the final Sustainable Design Statement condition. This would successfully address the requirements of Policy DM57 which requires that development promotes incorporate resilience to Climate Change, including adaptation measures that provide resilience to extremes in temperature and rainfall where possible.
- 5.11 **Canal Infrastructure** NPPF Chapter 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD Policies SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies: DM29 (Key Design Principles).
- 5.11.1 The Lancaster Canal towpath extends along the eastern boundary of the site, where there is a large ivy covered stone retaining wall. Furthermore, the development site is located adjacent to two canal bridges, bridge No. 101 Nelson Street Bridge and Bridge 100 known as Friarage Bridge. The Canal and River Trust (CRT) are a statutory consultee for proposals located in proximity to canal infrastructure such as this. The CRT Spatial Planning Team have reviewed this proposal and raised a number of points for consideration.
- 5.11.2 Structural Integrity of the canal
As confirmed by the topographical survey there is a difference of up to 1.5m between the car park level and canal towpath level. This suggests that the eastern boundary wall may serve to retain the canal structure. This boundary wall is proposed to be reduced in height, as such works to the boundary wall could impact the stability of the canal. Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in Section 15 of the NPPF. Any development in close proximity to the canal infrastructure has the potential to affect land stability and have an adverse impact on the structural integrity of the canal. The applicant has engaged with the CRT prior to the submission of this application, and a CRT engineer has confirmed that the boundary wall is retaining the canal embankment and that failure could compromise the canal.
- 5.11.3 The CRT has confirmed within its consultation response that the boundary wall could be reduced to 600mm in height and this would still retain the stability of the canal (subject to the method of works). It has also stated that all the tree removals would also need to be on the application side of the wall. This conflicts with details set out within the currently submitted AIA, which states that two trees from tree group G6 would be removed from the canal towpath side of the boundary. This would need to be addressed within the updated Tree Removals Plan and Protection Plan including Arboricultural Method Statement (AMS) which is to be secured by planning condition. Overall, the CRT is satisfied with the principle of the proposed works, however, given the nature of the works and proximity to the canal, the CRT has confirmed that it requires agreement of the foundation details as well as an associated risk assessment and methodologies for the works along the canal side. A suggested condition is provided by the CRT, and this condition is considered reasonable and necessary to make the development acceptable.
- 5.11.4 Towpath Access
The CRT has confirmed that it is supportive of improved accessibility to the canal environment. For this development, the CRT has confirmed that it requires agreement of the threshold between the pedestrian connections leading from the development site to where these would join with the existing towpath, the material finishes and cross sections showing the composition of the path and levels. The recommended condition from the CRT in this respect is also to be imposed on any grant of planning permission.
- 5.11.5 The CRTs comments with respect to design and heritage matters are considered within the 'Heritage Matters' section of this report. As suggested within its comments, the final details and material finishes, including coping stones, for the boundary wall to the canal can be conditioned. Additional comments regarding flood risk and drainage, Construction Management Plan and ecological matters are addressed within the relevant sections of this report, with the CRTs comments on these matters being suitably addressed by the planning conditions already identified. Finally, the CRTs requested advice notes regarding landownership matters and the requirement for separate agreements from the CRT can be included within the decision notice on the grant of planning permission.

- 5.12 **Air Quality** NPPF Chapter: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: EN9 (Air Quality Management Areas); Development Management (DM) DPD policies: DM31 (Air quality management and Pollution) and DM57 (Health and Wellbeing)
- 5.12.1 Policy DM31 requires all development proposals to demonstrate that they have sought to minimise the levels of air polluting emissions generated and adequately protect their new users, and existing users from the effects of poor air quality. It goes on to state *‘Development which is located within an Air Quality Management Area (AQMA), or any development which has the potential to, individually or cumulatively, contribute to increasing levels of air pollution, will be required to demonstrate how either on-site or offsite mitigation measures will be put in place to reduce the air quality impact. Any proposal must not significantly worsen any emissions or air pollutants in areas where pollution levels are close to objective / limit value levels’*.
- 5.12.2 The development site is located in close proximity to the Air Quality Management Area which includes Lancaster City Centre. An Air Quality Assessment supports the application and sets out that it has been commissioned to assess the potential changes in air quality due to the construction and operation of the proposed development and whether these potential changes would significantly alter air quality. For the construction phase of the development, it is concluded that mitigation measures to prevent harmful impacts arising from dust production are required. These are set out within Appendix D of the assessment and can be secured by condition.
- 5.12.3 With respect to the operational phase of the development, the assessment indicates that the proposed development site is likely to experience levels of nitrogen dioxide and particulate matter (PM10) below the annual mean and short-term objectives and particulate matter (PM2.5) concentrations below the annual mean target. Furthermore, the proposed development is not expected to have a significant effect on existing local air quality conditions. Suggested mitigation in form of electrical vehicle charging infrastructure is recommended, however, this is now a matter that is addressed by Building Regulation requirements. Overall, subject to the identified mitigation for dust during the construction phase, the proposal satisfactorily address Policy DM31.
- 5.13 **Employment & Skills Plan** NPPF Chapter 6 (Building a strong, competitive economy); Development Management (DM) DPD policies: DM28 (Employment and Skills Plans)
- 5.13.1 Policy DM28 requires that proposals of 20 or more new dwellings provide an ‘Employment and Skills Plan’ that will set out opportunities for, and enable access to, employment and the up-skilling of local people through the construction phase of the development proposal. Whilst an initial Employment and Skills Plan document has been provided in support of this current application, the Councils Sustainable Growth team has confirmed that this does not meet the formal policy requirements. In particular, an Output Matrix has not been provided. A fully detailed ESP to include the required Output Matrix tool can be secured by pre-commencement condition.
- 5.14 **Health and Education** NPPF Chapter 8 (Promoting healthy and safe communities; Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)
- 5.14.1 The NHS Integrated Care Board has made representations on the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 67 new patient registrations based on an average household size of 2.4, which generates a contribution of £21,708.00.
- 5.14.2 The site falls within the catchment area of Lancaster Medical Practice. The NHS Integrated Care Board has advised that increased capacity to meet the increased needs arising from new development, can only be met through the development of a new practice premises in order to ensure sustainable general practice. The response sets out that the physical constraints of the existing site at Dalton Square (this being the closest to the site) are such that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. The existing premises could not therefore accommodate the growth generated from this proposal.

- 5.14.3 However, the response also states that the growth generated from this development would not trigger consideration of the commissioning of a new general practice in itself but would trigger a requirement to support the practice to enter into legal agreements to construct a new build health centre. This contradicts the position set out earlier in the consultation response which states the contribution would be directed towards a *'new health centre for the Lancaster Medical Practice. A new build at Bailrigg.'*
- 5.14.4 It remains unclear where exactly the new health centre would be located, but based on comments relating to other applications, it is understood this relates to the site secured for the hospital. However, there remains a lack of specific details regarding the proposed new health centre including its location and the expected delivery timescales. This results in significant uncertainty as to whether the NHS request is directly related to the proposed development. As such, and with some reluctance, the local planning authority cannot be satisfied that the requested contribution would meet the statutory tests set out in legislation and in paragraph 58 of the NPPF. Therefore, the authority is unable to support the NHS's request at this time.
- 5.14.5 Planning policy requires the provision of school places to be given great weight to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. The Lancashire County Council's School Planning Team (the local education authority) has been consulted on this proposal. A response is yet to be provided, an update on this matter can be provided in due course.
- 5.15 **Open Space NPPF Chapter 8 (Promoting Healthy and Safe Communities including Open Space and Recreation), Chapter 12 (Achieving Well-Designed Places); Strategic Policies and Land Allocations (SPLA) DPD policy SC3 (Open Space, Recreation and Leisure); Development Management (DM) DPD policies: DM27 (Open Space, Sports, and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being)**
- 5.15.1 The provision and access to open space is strongly advocated in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies SC3 of the SPLA DPD and policies DM27 and DM57 of the DM DPD. Policy SC3 provides the strategic framework of a network of sites protected for the recreation, environmental and or amenity value. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of open space requirements, it recognises the importance of open space and landscaping when promoting good health and well-being.
- 5.15.2 As described within this report, the site is located adjacent to Lancaster Canal. The canal is allocated within the Local Plan as Significant Green Infrastructure open space typology. The development includes areas of the towpath within the red edge, however, this is only required to enable the proposed pedestrian linkages to the canal, so as to incorporate the towpath into the development's eastern frontage. As already set out, the incorporation of the canal into the development frontage is a significant benefit that accords with the requirements of the Canal Quarter Masterplan and associated policies. This also satisfactorily addresses the requirements of Policy DM27 with respect to impacts upon existing designated open space areas.
- 5.15.3 Policy DM27 also requires development proposals located in areas of recognised deficiency to provide contributions towards open space, sports, and recreational facilities either on or off site. This should be in accordance with the standards and thresholds set out in Appendix D of the DM DPD. In this case, the developments contribution to open space is through the provision of publicly accessible areas of open space within the development site, and providing improved open space connections to the canal. This is considered to suitably address policy DM27 with respect to the requirement for new areas of open space. A condition to secure the provision and on-going maintenance and management of these open space areas is recommended.

