

Agenda Item A5	Committee Date 9 January 2012	Application Number 07/01653/HYB
Application Site Lundsfield Quarries Kellet Road Carnforth Lancashire	Proposal Outline application for residential development (approximately 200 units) and ancillary commercial units and full application for new access road and remediation of the site and works to the biological heritage site	
Name of Applicant Redrow Homes (Lancashire) Ltd	Name of Agent Turley Associates	
Decision Target Date 14 February 2008	Reason For Delay Negotiating obligations	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Approval	

Procedural Matters

This hybrid (part-outline, part-full) application was first presented to Planning Committee on Monday 11 February 2008, at which it was formally deferred for a site visit, which happened on Monday 3 March 2008. The main purpose of the site visit was to gain a better understanding of the ecological matters being debated.

A decision was deferred again on Monday 10 March 2008 following Members' request for the Officer's report to be updated.

The application was subsequently approved at the meeting of 14 April 2008 subject to the signing of a Section 106 (s106) Agreement, which included the provision of a new canal bridge, and a list of planning conditions. However, Members requested that the matter should be referred back to Committee in the event that the canal bridge could not be provided.

Since 2008 exhaustive attempts have been made to deliver the canal bridge, but all to no avail for the reasons outlined in this updated version of the Committee Report. Therefore as requested by Members, the application is being reported back to them.

1.0 The Site and its Surroundings

1.1 The application site is located to the south of Carnforth, although it has no direct route to the town centre due to the Lancaster Canal running along its north and west boundaries. It is currently accessed via an unmade track from Kellet Road adjacent to the existing vehicular canal bridge. The site previously accommodated a concrete works and a marina for the canal. Carnforth Rangers Football Club is based in the north quarry area, although it is not included within the application site boundary. On the opposite sides of the canal are residential areas, with a further residential area known as the Highfield Estate directly to the east. The North Lancashire Green Belt forms the southern boundary to the north quarry. The central quarry area is connected to the north quarry and Back Lane via an existing track. The reason this area is included within the application site boundary is because the applicant proposes to undertake works to improve this part of the Biological Heritage Site (BHS) and expand it as part of compensatory provision for the section of the BHS that would be

lost due to the development proposals.

- 1.2 The application site is essentially split into two sections: a large area comprising the north quarry and smaller area comprising part of the central quarry. They are connected by way of a track that runs virtually due south from the bridge over the canal at Kellet Road to the central quarry where it turns east and connects into Back Lane. The north quarry site is designated in the Lancaster District Local Plan as a Housing Opportunity Site. A large portion of the north and central quarry sites, as well as part of the track (as well as the Lancaster Canal), are designated as Biological and Geological Heritage Sites. The central quarry falls within the North Lancashire Green Belt. The north west corner of the north quarry site, where the marina is situated, was classified as an Informal Recreation Area (Policy R9 was not saved as part of the recent Local Plan review), whilst a smaller area of land to the back of the houses on King's Drive is designated as Urban Greenspace. The site is also considered to be potentially liable to flooding. However, the north quarry site, where development is proposed, does not fall within flood zones 2 or 3. Although the football ground is included within the illustrative Masterplan, it falls outside the application area.

2.0 The Proposal

- 2.1 This is a 'hybrid' planning application, meaning that outline planning permission is sought for the development as a whole, but also that detailed (full) planning permission is sought for 3 aspects of the proposal, namely site clearance and contamination remediation, site access and works to the Biological Heritage Site (BHS). The outline element seeks permission for c200 residential dwellings and 5 commercial units (up to 500 sq.m of floorspace). Phased development is proposed - Phase 1 (the site east of the football ground) would include 103 residential units, and Phase 2 (to the west of the football ground) would provide 95 residential dwellings and the small commercial element. Both phases are located in the north quarry site.

To facilitate the development, the existing access road off Kellet Road will be upgraded to adoptable standards, comprising an amended junction located slightly further away from the vehicular canal bridge than its current position. There is a possible emergency vehicle link proposed into the Highfield Estate if so required.