6.0 Conclusion and Planning Balance

- 6.1 Paragraph 11 of the NPPF (the presumption in favour of sustainable development) requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission, or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.
- 6.2 The Council's current housing land supply stands at 2.8 years which represents a significant shortfall. Furthermore, there is an acute undersupply of affordable housing within the district. It is in this context that this proposal has been considered. In this case, there are no footnote 7 policies that would provide a strong reason for refusing the development proposal, therefore, the tilted balance in favour of the development remains engaged in the overall planning balance.
- 6.3 Accordingly, the proposal would deliver a 100% affordable housing development, to include the provision of 39 dwellings to meet a mix of affordable housing needs and tenures. This would to a degree help address the significant shortfall in the five-year housing land supply position and, perhaps more importantly, the acute undersupply in affordable housing. This attracts significant weight in favour of the proposal in the overall planning balance.
- 6.4 Moreover, the principle of housing development in a sustainable location such as the application site fully conforms with the district's strategic development strategy. The proposal will also result in the redevelopment of an existing brownfield site and will provide the catalyst to unlock the wider regeneration opportunities set out within the Canal Quarter Masterplan. These matters weigh in favour of the proposal and should be given moderate weight.
- 6.5 The proposal represents an inclusive and sustainable design that successfully incorporates and enhances existing pedestrian linkages and secures new pedestrian linkages to the canal towpath, to the benefit of residents and the wider community. Attractive on-site open space along with highly sustainable and adaptable accommodation lie at the heart of the scheme and will promote a healthier and sustainable place for future residents and the existing community. This is considered a benefit to the scheme to which positive weight must be attached.
- 6.6 It is also acknowledged that the development will deliver economic benefits through direct and indirect job creation and economic growth including the upskilling of the community (through the Employment and Skills Plan), this can be afforded limited weight.
- 6.7 Technical matters including access and transport impacts, vehicle parking provision, drainage, biodiversity, design and heritage matters, amenity, noise, air quality and infrastructure requirements have all been satisfactorily addressed. Through the use of the identified planning conditions, the development will be acceptable and accords with the relevant national and local planning policies in relation to these matters.
- 6.8 Weighing against the proposal, there is conflict with the flood risk sequential approach to development, however, this does not provide a strong reason for refusing the development. Additional conflict with policy DM45 relating to the loss of trees within the site has also been identified. When accounting for identified mitigation, it is considered that these conflicts are relatively minor in terms of impacts or harm. For this reason, they should only be afforded limited weight within the overall planning balance.
- 6.9 In light of this assessment, within the overall planning balance, it is considered that the benefits of the proposal do outweigh the identified policy conflicts and associated harms. For this reason, it is recommended that planning permission be granted.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Archaeological monitoring and recording	Pre-commencement
4	Construction surface water management plan	Pre-commencement
5	Final surface water drainage strategy	Pre-commencement
6	Foul drainage strategy	Pre-commencement
7	Updated Arboricultural Impact Assessment	Pre-commencement
8	Sustainable Design Statement incorporating Energy Carbon Statement	Pre-commencement
9	Canal risk assessment and method statement	Pre-commencement
10	Employment and skills plan	Pre-commencement
11	Full landscaping scheme (informed by external works schedule)	Before construction of any buildings above ground level
12	Ecology/habitat enhancement scheme	Before construction of any buildings above ground level
13	Material details and samples	Before construction of any buildings above ground level
14	Boundary treatment details	Before construction of any buildings above ground level
15	Landscape & Habitat Management plan	Before construction of any buildings above ground level
16	Canal towpath access details	Before construction of any buildings above ground level
17	Contamination remediation and Validation Report and Certificate	Prior to occupation
18	Sustainable Drainage System Operation and Maintenance Manual	Prior to occupation
19	Verification Report of Constructed Sustainable Drainage System	Prior to occupation
20	Provide car parking spaces and vehicle turning head	Prior to occupation
21	Implementation and completion of all on-site public open space and pedestrian linkages to the towpath to be made available for use to the wider public and retained thereafter	Prior to occupation
22	Management and Maintenance Plan for all on-site Open Space	Prior to occupation
23	Final details and implementation of cycle storage facilities	Prior to occupation
24	Final details and implementation of bin storage facilities	Prior to occupation
25	Details of external lighting	Prior to occupation
26	Obscure glazing to Block A	Prior to occupation
27	Obscure glazing to Block B	Prior to occupation
28	Obscure glazing to Block D	Prior to occupation

29	Homeowner Information Packs	Prior to occupation
30	Affordable Housing Scheme and ongoing restriction to use for affordable occupation	Prior to occupation
31	M4(2) units in accordance with Design & Access Statement	Control
32	Development in accordance with Construction Environmental Management Plan	Control
33	Development in accordance with Noise mitigation – glazing and ventilation	Control
34	Development in accordance with ecological mitigation measures	Control
35	Water Efficiency measures	Control
36	Development in accordance with air quality mitigation	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	A7
Application Number	25/00588/FUL
Proposal	Change of use of two bowling greens to multi-use games areas with surrounding fencing and floodlights
Application site	Former Bowling Greens Townson Way Heysham Lancashire
Applicant	Mossgate Community Centre
Agent	Mr Andrew Kirkham
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval subject to conditions

(i) **Procedural Matters**

This form of application would normally be dealt with under delegated powers. However, that land is currently in the ownership of Lancaster City Council and as such the application must be dealt with by the Planning Committee.

1.0 Application Site and Setting

- 1.1 The land that forms the subject of this application covers approximately 0.4 hectares currently laid out as two bowling greens located in a predominantly residential area of Heysham. The site forms part of Heysham Mossgate Community Sports and Community Centre and is accessed from Townson Way.
- 1.2 The existing bowling greens are in a poor state, un-used and not maintained have been unavailable for public or club use since 2016. Heysham Youth and Community Centre lies to the west of the site. Heysham Mossgate Community and Sports Centre and associated car park is located to the immediate east of the site and an associated full sized 3G football pitch further east beyond that. Residential properties and associated gardens on Douglas Drive border the north of the site and the residential properties on Laureston Avenue and Heysham Free Methodist Church to the south are separated from the application site by Townson Way.
- 1.3 Due to the decreasing gradient along Townson Way (from west to east), the site is set down from the boundary of Heysham Youth and Community Centre. The site is open from Townson Way and the western site boundary is formed by railings associated with Heysham Youth and Community Centre as well as shrub planting within the site. The northern boundary is formed by timber fencing and planting associated with the residential properties on Douglas Drive. Shrub planting forms the eastern boundary between the site and adjacent car park. Vehicle access along Townson Way terminates just beyond the car park access.

- 1.4 The site is allocated within the Local Plan as Amenity Greenspace and Open Space, Recreation and Leisure. The site also lies within a Nature Improvement Area, Regeneration Priority Area (Strategic Growth) and is within the Morecambe Bay Duddon Special Protection Area Buffer zone.

2.0 Proposal

- 2.1 Full planning permission is sought for the change of use of land from the two bowling greens to accommodate two multi-use games areas (MUGAs). The proposal includes the erection of associated boundary fencing and floodlighting. The MUGAs will comprise an artificial playing surface (3G (Third Generation)) designed for multiple sports and all-weather use.
- 2.2 Each MUGA will comprise a playing pitch with dimensions of 18.5 metres by 37 metres surrounded by a 2 metre wide runoff area which will be bound by a 3 metre high steel mesh fencing in green. Each MUGA will be served by four 10 metre high lighting columns. The submitted plans indicate wildflower grassland around the pitches and tree planting is proposed to the south, west and north of the MUGAs.

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	Proposal	Decision
23/00416/PRENG2	Pre-application advice for the change of use from bowling greens to multi use games area with surrounding fencing and floodlights	Advice issued
10/00008/VCN	Variation of condition no. 11 on application 09/00776/FUL to permit the removal of existing bowling greens prior to the provision of new bowling greens.	Permitted
09/00776/FUL	Relocation of two bowling greens with associated landscaping	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	No objection , subject to conditions relation to the submitted Noise and Lighting Assessments
County Highways	No objection , suggests a condition for the requirement of a Construction Management Plan (CMP) or Construction Method Statement (CMS)
Property Services	No objections
Engineers	No objection , a drainage condition will be required
Sport England	Objection . As the playing field appears not to have been used for at least five years, the consultation with Sport England is non-statutory. The lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. Such land can retain the potential to provide playing pitches to meet current or future needs. Sport England Exception 5 has the potential to apply; the proposed development is for a sport facility.
Natural England	No objection
Public Realm	No objection

- 4.2 Five items of comment have been received from members of the public
Three items of objection raise the following concerns:

- Detrimental effect on local residents and the properties that are adjacent to the proposed site through property damage.
- Increased risk of injury to the general public.
- Increased litter (insufficient bins) and noise.
- Fence Height - The perimeter fence is proposed to be 3 metres high and despite this meeting 'Sports England' regulations, this will simply not be high enough to stop footballs from leaving the planned playing area therefore increasing the risk of injury to the public and an increased risk of damage to cars and residential properties.
- Parking and traffic concerns.
- Impact of noise / light and privacy on nearby properties.
- There is already one games / football area and the noise / light / obscene language is almost unbearable.