- 2.2 The detailed elements of the proposal include clearance of the site, remediation of small pockets of contamination, earthworks to levels parts of the site, and works to part of the BHS. If this application is granted planning permission, these works could be undertaken whilst a reserved matters application is being considered. Part of the BHS will be removed to create a more appropriate developable area, allowing for configuration of roads and building areas. It is therefore being proposed to "relocate" some of the lost BHS to the central quarry area, with an area known as the Canal Corridor Vegetation being included to balance the area of the BHS lost. Additional works to the BHS include the creation of a buffer zone along the revised southern development boundary line, and improvements to the protected sites in the north and central quarry areas. A management plan will also be put in place for the future maintenance of the sites at nil cost to the Council.

- 2.3 In addition to these proposals, a draft Section 106 (s106) agreement was originally submitted with the application in 2007. In summary it proposes that the developer provides:

- 20% affordable housing on site, or a fund for an Registered Social Landlord (RSL) to purchase dwellings of their selection to make available for shared ownership or social rent;
- £15,000 per annum for a bus service upon first occupation of any dwelling for a period of 5 years;
- £350,000 to the Council for the provision of the new foot/cycle bridge prior to the first occupation of any dwelling, subject to the Council first obtaining all necessary consents and licenses, OR £45,000 per annum for a bus service upon the occupation of the first dwelling in Phase 2 for a period of 5 years if the bridge cannot be delivered;
- Up to £153,600 to fund highway works and a Travel Plan;
- Up to £57,000 to fund improvements to footpaths and bridleways;
- A foot/cycle path (plus a bus link if reasonably required) to the Highfield Estate subject to the Council providing the developer with all the necessary consents and licenses – to be commenced prior to 70% of occupations on Phase 1;
- £500 per dwelling towards a community facility relevant to residents of the scheme – to be paid proportionately between the 2 phases, each time prior to the first occupation of any unit

on that phase;

- £300 per dwelling towards open space/recreational improvements of use to residents of the scheme – to be paid proportionately between the 2 phases, each time prior to the first occupation of any unit on that phase;
- A Habitat/Landscape Management Plan for the BHS; and
- A Management Company to collect an estate rent charge from residents towards the ongoing maintenance of the landscaping within the site.

3.0 Site History

3.1 One relevant application relating to this site has previously been received by the Local Planning Authority:

Application Number	Proposal	Decision
07/00633/HYB	Outline application for residential development (approx 230 units) and ancillary commercial units and full application for new access road and remediation of the site and works to the biological heritage site	Withdrawn

4.0 Consultation Responses

4.1 The following responses were received from the statutory and internal consultees back in 2007/2008, though they remain relevant. An update has been sought from County Highways following the conclusion that the canal bridge cannot be delivered, but no comments have been received to date.

Consultee	Response
County Highways	<p>The Highway Authority recognises that the access is a priority junction with a right turn lane and, whilst not ideal, it is probably in the optimum location to give acceptable sight lines. They confirm that the junction could not form part of the canal bridge traffic signals due to capacity constraints. However, to help mitigate the impact of development traffic and improve operational efficiency at these traffic lights, they require that the developer funds MOVA technology and the alteration of the existing loops as part of the s278 (Highway) Agreement</p> <p>The traffic signal junction at Lancaster Road/Market Street is, at many times of the day, running with no spare capacity. It should be noted that this development would only make delays slightly worse. It would be sensible to seek an improvement that provides better pedestrian facilities, which could well include Puffin crossing facilities that can help to minimise traffic delay and improve the pedestrian safety and amenity.</p> <p>The construction of a new pedestrian/cycle canal crossing to link the proposed development with the town centre would significantly improve the accessibility of the site and should preferably be in place prior to 1st occupation of any dwelling on the site in order to encourage sustainable travel. If, for whatever reason the bridge not proceed, the County recommend a contribution of £60,000 per annum for 5 years to pump prime a local bus service. The highway infrastructure must be adequate to accommodate such a bus service. If the bridge proceeds a lower level of contribution of £15,000 per year would be acceptable.</p> <p>A detailed and robust Travel Plan will need to be developed for the site. The submitted Travel Plan needs more detail to be considered acceptable.</p> <p>On the previous application consideration was given to a bus link through to the Highfield Estate and this bus link is still considered desirable. A foot/cycle path could through to Dunkirk Avenue is also considered important and could also provide the function of a bus link and emergency vehicle route.</p> <p>No objection in principle to the proposed layout - all details to be in accordance with</p>

	<p>the Manual for Streets. The development should be designed as a 20mph zone, with traffic calming features. Details of the stability of the embankment adjacent to the canal will be required for the s38 Adoption Agreement.</p> <p>The joint footpath/cycleway along the northerly site boundary is annotated as being for “short-term” access to Carnforth Rangers. The Highway Authority is uncomfortable with the mix of vehicles accessing the football ground and pedestrians and cyclists using the joint path, even for a short period.</p> <p>A developer’s contribution of £153,600 (though this excludes the proposed commercial units as the type and size has not been stated) will be required to address the pedestrian, public transport and cycling deficiencies. To give Committee an indication of the priorities for the developer contribution, the Highway Authority list the following as most important:</p> <ul style="list-style-type: none"> • Provision of the pedestrian/cycle links between the development boundary and the Highfield Estate; • Provision of the cycle/footpath from the canal to North Road Primary School (thus providing an important link to the school away from busy vehicle routes) This would be at a cost of £42,000 and it allows for fencing costs. • A pedestrian crossing in the vicinity of Carnforth High School, preferably a Puffin crossing; • Improved pedestrian crossing facilities to the A6/Market Street/Scotland Road signalised junction; • Public Transport contributions. If Members are of the view that a bridge is not necessary and are minded to approve the development, the money for the bridge will go towards additional public transport provisions including a bus gate for public transport penetration into the site; • Quality standard bus stops; • Canal towpath improvements. <p>Should Committee be minded to approve the application, the following Conditions are recommended:</p> <ul style="list-style-type: none"> • New pedestrian/cycle bridge to be constructed to appropriate standards; • Scheme for construction of site access and off-site highway works to be agreed prior to commencement of development; • No part of development occupied or open for trading until access and highway scheme referred to above has been fully constructed; • Agreement of Residential Travel Plan measures; • Developer enters into s106 Agreement to address shortfalls in sustainable transport; • Provision of an emergency vehicle link, including its dual use as a pedestrian/cycle link and potential location of a bus gate; • Adoptable highway details to be agreed; • Parking provision for the development to accord with County standards, and retention of all garages and parking spaces at all times thereafter.
<p>County Ecology</p>	<p>The service has fundamental issues with the proposal and wishes the Local Authority to consider a refusal based on the following reasons:</p> <ul style="list-style-type: none"> ▪ The applicant has not submitted sufficient ecological information, in particular they have not demonstrated that there is no net loss of biodiversity interest, nor have they guaranteed adequate mitigation/compensation in line with Planning Policy Statement (PPS) 9 and its supporting circular, or Policy ER5 of the Regional Spatial Strategy or Policy 21 of the Structure Plan; ▪ At a previous meeting in Spring 2007, an area of Biological Heritage Site (BHS) was identified as the minimum that should be retained. The proposal fails to reflect this and intends to develop a larger area (destroying a third of the BHS) than is deemed acceptable. The areas of particular concern are the

	<p>eastern part of the development area and the south west section;</p> <ul style="list-style-type: none"> ▪ Though the applicant proposes enhancements and long term management of the remaining BHS, it would not adequately compensate for the impacts of the development. The development is therefore over-intensive given the constraints; ▪ The application does not include a comprehensive assessment of the existing biodiversity interest of the central quarry site, nor soil investigations to determine the feasibility of the transplanting/restoration proposals to this area; ▪ The proposals for mitigation/compensation are based upon results of a Phase 1 survey, which is an inadequate level detail to inform proposals affecting a BHS and 4 Habitats of Principle Importance; ▪ All the ponds affected need to be surveyed in order to inform the mitigation/compensation proposals. One large pond is not compensation for the loss of a number of smaller ponds; ▪ The mitigation/compensation proposals for the loss of existing ponds appear to comprise the sustainable urban drainage system (SUDS), which is totally unacceptable. The area designated for the infiltration basin of the SUDS would result in the fragmentation of the BHS between the canal corridor and the north quarry; ▪ The applicant has not considered the presence of any Great Crested Newts within the central quarry site; ▪ The buffer zone is proposed with a drainage system in the BHS, but it should be formed within the developable area as it cannot be included as compensation for other habitat losses; ▪ A lack of compensation for birds and bats; ▪ The locations and extents of donor and receptor habitats, together with retained biodiversity interests should be indicated on a plan to aid clarity;
County Archaeology	No comments received, though they responded to the previous application confirming that they had no archaeological comments to make.
County Planning (Development Control)	The Service has no objection to the proposal, which is a brownfield site and falls with a key service area, and so it generally conforms to the Structure Plan (which was still in place at the time of their response). The public transport infrastructure should be improved and appropriate levels of cycle, car and mobility impaired parking will need to be developed in accordance with the adopted Parking Standards. The revised application is an improvement on the previous one, though the landscaping scheme requires further work, especially in terms of the retention of existing tree clusters and the implementation of a wider buffer zone. The City Council should be satisfied that the proposed development would not sterilise any workable economic mineral resources in this area.
County Planning (Planning Contributions)	<p>No comments received prior to February's Committee. However, the following contributions were sought from the previous application:</p> <ul style="list-style-type: none"> • £120,972 for youth and community facilities; • £62,720 for libraries; • £153,600 for transport (plus an additional amount for the commercial element once their use and size has been determined, although this includes £42,000 for a cycle route from the canal to North Road Primary School and £10,750 to monitor the Travel Plan for 5 years and provide Travel Information Packs to each of the properties); • £57,000 for Countryside Access (including costs towards the Lundsfield Pathfinder Project for upgrading local Public Rights of Way); and • £110,400 for waste management
County Planning (Minerals & Waste) -	The Service has no further comments to make upon the application other than those raised on the previous application: It has no objection to the proposal subject to two issues. Firstly, the proposed site and surrounding area are former excavations subject to extensive backfilling with waste that may give rise to difficulties with foundation design, site excavation and contamination. Secondly, there are a number of sites