Comments have also been received from the following councillors:

Graeme Austin County Councillor has raised and agrees with the issues raised concerning noise and light pollution and states that the current parking facilities are totally inadequate with vehicles often parking on the footpath or the nearby NHS Heysham Primary Health Centre Car Park. Although Mr Austin commends the proposal to increase sports facilities to enable people to lead a more active and healthier lifestyle, it should not be a source of nuisance local residents. Careful and sensitive management needs to be carried out.

Two items of support make the following points:

- There is a lack of local public tennis courts and the area could be used for general recreation open to all such as basketball ball and ball games without charge.
- Netball, Basket Ball and Quick Cricket facilities would be good.
- There is a lack of open space suitable for impromptu ball games.
- There are two areas around the Sports Club which are allowed to grow wild each year which poses a fire risk and risk of snakes. The Council should make the owners mow these areas would provide more much needed usable open space.

Colin Hartley City Councillor supports this application and highlights that the bowling greens are in a poor state and have not been used for a number of years, with no pressure from the bowling community to bring them back into use. There continues to be a lack of sporting/exercise provision in the Heysham area and the proposal is an opportunity for the land to be brought back into use for sporting/exercise activities. The existing football pitches at Moss gate and its gym are well used and demonstrate the need for more provision for activities such as 5 a side football, basketball, etc.

5.0 Analysis

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

- Principle
- Design and appearance
- Residential amenity
- Highways and parking
- Drainage
- Trees, ecology and BNG

5.2 **Principle** NPPF Section 2: Achieving Sustainable Development, Section 4: Decision-making, Section 8: Promoting healthy and safe communities; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SG13: Heysham Gateway, South Heysham, EC5: Regeneration Priority Areas; Development Management DPD (DM DPD) policies DM27: Open Space, Sports and Recreational Facilities DM29: Key Design Principles and DM57: Health and Well-being.

5.2.1 The bowling greens subject of this proposal were approved under application 09/00776/FUL which permitted the relocation of 2 bowling greens from Douglas Park on Middleton Way. The site is

allocated as Outdoor Sports Facilities under policy SC3 of the Strategic Policies and Land Allocations DPD and as such is protected from inappropriate development.

5.2.2 The Lancaster Playing Pitch and Outdoor Sport Strategy (2018) identifies the site as comprising two disused bowling greens, which are not available for community use. It notes that the greens were last used in 2016 and recommends that alternative uses be considered to meet demand from other sports. It is notable that within the latest Lancaster Playing Pitch and Outdoor Sport Strategy and Action Plan (2024) (PPOSS) the bowling greens at this site are not referred to at all and Mossgate is only mentioned in respect of the existing 3G football pitch. With regard to bowling greens, the 2024 PPOSS recommends that all existing greens that are in use are protected. However, it is accepted that the bowling greens at this site have not been used since 2016. The 2024 PPOSS identifies a significant shortfall of 3G pitches in the District to meet current and future demand. Such a surface is able to support a range of activities including football, rounders, basketball and general recreation and the applicant has confirmed that this is the intention at this site. While the dimensions of the MUGAs fall below those required for a standard football pitch, they would be suitable for younger players and small-sided games and would contribute to youth provision for external sport facilities.

5.2.3 Policy DM27 of the Development Management DPD offers protection to designated Open Spaces, Sports and Recreational Facilities. This policy sets out that the Council will not permit the loss of designated open space, sports and recreational facilities unless:

- I. An assessment has been undertaken to demonstrate that it is surplus to requirements;
- II. An assessment has been undertaken to demonstrate that it no longer has an economic, environmental or community value, which shall include consultation with key stakeholders and the local community;
- III. The loss resulting from development would be replaced by equivalent or better, high quality provision in a suitable location;
- IV. The development is for alternative open space, sports and recreation provision, the benefits of which clearly outweigh the loss.

5.2.4 With regard to policy DM27 it is considered that criteria III and IV have been met given the type of provision proposed. The development is for an alternative open space, sports and recreation provision and given the bowling greens are currently not fit for purpose and have been in a poor condition for a considerable period of time, it is considered that the benefits of the proposal clearly outweigh the loss. In addition, the submission includes a Bowling Green Needs Assessment which has been prepared in accordance with Sport's England's Assessing Needs and Opportunities Guidance (ANOG) which sets out the approach to determine the need for existing sports provision.

5.2.5 The 2024 PPOSS sets out that there are 29 bowling greens in the Lancaster District located across 24 sites, of which, five sites are accommodating more than one green and, in general, future demand expressed can be accommodated on existing greens. The submitted Bowling Green Needs Assessment highlights the availability of other bowling greens within the Heysham area and beyond with the nearest being an 8 minute drive away from the site.

5.2.6 Paragraph 103 of the NPPF acknowledges the importance of access to a network of high-quality open spaces and opportunities for sport and physical activity for the health and well-being of communities. Paragraph 104 goes on to state that existing open space, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.2.7 The Definition of "playing field" and "playing pitch" are defined in the Town and Country Planning (General Development Procedure) (Amendment) Order as follows:

- (i) “playing field” means the whole of a site which encompasses at least one playing pitch;
- (ii) “playing pitch” means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.

As such it is considered that the site in question does not fall within the remit of Sport England. Notwithstanding this, even where wider sports facilities fall outside the definition of a playing field, they are afforded protection under the provisions of paragraph 104 of the NPPF as set out in paragraph 5.2.6 above.

5.2.8 Despite the site not falling within the definition of a “playing field” and “playing pitch”, Sport England have assessed the proposal in light of the National Planning Policy Framework (NPPF), in particular paragraph 104 and Sport England’s Playing Fields Policy. Sport England advise that a lack of use of a playing field, or part of, should not be taken as necessarily indicating an absence of need in an area. It is Sport England’s policy to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field land remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England the development as a whole meets with one or more of five specific exceptions which are as follows:

Exception 1:

A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2:

The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3:

The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5:

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

- 5.2.9 Sport England advise that having assessed the proposals against Exception 5, and advice obtained from the Football Foundation, that there is insufficient demonstration of need for the facility in this location. However, this is solely in respect of the need for 3G pitches for football in this sub-area of the District and it is acknowledged that the submission seeks planning permission for a multi-use games area rather than a football pitch. Sport England also sought the views of the British Crown Green Bowling Association but to date a response from them has not been provided.
- 5.2.10 Although as set out above, it is considered that the existing site does not fall within the definition of a “playing field” and “playing pitch” which would fall within the remit of Sport England, the Local Planning Authority considers that the proposal would meet Exception 5 if it were to apply. The proposal would deliver a new outdoor facility for sport, which is to be fully located on the site of the former bowling greens and is judged to be sufficiently beneficial to the development of sport and recreation in the local area as to outweigh the detriment caused by the loss of the bowling greens, particularly given the fact that they have not been used since 2016. Furthermore, in light of the longstanding disuse of the bowling greens the 2024 PPOSS does not make reference to them at all. As such it is considered that the proposal accords with Local Plan policies SC3 and DM27 and paragraph 104 of the NPPF.
- 5.3 **Design and appearance** NPPF Section 12: Achieving Well-Designed Places; Strategic Policies and Land Allocations (SPLA) DPD policies, SP8: Protecting the Natural Environment; Development Management DPD (DM DPD) policies DM29: Key Design Principles
- 5.3.1 The site is within a built up urban setting and sits between the Heysham Youth and Community Centre to the west with its associated outdoor space and Heysham Mossgate Community Sports and Community Centre and associated football pitch to the east. This pitch is enclosed by green mesh fencing (approximately 3 metres high) and is served by six floodlights (approximately 10 metres high). The existing bowling greens are in an open setting boarded by paving.
- 5.3.2 The proposed MUGAs will be set slightly further into the site with each pitch enclosed by 3 metre high steel mesh fencing in green. Due to the relatively transparent nature of the fencing visibility of the site will not be impeded. The scheme includes the provision of four floodlighting columns around each MUGA and at 10 metres high these will be of a similar scale to those seen around the existing football pitch to the east. The site will be enhanced with hedgerow planting along the southern boundary as well as trees and wildflower grass planting. As such it is considered that in terms of design and appearance the proposal will not be out of context within this setting.
- 5.4 **Residential amenity** NPPF Section 12: Achieving well-designed places; Development Management DPD (DM DPD) policies DM29: Key Design Principles and DM57: Health and Wellbeing
- 5.4.1 The edge of existing southernmost bowling green is set approximately 4.5 metres from the highway along Townson Way and the northern green is set approximately 7 metres from the rear boundary of the residential property to the north. The fence boundaries of the new MUGAs will be approximately 17 metres from the highway and 22 metres from the rear boundary of the northern properties and 30 metres to the rear elevation of the nearest house. To the south the distance is 28 metres to the rear boundaries on Laureston Avenue and 46 metres to the rear elevations. Due to the separation distances from neighbouring dwellings it is considered that the proposed fencing and light columns would not result in overbearing impacts to residential amenity and would not result in acceptable visual impacts.
- 5.4.2 Recognising the MUGAs are located close to existing dwellings a Noise Assessment has been submitted to support the application. The submitted Noise Assessment sets out that the proposed MUGA’s will operate during the same hours as the wider community centre complex, these being 09:00-21:00 Monday to Friday and 09:00-18:00 Saturday and Sunday and that sounds to be experienced from the MUGA are therefore in line with current activities on the wider site. The Noise Assessment sets out that based on the Sport England guidance, the noise levels to the south would be 49.0dB(A) at the boundary, 44.7dB(A) at the façade and internally 29.7dB(A). In addition, a close boarded 1.8m high fence is located along the rear boundary of the properties on Laureston Avenue providing a further level of attenuation of +5dB to the ground floor. Sound levels to be experienced

by properties to the south along Laureston Avenue as a result of the proposal are therefore below the guideline levels within BS8233:2014, World Health Organisation and the Sport England values.