	located 1km to the south of the proposal that have planning permission for the excavation of sand and gravel, and therefore consideration should be given to the extant permissions within the locale and possible environmental effects of quarrying for the new residents.
County Natural and Historic Environment Services	No comments received.
British Waterways	British Waterways (BW) does not object to the proposed development, but do make the following comments: A Method Statement will be required to ensure the canal is protected from damage or pollution during demolition, excavation and construction. A Management Plan will be required for landscaping adjacent to the canal. An Advice Note will be necessary, should permission be granted, seeking the developer to contact BW to gain the necessary consents prior to commencement of works.
Environment Agency	The Agency objects to the application as it is contrary to Local Plan Policies E12 (Nature Conservation) and E17 (County Biological Heritage Sites). It believes that the impact of this revised application will have a greater impact on biodiversity than its predecessor, especially in terms of the treatment of the wetland area and the wooded corridor. The plans are unclear and ambiguous. The SUDS system that is proposed to deal with drainage should not be considered as part of the mitigation package for loss of habitats, and the infiltration basin in the south west part of the site cannot be considered a wetland habitat and should be removed from the BHS to avoid further damage to the biodiversity. The sites for translocation, habitat creation and enhancement have not been clearly identified. Finally they request that the wooded corridor along the canal to the north and west edges be retained to maintain wildlife interests.
Natural England	Natural England is aware of the responses from the Wildlife Trust and County Ecology, and advise that the Council take appropriate measures to address the concerns raised in relation to the serious risk of damage to the Biological Heritage Site and the loss of biodiversity (including the loss of habitats and species listed in the UK Biodiversity Action Plan). The Council should also ensure that legally protected species, such as Great Crested Newts and bats, are sufficiently dealt with.
The Wildlife Trust for Lancashire	The Wildlife Trust objects to this application because of the unacceptable 32.6% loss of existing Biological Heritage Site (including a 10% loss of an UK-Biodiversity Action Plan Priority Habitat - calcareous grassland) and the further 16.5% within the retained BHS habitat being adversely affected (disturbed through remediation with the restoration outcome uncertain). Though there is more information in this re-submission, the continuing lack of detail and reliance upon future unspecified works/surveys makes it difficult to assess the likely effectiveness of the proposed mitigation/compensation strategy, especially concerning habitat recreation and species translocation, and thus demonstrating no net loss of heritage value. As such the applicant has failed to prove that the development is in line with Structure Plan Policy 21 (which was still in place at the time of their comments) and Lancaster District Local Plan Policy E17. The arrangements for the future management of the retained land, including the Geological Heritage Site, are also not sufficiently referenced.
Ramblers' Association	The Association support the new footbridge over the canal, though would prefer the 'green route' through the site to be more 'off-road'. They would also like to see provision of footpaths alongside the canal, into the Green Belt/farmland to the south, and into King's Drive and Dunkirk Avenue to the east.
Lancashire Regionally Important Geological and Geomorphological	Lancashire RIGS Group objects to the application, which does not address their previous concerns. Their objection is principally on the grounds of the significant loss of the Geological Heritage Site and lack of information regarding proposals to protect what would remain. Whilst the creation of new wildlife habitats may be possible in favourable circumstances, comparable mitigation is not an option since geological