- 5.4.3 Based on the Sport England guidance the average sound level to be experienced within the nearest garden to the north would be 51.2dB(A) with a level of at the façade of 48.5dB(A). Given a 15dB reduction for an open window this would result in 33.5 dB(A) integrally, below the recommended 35dB(A). While sound levels at the façade of the nearest properties and therefore further afield would be below the guidance criterion of 50dB(A), with internal sound levels below the 35dB(A) criterion, the sound level at the boundary is slightly above the recommended level. As such the Noise Assessment recommends further mitigation measures to be implemented in the form of a 2.2m high close boarded fence be erected along the northern boundary of the site between the residential properties and the site. In addition, the Noise Assessment recommends that in order to ensure the at the perimeter fencing around the MUGAs do not contribute to any potential sound emissions it should be erected with anti-vibration mounts and fixings. The Noise Assessment has been considered by the Council's Environmental Protection Team and is found to be acceptable subject to conditions regarding the proposed hours and recommended mitigation.
- 5.4.4 This application is also accompanied Lighting Assessment given the proposed use of flood lights close to residential property. The Environmental Protection Team recommends that the proposed lighting scheme set out within Lighting Assessment and submitted plans should be installed and maintained as per the details submitted in the Assessment which states that all the floodlights are to be fitted with integral louvres to reduce spill and glare. Details of the installation angle of the lights will also be conditioned.
- 5.4.5 Overall, it is considered that the proposal, with mitigation, would not lead to unacceptable adverse impacts on the amenity of neighbouring residential property. In this regard the proposal is considered compliant with policy DM29 of the DM DPD and the NPPF.
- 5.5 **Highways and parking NPPF Section 9: Promoting Sustainable Transport; Review of the Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling and DM62: Vehicle Parking Provision**
- 5.5.1 The development will be served by the existing car park associated with the Heysham Mossgate Community Sports and Community Centre which provides 24 vehicle spaces and four disable spaces in addition to cycle parking provision. Despite concerns to the contrary, County Highways as the statutory consultee for highway matters, considers that the change of use of the site from its historic use as two bowling greens to two MUGAs would not have a significant impact on the surrounding highway network. The site is located in a highly sustainable part of the district with good active travel connections between the neighbouring residential estates and the community centre. The area is also well served by public transport. During construction, however, County Highways recommend a Construction Management Plan by condition. Although the proposal is relatively small scale it is considered that this request is reasonable given the limited width of Townson Way, which does not allow vehicle access beyond the Heysham Mossgate Community Sports and Community Centre car park, and the risk of pedestrian and cycle conflicts while the neighbouring community uses are in operation.
- 5.6 **Drainage NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change; Review of the Development Management DPD (DM DPD) policies DM33: Development and Flood Risk and DM34: Surface Water Run-off and Sustainable Drainage**
- 5.6.1 The site is located within Flood Zone 1 with low risk of flooding from other sources including ground water and surface water flooding. The application is accompanied by a submitted Drainage Strategy which states that the existing bowling greens are drained by enabling surface water to percolate through the construction matrix into drainage placed within it and a discharge is made via infiltration and / or off site. The strategy goes on to state that when the multi-use games areas are constructed it is intended for the surface water drainage regime to remain as existing and that the games area will comprise Type 3 sub-base (suitable for infiltration). The Council's Engineer recommends that a condition is required to secure the final details of the drainage design, as well as its future management and maintenance. The imposition of a drainage condition to secure an appropriate

drainage scheme and maintenance regime should ensure the development does not increase flood risk elsewhere, in accordance with local and national planning policy.

5.7 Trees, ecology and BNG NPPF Section 15: Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD policy SP8: Protecting the Natural Environment; Development Management DPD (DM DPD) policies DM29: Key Design Principles, DM44: The Protection and Enhancement of Biodiversity, DM45: Protection of Trees, Hedgerows and Woodland.

5.7.1 The submitted Preliminary Ecological Appraisal (PEA) sets out that the development would not result in impact to any designated sites due to their distance from the site. Furthermore, there would be no impacts to notable habitats, and the site has negligible value for protected species. The PEA recommends the protection of a hedgerow (H1) within the raised area along the western site boundary and also recommends the introduction of two bird boxes on the northern elevation of the adjacent community centre to provide ecological enhancements. The submitted plans indicate the introduction of new tree and hedge planting within the site with the precise details of the landscaping scheme and associated management to be conditioned.

5.7.2 A Biodiversity Net Gain (BNG) baseline report has also been submitted. This sets out that it is anticipated the mandatory BNG requirements can be achieved on site. The details of such would be provided as part of the BNG plan (a mandatory condition) if permission is granted.

6.0 Conclusion and Planning Balance

6.1 The site has remained in a state of disrepair and has been unsuitable for its intended use for almost ten years. While Sport England's position—that a lack of use of a playing field does not necessarily indicate an absence of need—is acknowledged, the evidence presented within the PPOSS (2024) broadly supports the proposed use of the site. Additionally, the PPOSS (2024) makes no reference to the bowling greens at this location and confirms that future demand for such facilities can be met by existing greens within the district. As such it is considered that the scheme accords with NPPF paragraph 104, Sport England Exception 5 and Local Plan policies SG3 and DM27.

6.2 The design is functional and appropriate for its intended purpose and would not be out of keeping with the area given the presence of the existing nearby playing pitch and community buildings, alongside the wider built-up character of the locality. The appearance of the development will be softened by proposed planting, which also supports the BNG obligations. It has also been concluded that subject to appropriate conditions, in relation to noise and light pollution, the proposal will not have a detrimental impact upon the residential amenity of the neighbouring properties, and traffic impacts once operational would not be significant. Fundamentally, and weighing significantly in favour of the development, the proposal will enhance the existing facilities at the Heysham Mossgate Community Sports and Community Centre. Accordingly, the proposal is considered to accord with the relevant local and national planning policies outlined above and is recommended for approval.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Standard Timescale	Control
2	Approved plans	Control
3	Precise details of fencing	Prior to installation
4	Landscaping and maintenance details	Pre-commencement
5	Construction Management Plan	Pre-commencement
6	Drainage Strategy	Pre-commencement
7	Development in accordance with Noise Assessment and details of close boarded fence be erected along the northern boundary	Pre-commencement and control

8	Development in accordance with Lighting Assessment and details of the angle of the lights	Pre-commencement and control
9	Hours of use	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	A8
Application Number	25/00286/FUL
Proposal	Part retrospective application for the construction of a roof over existing silage pit, installation of drainage infrastructure to include an attenuation pond
Application site	Batty Hill Farm Lancaster Road Cockerham Lancaster
Applicant	Mr Hewitt
Agent	Mr Jake Salisbury
Case Officer	Mr Patrick Hopwood
Departure	No
Summary of Recommendation	Approval

(i) **Procedural Matters**

This is a major application that has received objections and is recommended for approval. As such, it has been referred to the Planning Regulatory Committee for determination in line with the Scheme of Delegation.

1.0 Application Site and Setting

1.1 The site that forms the subject of this application is Batty Hill Farm, which is located approximately 200 metres east of Lancaster Road on the edge of Cockerham. The farm constitutes around 450 hectares of land comprising several large modern and traditional agricultural buildings and cattle sheds, in addition to a two-storey farmhouse which is located on the eastern side of the complex. Batty Lodge and The Paddock are dwellings located on the southern edge of the main farm complex and both are understood to be agricultural workers dwellings associated with Batty Hill Farm. The agricultural buildings are predominantly finished in Yorkshire boarding to the walls under sheet roofs. There are also rough tracks in this area which provide secondary access to some of the agricultural buildings. A Public Right of Way (PROW) bridleway runs from Lancaster Road through the farm complex. The site is within the Open Countryside Local Plan designation, and within an aerodrome safeguarding zone.

2.0 Proposal

2.1 Without planning permission, a building (in the form of an open building with roof) has been constructed over the silage pit, measuring 100m in length, 9m in height to eaves and 11m in height to the ridge. This development (as built) has been refused planning permission under planning application 23/01215/FUL and subsequently dismissed at appeal (APP/A2335/W/24/3349052).

- 2.2 This application (as amended) seeks planning permission for the retention of the building in terms of its overall length and width, with the roof height lowered to 7m in height to eaves and 8m in height to the ridge.

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	Proposal	Decision
20/00600/FUL	Construction of a roof over existing silage pit (23m length, 9m eaves height, 12m ridge height)	Refused
20/00905/FUL	Construction of a roof over existing silage pit (20m length, 7m eaves height, 8m ridge height)	Approved
23/01215/FUL	Retrospective application for the construction of a roof over existing silage pit (100m length, 9m eaves height, 11m ridge height)	Refused and Dismissed at Appeal

4.0 Consultation Responses

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

Consultee	Response
Cockerham Parish Council	Objection. Concerns include: <ul style="list-style-type: none"> The prominence of the building due to its size. Increased risk of flooding and drainage concerns. Contaminated water entering the attenuation point and causing pollution downstream.
Thurnham Parish Council (neighbouring Parish)	Objection. Concerns include: <ul style="list-style-type: none"> Increased risk of flooding and drainage concerns, including the proposed details and reliability of ongoing maintenance. Contaminated water entering the attenuation point and causing pollution downstream which discharges into the sensitive RAMSAR of Morecambe Bay.
County Highways	No objections.
Natural England	No response received.
Lead Local Flood Authority	No objection , subject to further surface water drainage evidence/details being provided either upfront or through planning condition.
Public Rights of Way Officer	No response received.
Environmental Health	No response received.
Shell	Comments. Pipeline not affected.
BPA	Comments. Pipeline not affected.
Black Knight Parachute Centre	No response received.
Ramblers	No response received.
Cadent Gas	No response received.
Engineering Team	No response received.

- 4.2 2 letters of objection have been received from members of the public, raising the following main concerns:
- Building too large, excessively high
 - Development very visible in surroundings
 - Plans are unclear
 - Potential for flood risk
 - Height requirement questioned

5.0 Analysis

5.1 The main issues are:

- Principle of Development
- Design, Scale and Landscape Impact
- Drainage and Flood Risk
- Residential Amenity
- Highways
- Ecological Impacts

5.2 **Principle of Development** (NPPF Section 6 (Building a strong, competitive economy); Policy DM47 (Economic Development in Rural Areas))

5.2.1 Section 6 Paragraph 88 of the NPPF states that planning decisions should enable the development of agricultural businesses. In accordance with Policy DM47, proposals in rural areas will be supported in principle for essential operations for agriculture where there is a proven and justified need.

5.2.2 The purpose of the proposed development - to erect a roof structure over the existing silage pit - is intended to reduce dirty water run-off and is supported by DEFRA's Catchment Sensitive Farming Scheme. The submitted appraisal report also details that covered silage improves animal health and nutrition. The appraisal also details that the 100m long silage clamp has been in situ since at least 2014 and is sized to meet the farm's silage storage needs based on the livestock numbers and their nutritional needs. It is considered that the proposal would support the existing farming operation at Batty Hill and contributes towards a reduction in environmental pollution. For these reasons, the principle of the development is therefore acceptable.

5.3 **Design, Scale and Landscape Impact** (NPPF Sections 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment); Policies DM29 (Key Design Principles), DM46 (Development and Landscape Impact) and DM47 (Economic Development in Rural Areas))

5.3.1 When this application was first submitted, the proposal sought a reduction in height (from what has been built on site) to 8 metres to the eaves and 9.159 metres to the ridge. It was considered that this would not provide any noticeable visual difference from the building currently on site and previously refused and dismissed on appeal. Amendments have been secured to reduce the height further with additional landscaping to provide some visual and landscape mitigation.

5.3.2 The amended height reflects that of the building approved under application 20/00905/FUL. This is largely dictated by operational requirements for safe management of the silage by machinery. The length of the proposed building will broadly correspond with the overall extent of the existing farmyard and buildings situated to the east, and it will not encroach into the open countryside to the north. While the building is undeniably long and lacks architectural interest or design quality, it is intended to serve a practical agricultural purpose in support of the farm's operations. Despite the reduction in height, the building will remain visually prominent due to its elevated position at the top of a small hill. The lowered height will help to lessen the visual impact to some extent, though not entirely. Its location has been chosen to align with the existing silage clamp already in place.

5.3.3 Officers have sought a landscaping scheme to soften and filter views of the structure over time. In particular, tree planting clumps to the north and south ends, along with scattered tree standards and a mixed native hedgerow. Whilst the proposed planting will take some time to establish, and will be subject to seasonal variation, over time the proposed landscaping will help alleviate the visual impact of the development.

5.3.4 Overall, with the height reduced to match that of the previously approved permission, the length relative to the existing buildings behind, and an adequate landscaping scheme to soften and filter views over time, the proposal is, on balance, considered acceptable in terms of design, scale and landscape impacts and would not therefore conflict with the development and NPPF as a whole.

5.3.5 The Aerodrome Safeguarding consultee has not responded to the application but given the context of other built structures at the farm of similar height, the proposed height is not expected to cause

any issues in terms of the Aerodrome Safeguarding Zone.

- 5.4 **Drainage and Flood Risk** (NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change); Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-Off and Sustainable Drainage), DM36 (Protecting Water Resources and Infrastructure))
- 5.4.1 The application sets out that infiltration is not viable in accordance with BRE365 testing and that existing buildings are connected to a drainage system which flows into local watercourses. The proposed drainage strategy sets out that surface water runoff will be drained to a new attenuation pond, and discharged at a restricted rate of 1.5 l/s to an existing pond in the adjacent field. Silt and sediments can be captured in the upstream system to prevent discharge into local waterways. The roof structure will also help to prevent rainwater mixing with the silage and reduce risk of silage effluents from reaching the River Cocker and Morecambe Bay, as encouraged by the DEFRA Catchment Sensitive Farming Scheme.
- 5.4.2 As a major application, the Lead Local Flood Authority (LLFA) are a statutory consultee, and have returned no objection in principle to the proposed drainage layout, subject to a planning condition for further details. The applicant has attempted to provide the further details prior to determination, although the LLFA has found these details to be insufficient, and requested that the condition for further details is still required. Advice has been provided by the LLFA as to how the applicant can address these matters at discharge of condition stage. In order to ensure that the development can be safely drained, without resulting in increased risk of flooding on or off site, the condition as requested by the LLFA is required to make the development acceptable.
- 5.4.3 At this stage the applicant has demonstrated there is a feasible drainage solution, despite the current proposals remaining insufficient. Where it is possible to make a development acceptable (i.e. in this case through the submission of a final detailed drainage proposal), a planning condition should be imposed. Given the LLFA's position, and the requirement for a detailed drainage scheme, there is no substantive flood risk or drainage reason to withhold planning permission.
- 5.5 **Residential Amenity** (NPPF Section 12 (Achieving well-designed places); Policy DM29 (Key Design Principles))
- 5.5.1 The existing silage pit is over 20 metres from the nearest residential properties which form part of the farm complex, and approximately 150 metres from properties on Lancaster Road. The proposed building would be visible from these properties, but it would not lead to any adverse residential amenity impacts such as overshadowing and overbearingness.
- 5.6 **Highways** (NPPF Section 9 (Promoting sustainable transport); Policies DM29 (Key Design Principles), Policy DM61 (Prioritising Walking and Cycling))
- 5.6.1 The application site is located due northwest of the public right of way (PROW) and consequently would be highly visible from this bridleway. However, the scheme will not encroach onto the PROW therefore no direct impacts from the development are anticipated. There is sufficient manoeuvring space within the farmyard for management of the silage by tractor machinery, and vehicle movements are not anticipated to increase as a result of planning permission being granted. In this regard, the proposal is considered not to adversely impact highway safety or accessibility and would not conflict with the development plan and NPPF.
- 5.7 **Ecology** (NPPF Section 15 (Conserving and enhancing the natural environment); Policies DM29 (Key Design Principles), DM44 (The Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland))
- 5.7.1 The proposed development will be located approximately 1 mile east of the Lune Estuary SSSI and the Morecambe Bay SAC, SPA and Ramsar sites. Commenting on the previous application, Natural England raised no objection, and considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.7.2 The application is made part-retrospectively, in that the posts are already in situ and would be retained but with the tops sawn off and the roof reattached and reconfigured at a lower height. As a result, the proposal is exempt from mandatory Biodiversity Net Gain (BNG) under Schedule 7A of

the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, both the Local Plan (in particular Policies SP8 and DM44) and Paragraph 187 of the NPPF requires planning decisions to provide net gains for biodiversity.

- 5.7.3 The proposed landscaping scheme has been discussed with the Council's Arboricultural Officer, and amendments have been secured to address concerns relating to spacing, species mix, planting methodology and maintenance. The amended scheme, consisting of a double staggered mixed species hedgerow and scattered tree standards with tree clusters at the north and south ends, is considered acceptable and will provide biodiversity enhancement and habitat creation within the site.

6.0 Conclusion and Planning Balance

- 6.1 Whilst the proposed structure is large in overall length and scale, utilitarian in design and will be visible within the locality, the development in its amended form is considered better related to the extent and height of the existing farm buildings and wider farmstead. The visual prominence of the development will, over time, be mitigated through the proposed landscaping programme. The proposed roof structure and associated drainage scheme will also enable for improved control of surface water runoff from the silage pit, preventing potentially contaminated water from entering the wider environment and reducing flood risk, which is to be encouraged. On balance, whilst there will be some visual harm arising from the development, with mitigation, this harm would be outweighed by the needs arising from farming enterprise and the wider environmental benefits set out above.

Recommendation

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

Condition no.	Description	Type
1	Amended Plans	Control
2	Sustainable Surface Water Drainage Scheme (details to be submitted within 1 month and agreed details to then be implemented within 6 months)	Control
3	Implement Amended Landscaping Scheme	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
24/00187/DIS	Mellishaw North Development Site, Mellishaw Lane, Heaton With Oxcliffe Discharge of conditions 3,4,5,6,7,8,9,10,11,12 and 13 on approved application 22/00462/FUL for Mr D Cox (Westgate Ward)	Split Decision
24/00232/DIS	Smith Green Depot , Stoney Lane, Ellel Discharge of conditions 3,4,5,6,7,8,9,10 and 11 on approved application 24/00300/FUL for Mr Mark Armer (Ellel Ward)	Split Decision
25/00176/FUL	Peterson UK Ltd, North Quay, Heysham Harbour Installation of ancillary infrastructure associated with roof mounted solar photovoltaic panels for E.ON UK Heat Ltd Paul Siddall (Overton Ward)	Application Withdrawn
25/00238/FUL	Post Box Barn, Kirkby Lonsdale Road, Newton Change of use of barn into dwelling and land into residential curtilage with associated access, parking and landscaping for Edward North And Georgina North (Upper Lune Valley Ward)	Application Permitted
25/00275/FUL	The Lilacs, Kellet Road, Over Kellet Demolition of existing garage, erection of a single storey rear and side extension and alterations to porch for Mr And Mrs J Whiley (Halton-with-Aughton And Kellet Ward)	Application Refused
25/00378/FUL	Land To The North West Of, Caw House, Abbeystead Road Construction of a pond for Mr Declan Hoare (Ellel Ward)	Application Permitted
25/00459/FUL	36A Lindeth Road, Silverdale, Carnforth Alteration of the existing windows, installation of additional window to the side elevation, new door to the rear to replace existing window, change of cladding material, relocation of existing shed and associated landscaping works for Sally Hargreaves (Silverdale Ward)	Application Permitted
25/00492/FUL	2 Pennine Court, Tithebarn Hill, Glasson Dock Installation of air source heat pump to front for Ms Natalie Carla Morris (Ellel Ward)	Application Permitted
25/00527/FUL	31 Greenwood Avenue, Bolton Le Sands, Carnforth Demolition of existing lean-to extension and erection of a replacement side extension with hip to gable extension above and enlarged dormer extensions to front and rear and installation of a first floor window to the side for Mr Christopher Moody (Bolton And Slyne Ward)	Application Refused
25/00532/FUL	20 Oakville Road, Heysham, Morecambe Construction of dormer extension to rear elevation and front porch for Mr L O'Connor (Overton Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00539/PAA	Hillam Farm, Hillam Lane, Cockerham Prior approval for the change of use of an agricultural building to 3 dwellings for Mr Bobby Gardner (Ellel Ward)	Prior Approval Granted
25/00090/DIS	Land At OS Grid Reference E346502 N452533, Lancaster Road, Cockerham Discharge of conditions 4, 5, 6, 7 and 8 on approved application 22/01293/OUT for Mr Peter Hewitt (Ellel Ward)	Application Permitted
25/00661/FUL	17 Needham Avenue, Morecambe, Lancashire Erection of a detached garage for Mr Lukasz Lebek (West End Ward)	Application Permitted
25/00670/ELDC	13 St Wilfrids Park, Halton, Lancaster Existing lawful development certificate for a loft conversion and installation of solar panels and skylights to the rear roof elevation for Mr Andrew Cann (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
25/00695/NMA	Land East Of Hazelrigg Lane, Hazelrigg Lane, Scotforth Non material amendment to planning permission 24/01149/VCN for alterations within the research area, to the perimeter fence line, CCTV, ducting, drainage layouts, road profile and weather stations for Mr Paul Morris (Ellel Ward)	Application Permitted
25/00702/LB	HSBC, 35 - 41 Market Street, Lancaster Listed Building Application for restoration and replacement of damaged stonework, structural remedial works to external walls, cleaning of masonry and installation of bird protection netting for Mrs Chloe Source (Castle Ward)	Application Permitted
25/00726/FUL	Khandahar, Stoney Lane, Galgate Erection of a single storey rear extension and construction of a dormer extension to the rear elevation for Mr & Mrs J Smethurst (Ellel Ward)	Application Permitted
25/00108/DIS	JD Wetherspoons, The Sir Richard Owen, 4 Spring Garden Street Discharge of condition 3 on approved application 25/00165/VCN for JD Wetherspoon PLC (Castle Ward)	Application Permitted
25/00109/DIS	52 King Street, Lancaster, Lancashire Discharge of conditions 3, 4, 5, 6, 7 on approved application 21/00228/FUL for Mr Tom Charrier (Castle Ward)	Split Decision
25/00735/FUL	Ellers Farm, Hornby Road, Caton Erection of extension to existing agricultural livestock building for Mr David Preston (Lower Lune Valley Ward)	Application Refused
25/00736/FUL	21 Jackson Close, Lancaster, Lancashire Erection of two storey rear extension for Mr & Mrs Mudd (Marsh Ward)	Application Refused
25/00748/REM	Land At Grid Reference 346637 452376, Willey Lane, Cockerham Reserved matters for the erection of a dwelling for Mr P Halhead (Ellel Ward)	Application Permitted
25/00750/FUL	16 Newlands Road, Morecambe, Lancashire Erection of car port for Mr Richard Dewhurst (Westgate Ward)	Application Permitted
25/00117/DIS	112 Balmoral Road, Morecambe, Lancashire Discharge of conditions 3,4,5,6 and 7 on approved application 24/00524/FUL for Mr Shijia Xue (West End Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00118/DIS	52 King Street, Lancaster, Lancashire Discharge of conditions 3, 4, 5 on approved application 21/00229/LB for Mr Tom Charrier (Castle Ward)	Split Decision
25/00762/FUL	27 Crag Bank Crescent, Carnforth, Lancashire Retrospective application for the change of use of land into residential with associated access for Mrs Sandra Adelaide Robinson (Carnforth And Millhead Ward)	Application Refused
25/00766/FUL	42 Swallow Close, Bolton Le Sands, Carnforth Demolition of garage and erection of a two storey side and rear extension for Mr Edward Hayton (Bolton And Slyne Ward)	Application Permitted
25/00123/DIS	104 Euston Road, Morecambe, Lancashire Discharge of condition 3,4 and 5 on approved application 24/01349/FUL for Mr Amjid Hussain (Poulton Ward)	Application Permitted
25/00783/PLDC	50 Buckingham Road, Morecambe, Lancashire Proposed lawful development certificate for the demolition of existing garage and erection of a garden room for Mr And Mrs A Zan (West End Ward)	Lawful Development Certificate Granted
25/00803/FUL	Stonegarth, Coneygarth Lane, Tunstall Erection of a single storey side and rear extension for G. Rocca (Upper Lune Valley Ward)	Application Permitted
25/00811/FUL	Walnut Tree Farm, Back Lane, Gressingham Demolition of existing side extension and erection of a two storey side extension for Mrs Grace Ibbetson (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00823/FUL	70 Marine Road West, Morecambe, Lancashire Change of use from office to taxi business for Mr Alan Knowles (West End Ward)	Application Withdrawn
25/00824/ADV	70 Marine Road West, Morecambe, Lancashire Advertisement display for a non illuminated external fascia for Mr Alan Knowles (West End Ward)	Application Withdrawn
25/00825/VCN	38 Oak Drive, Halton, Lancaster Erection of a single storey side and rear extension with overhanging roof, construction of balustrade, external steps and raised patio area to the rear, construction of a dormer extension to the front elevation and construction of a ramp to the side (Variation of condition 2 on planning permission 22/00160/FUL to amend the approved plans to include alterations to materials, alterations to the side extension roof, a decreased terrace area and omission of ramp) for Mr & Mrs Eden (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00135/DIS	Abbeystone Barn, Clarksons Farm, Moss Lane Discharge of condition 3 on approved application 24/01334/LB for Ms Deborah Cass (Ellel Ward)	Application Permitted
25/00835/PLDC	1 Coronation Way, Lancaster, Lancashire Proposed lawful development certificate for alterations to external windows and doors and internal alterations to convert garage to ground floor bedroom space and shower room for Mr & Mrs Compton (Skerton Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

25/00839/LB	Nat West Bank, 68 - 70 Church Street, Lancaster Listed building application for the installation of replacement ATMs to the front elevation with alterations to stone header and cill levels for Rachel Halls (Castle Ward)	Application Permitted
25/00841/VCN	8 Craiglands Court, Aldcliffe, Lancaster Erection of single storey rear extension, a first-floor side extension over existing garage, installation of rooflights and conversion of loft and garage to ancillary living accommodation (pursuant to the variation of condition 2 on planning permission 24/00855/FUL to amend previously approved plans) for Mr Tayyib Dola (Scotforth West Ward)	Application Permitted
25/00843/ADV	Nat West Bank, 68 - 70 Church Street, Lancaster Advertisement application for the display of non-illuminated ATM surround to replace existing for Rachel Halls (Castle Ward)	Application Permitted
25/00846/PLDC	4 Ash Tree Grove, Bolton Le Sands, Carnforth Proposed Lawful Development Certificate for the construction of a hip to gable extension and dormer extension to the rear elevation for Mr T Tranah (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/00847/PLDC	34 Mill Lane, Bolton Le Sands, Carnforth Proposed Lawful Development Certificate for the erection of a single storey rear extension for Ms S Woodhouse (Bolton And Slyne Ward)	Lawful Development Certificate Granted
25/00851/FUL	17 Swift Gardens, Heysham, Morecambe Erection of a single storey side extension and installation of doors to the rear elevation for Ms Alison Bolton (Heysham South Ward)	Application Permitted
25/00858/FUL	Brows Farm, Glasson Dock Road, Glasson Dock Retrospective application for the erection of a balcony to the rear elevation for Mr Ben Hodgson (Ellel Ward)	Application Permitted
25/00859/FUL	Mayfield , Brettargh Drive, Lancaster Erection of two 1.5 storey side/rear extensions, a single storey rear extension including terrace above, two pergolas, boundary walls and fencing, construction of a raised roof with loft conversion and hip to gable roof extensions including new windows on the gable end, pitched dormer extensions to the front and rear, basement and associated external landscaping. for Mr Anas Mister (Scotforth West Ward)	Application Permitted
25/00860/PAM	Footpath Adjacent , Coastal Road And Marine Road East, Morecambe Prior approval for the removal of existing 15m high streetworks pole and installation of 18m high street works pole with wraparound cabinet, installation of 6 antennas, 3 cabinets, 1 meter cabinet and associated ancillary apparatus and relocation of GPS and ancillary equipment for Hutchison 3G UK Ltd - Three UK (Bare Ward)	Prior Approval Granted
25/00862/FUL	Parklands House, Parklands Drive, Caton Erection of an outbuilding and boundary fence for Mr Michael Stainton (Lower Lune Valley Ward)	Application Refused
25/00140/DIS	Gornalls Farm, Flintron Brow, Over Wyresdale Discharge of condition 3 on approved application 25/00412/LB for G Fleming (Ellel Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00864/LB	Tarnsyke Cottage, Flintron Brow, Over Wyresdale Listed building application for reinstatement of surface finish to the gable walls for Mr G Fleming (Ellel Ward)	Application Permitted
25/00865/FUL	45 Michaelson Avenue, Morecambe, Lancashire Construction of a dormer extension to the side elevation, installation of roof lights to front, side and rear and cladding to rear for Mr Anthony Palmer (Torrisholme Ward)	Application Permitted
25/00871/VCN	40 Chester Place, Lancaster, Lancashire Demolition of existing conservatory and single storey extension and erection of a single storey rear extension (pursuant to the variation of condition 2 on planning permission 25/00196/FUL to amend previously approved plans) for Miss Yasmin Dodd (Scotforth East Ward)	Application Permitted
25/00881/PIP	Willow Lane Hostel, 56 - 64 Willow Lane, Lancaster Permission in principle for the demolition of the existing building and erection of up to 9 dwellings for Lancashire County Council (Marsh Ward)	Application Refused
25/00888/FUL	25 Hazelmount Drive, Warton, Carnforth Part retrospective application for the erection of a single storey rear / side extension for Mr & Mrs Winder (Carnforth And Millhead Ward)	Application Refused
25/00892/ADV	Vantage Skoda Morecambe, 15 Middlegate, White Lund Industrial Estate Advertisement application for the display of 4 internally illuminated fascia signs, 1 internally illuminated pylon sign and an internally illuminated entrance portal for James McGlashan (Westgate Ward)	Application Permitted
25/00894/PLDC	11 Beech Road, Halton, Lancaster Proposed lawful development certificate for the erection of a single storey rear extension to replace existing conservatory for Mr & Mrs C. Roberts (Halton-with-Aughton And Kellet Ward)	Lawful Development Certificate Granted
25/00145/DIS	Bare Hall, 20 Bare Lane, Morecambe Discharge of condition 3 on approved application 23/01250/FUL for Mark Wainwright (Bare Ward)	Application Permitted
25/00898/LB	Lancaster Castle , Castle Park, Lancaster Listed building application for the emergency repairs to 2 lintels in upper ground floor of Well Tower for Vicki Mathews (Castle Ward)	Application Permitted
25/00147/DIS	Land At Grid Reference E349270 N460685, Wyresdale Road, Lancaster Discharge of condition 4 on approved application 22/00817/VCN for Mr C Middlebrook (Bowerham Ward)	Application Refused
25/00903/VCN	Land North Of Stonesby House, Stanmore Drive, Lancaster Erection of a pair of semi-detached dwellings with associated access (pursuant to the variation of conditions 1 and 2 on planning permission 22/00889/VCN to amend the approved plans to revise the driveway layout and material) for Mr Munshi (Scotforth West Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

25/00904/ADV	10 Hornbeam Road, Lancaster, Lancashire Advertisement application for the display of 2 externally illuminated fascia signs, non-illuminated box fascia, 5 dibond graphic panels, an externally illuminated gantry sign and 2 pole mounted signs for Tesco Stores Ltd (Marsh Ward)	Application Permitted
25/00905/VCN	Management School, Gillow Avenue, Lancaster University Creation of a double height entrance to the east, erection of a single storey link corridor and external canopy within the internal quad, installation of roof guarding, installation of plant screening, replacement windows and doors and associated landscaping (pursuant to the variation of condition 5 on planning permission 24/00245/FUL in relation to landscaping scheme) for Mr Stuart Foy (University Ward)	Application Permitted
25/00906/PLDC	62 Palatine Avenue, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr and Mrs Michael Orford (Scotforth East Ward)	Lawful Development Certificate Granted
25/00152/DIS	Low Hall Barn, Burrow Mill Lane, Whittington Discharge of conditions 4 and 6 on approved application 22/00947/LB for Mrs Louise Collinson (Upper Lune Valley Ward)	Split Decision
25/00153/DIS	Low Hall Barn, Burrow Mill Lane, Whittington Discharge of conditions 5 and 7 on approved application 22/00946/FUL for Mrs Louise Collinson (Upper Lune Valley Ward)	Application Permitted
25/00911/FUL	Lighthouse Cottage, Slack Lane, Thurnham Demolition of existing extension and outbuilding, erection of single storey extension to the front/side and installation of new door opening. for Mrs M Gerrard (Ellel Ward)	Application Permitted
25/00914/NMA	Bowerham Hotel , Bowerham Road, Lancaster Non-material amendment to approved application 23/01216/FUL to amend wording of condition 18 and minor alterations to include installation of ATM to south elevation, relocation of ground floor windows to south elevation, installation of window to west elevation, relocation of door on west elevation, removal of door from north elevation and removal of substation for Mr A Thompson (Bowerham Ward)	Application Permitted
25/00915/FUL	University House, Bowland Avenue South, Lancaster University Installation and relocation of new automated entrance doors and windows to the east elevation with amendments to provide level threshold for Mr Guy Constantine (University Ward)	Application Permitted
25/00917/LB	23A Queen Street, Lancaster, Lancashire Listed building application for the reinstatement of a window to the rear elevation and removal of an internal wall for Ms Jane Wolstencroft (Castle Ward)	Application Permitted
25/00925/FUL	23A Queen Street, Lancaster, Lancashire Reinstatement of a window to the rear elevation for Ms Jane Wolstencroft (Castle Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00928/VCN	Arna Wood Farm West, Arna Wood Lane, Aldcliffe Demolition of existing porch, erection of rear and side extension, construction of raised decking at rear, installation of steps to new entrance to replace existing and replace existing front door with window (pursuant to the variation of condition 2 on 24/00325/FUL to amend the approved design) for Mr & Mrs P Bennett (Scotforth West Ward)	Application Permitted
25/00939/FUL	Claremont, Mill Lane, Bolton Le Sands Construction of replacement raised terrace with balustrade to the west elevation for Mr Robert Whitehead (Bolton And Slyne Ward)	Application Permitted
25/00943/AD	Crook Farm, Slack Lane, Thurnham Agricultural determination for the erection of a steel slurry storage tank with canopy for Mr John Gerrard (Ellel Ward)	Prior Approval Granted
25/00957/EIR	Land At East Of Station Road, Hornby, Lancashire Screening opinion for erection of 16 dwellings with associated access and landscaping for Mr P Norris (Upper Lune Valley Ward)	ES Not Required
25/00978/EIR	Land At Grid Reference E342817 N460742, Bay Gateway, Heaton With Oxcliffe Screening opinion to extend the operational life of the wind turbine for a further 10 years for Thomas Hackett (Heysham South Ward)	ES Required
25/00159/DIS	Broadgate Garage, Middleton Road, Middleton Discharge of condition 3 on approved application 25/00493/FUL for Mr Elliot Casson (Overton Ward)	Application Permitted
25/00964/FUL	1 Burlington Avenue, Morecambe, Lancashire Demolition of existing outbuilding and erection of detached single storey annexe for Mr P Angus (Bare Ward)	Application Permitted
25/00160/DIS	Westfield Farm, Kellet Lane, Nether Kellet Discharge of condition 2 and 3 on approved application 24/01297/FUL for Mr Allan Riley (Halton-with-Aughton And Kellet Ward)	Application Permitted
25/00970/AD	Land To The North Of High Dam Barn, Kirkby Lonsdale Road, Arkholme Agricultural determination for the erection of an agricultural storage building for Miss Jenny Milne (Halton-with-Aughton And Kellet Ward)	Prior Approval Refused
25/00974/NMA	HM Prison Lancaster Farms, Far Moor Lane, Lancaster Non material amendment on approved application 23/00818/GOV to amend the previously approved drawings for Ministry Of Justice (Bulk Ward)	Application Permitted
25/00975/AD	Westfield House, Rakehouse Brow, Quernmore Agricultural determination for erection of a storage building for midden for Mr Mark Atkinson (Ellel Ward)	Prior Approval Is Required
25/00981/PAE	Heysham Power Station, Princess Alexandra Way, Heysham Approval of details of the design and external appearance of buildings for Laura Cherry - Planning And Consents Lead (Overton Ward)	Application Permitted
25/00982/NMA	Former Frankie And Benny's, Hilmore Way, Morecambe Non material amendment to 25/00677/VCN to reflect revised HVAC layout for McDonald's Restaurants Ltd (West End Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

25/00162/DIS	Quernmore Old School, Bay Horse Road, Quernmore Discharge of condition 3 on approved application 23/00747/LB for Mark Speake (Lower Lune Valley Ward)	Application Withdrawn
25/01003/PAH	23 Langdale Road, Carnforth, Lancashire Erection of a 5 metre deep single storey flat roofed extension with a maximum height of 3.15 metres and a maximum eaves height of 2.97 metres for Mr And Mrs Head (Carnforth And Millhead Ward)	Prior Approval Not Required



Committee: PLANNING REGULATORY COMMITTEE

Date: MONDAY, 27 OCTOBER 2025

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M

PLANNING REGULATORY COMMITTEE UPDATE REPORT

Any additional information received since the main agenda was printed and published is contained in this report. Officers have prepared a summary update for each application on this agenda where further information, additional representations, points of clarification, or corrections are relevant to the determination of the application.

This report must be read in conjunction with the agenda available [here](#) and the [main written reports pack](#), together with our approach in relation to Community Safety implications, Local Finance Considerations and Human Rights, as set out in the main agenda.

Update Reports (Pages 95 – 101)

Update reports have been provided for the following planning applications. Where no updates are available, this is noted in the list below:

Agenda Item	Application reference	Address	Update
A5	21/00722/HYB	Land off Lancaster Road and adjacent to Turnpike Fold, Slyne.	Attached. Pages 96 – 97.
A6	25/00615/FUL	Car Park Nelson Street, Lancaster	Attached. Pages 98 – 99.
A7	25/00588/FUL	Former Bowling Green, Townson Way, Heysham.	Attached. Page 100.
A8	25/00286/FUL	Batty Hill Farm, Lancaster Road, Cockerham	Attached. Pages 101.

Date published: Thursday 23 October 2025



Planning Regulatory Committee

Written Update

Agenda Item: A5 **Application reference:** 21/00722/HYB

Site Address: Land off Lancaster Road and adjacent to Turnpike Fold, Slyne

Proposal: Hybrid application comprising a full application for the erection of 58 dwellings (C3) with associated landscaping, infrastructure, public open space and access arrangements, and outline application for extra care (Use Class C3) and a local centre (Use Class E) development with associated landscaping, open space and infrastructure

Further Information

No additional information has been shared by the applicant for consideration.

Additional Representations

One additional representation has been received from Hollins Strategic Land as neighbouring landowner.

There concerns are noted below.

1. The proposed Section 106 fails to secure the unfettered access to HSL's site required by Policy SG9 of the Council's Local Plan thereby undermining the deliverability of the allocation and the lawful implementation of the policy;
2. The creation of a distinct "Access Road Connection Strip" solely within the Applicant's title, introduces an artificial and unnecessary ransom strip, rather than providing for a straightforward access road to the boundary with HSL's land, as required by the Local Plan and agreed principles. The agreement should simply procure provision of access via a road which goes to the boundary of the Application Site to which the adjoining landowner can connect;
3. The mechanism for the Access Agreement Payment does not exclude the possibility of a ransom demand, it should instead provide for a fair and reasonable apportionment of infrastructure costs, explicitly ruling out any ransom element, in line with established planning and valuation principles; and
4. The requirement that the adjoining landowner enter into a s.38 agreement to dedicate the Access Road and Connection Strip as adopted highway is wholly unreasonable, as this land is entirely within the Applicant's ownership and HSL/the adjoining landowner has no legal power to dedicate it. If the s106 agreement is completed as currently drafted the Council's approach risks significant prejudice to HSL, particularly given the defective nature of the current draft and the absence of robust provisions to secure access and ensure that any contributions are reasonable and proportionate.

Corrections to report / matters of clarification:

None

Officer Assessment/Comments



Having regard to the additional information points raised officers would respond as follows

As noted within the report to Committee the draft legal agreement was shared to the adjacent landowner (Hollins) in early October.

Officers are engaging (via the Councils appointed solicitor and case officer) with Hollins in terms of amended wording they have suggested is inserted into the legal agreement. The City Council are confident the Agreement does provide for access for the neighbouring landowner (and therefore within the spirit of the adopted policy) and all parties will work together to address any concerns that Hollins have as far as practicably possible.

RECOMMENDATION

As recommended – no changes to the main report.



Planning Regulatory Committee

Written Update

Agenda Item:	A6	Application reference:	25/00615/FUL
Site Address:	Car Park Nelson Street Lancaster Lancashire LA1 1PT		
Proposal:	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall		

Further Information

The following further information has been submitted by the applicant/agent:

The applicant has requested that the trigger for condition 8, which requires the submission and agreement of a Sustainable Design Statement incorporating Energy Carbon Statement to address the requirements of Policy DM30a, be amended to be 'prior to above ground works', rather than 'prior to commencement'.

The applicant has stated that their energy consultant will not have all of the required information and data required to undertake this assessment before preparatory works commence on site.

Additional Representations

The following further representations have been received:

Public comments – a further two letters of objection have been received by the Local Planning Authority. The representations raise no new issues to those set out in the main report.

Corrections to report / matters of clarification:

To amend the type/trigger of condition 8 from 'pre-commencement' to 'Before construction of any buildings above ground level'.

Officer Assessment/Comments

Having regard to the additional information, it is considered the amendment to the condition 8 trigger is reasonable and justified in this instance to ensure the delivery of the development, which has very specific timescales with respect to funding and site delivery.

The additional representations received by members of the public do not alter the assessment of the proposal.



RECOMMENDATION

Approve as per the recommendation in the main report with an altered condition 8 to be 'Before construction of any buildings above ground level'.



Planning Regulatory Committee

Written Update

Agenda Item:	A7	Application reference:	25/00588/FUL
Site Address:	Former Bowling Greens Townson Way Heysham		
Proposal:	Change of use of two bowling greens to multi-use games areas with surrounding fencing and floodlights		

Further Information

None.

Additional Representations

The following further representations have been received:

Sport England – Clarification was sought from Sport England regarding their original comments as it stated, “*should the local planning authority be minded to approve this application then given Sport England's objection the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State via the National Planning Casework Unit*”. However, they maintained in their original comments they were commenting not as a statutory consultee.

Sport England have now confirmed the LPAs understanding that, as their comments have been made in a non-statutory capacity, there is no requirement for referral to the National Planning Casework Unit.

Sport England also confirmed that they have still not received a response from the British Crown Green Bowling Association.

Corrections to report / matters of clarification:

None

Officer Assessment/Comments

Having regard to the additional information Sport England has confirmed the LPAs understanding that in the case of the application being approved it would not need to be referred to the Secretary of State via the National Planning Casework Unit.

RECOMMENDATION

As recommended – no changes to the main report.



Planning Regulatory Committee

Written Update

Agenda Item: A8 **Application reference:** 25/00286/FUL

Site Address: Batty Hill Farm, Lancaster Road, Cockerham

Proposal: Part retrospective application for the construction of a roof over existing silage pit, installation of drainage infrastructure to include an attenuation pond

Further Information

None.

Additional Representations

No late/amended/further representations have been received.

Corrections to report / matters of clarification:

It is noted that the background imagery on the landscaping plan is misaligned, and the OS map data used is outdated (not all existing buildings are shown). For complete clarity, and avoidance of doubt, a corrected version has been requested from the Agent, and it is the corrected version which would form the approved plan for the amended plans condition and landscaping condition.

Officer Assessment/Comments

N/A

RECOMMENDATION

As recommended – no changes to the main report.