Sites (RIGS)	phenomena are not susceptible to such arrangements.
Police	No comments received.
Fire & Rescue	No comments received.
United Utilities	The utilities company has no further comments to make upon the application other than what they penned on the previous application: It does not object to the proposal in principle provided the site drainage is designed so that surface water is discharged to soakaway, with foul only to the foul sewer. They do not currently adopt Sustainable Urban Drainage Systems (SUDS) and will only consider the adoption of surface water sewers draining to a balancing pond if certain conditions are met.
Sport England	The application does not directly affect land in use as a playing field, but residential development would surround (on three sides) the existing football club facilities. Phases 1 and 2 of the development should not threaten the continued operation of the club. Conflict with the residential use can occur if not properly planned, and therefore the detailed design must ensure the residential scheme does not prejudice the use or restrict the development of the club in situ (e.g. ball-stop fencing may be advisable). It recognises that the ground could be developed as a potential Phase 3, and compensatory equivalent provision would be required. However, the scheme does not make provision for on-site sport and recreation and the £70,000 figure for off-site provision is not clear in terms of what would be delivered. Proposals should generally incorporate health, cultural, recreational, sport, education and training provision in major development schemes.
Tree Protection Officer	Generally the trees within the site create a scrub cover with few significant, individual trees of note. However, there are large and mature trees established along the embankment of Lancaster Canal, to the north and west of the site, providing important and considerate screening and aesthetic value. The retention and protection of these trees and their roots during any development of the site is essential. It is recommended that an Arboriculture Implications Assessment is undertaken and submitted, in line with " <i>BS 5837 (2005) Trees in Relation to Construction – Recommendations</i> " and incorporating an Arboriculture Survey, Tree Constraints Plan, Method Statement (for all works in proximity to trees), a proposed landscaping scheme and a 10 year maintenance regime.
Housing Policy Officer	The Officer is clear on their requirements: 20% provision of affordable housing to be pepper-potted on site, with a 50/50 split between socially rented and shared ownership, and a suitable mix of sizes and types of housing that meet the specification requirements of the chosen Registered Social Landlord (RSL). The RSL used must be one of the Council's preferred RSLs.
Environmental Health Service	The service generally does not object to the proposals subject to the following conditions: <ul style="list-style-type: none"> • Hours of work restriction during demolition, site preparation and construction, including vehicular access, deliveries and other movements of heavy and goods vehicles; • Approval of dust control measures prior to commencement; • Prior notification of any piling activities; • A Reclamation Method Statement for the removal, containment or otherwise of contaminants to be approved by the Council in advance of commencement of works on site, and then the works specified in the Statement to be completed in accordance with the approved methodology; • If during reclamation, any contamination is identified that has not been considered in the Statement, then remediation proposals for this contaminant must be approved with the Council prior to the continuation of further works; • A Validation Report and Certificate confirming achievement of the Statement's objectives must be submitted to and approved by the Council, including the remediation of any further identified contaminants; and

	<ul style="list-style-type: none"> • Suitable fume extraction equipment to be approved by the Council prior to commencement of works on the commercial units where appropriate. <p>The Pollution Control Officer recommends the application be refused on the grounds that the Air Quality Assessment has inadequately addressed the likely impact the development would have on Carnforth's Air Quality Management Area, particularly in relation to traffic data in the report. An Advice Note is also required regarding burning of wastes.</p>
Cultural Services	No comments received.
Carnforth & Area Regeneration Partnership (CARP)	The CARP Executive strongly recommend the inclusion of a new foot/cycle bridge over the canal and report that the City Council's Canals Task Group are also in favour of its delivery. They would also seek the track to Back Lane dedicated as a public right of way and foot/cycle paths created to the Highfield Estate.
Lancaster District Sustainability Partnership	The Partnership is very concerned for the future of three former industrial sites in the Carnforth and Warton area, including Lundsfield Quarry. It is a Biological Heritage Site that supports many species which are very rare or declining in Lancashire. The proposals for the quarry site are considered by the conservation groups and Environment Agency to be seriously damaging to the wildlife interest. Under the Joint Lancashire Structure Plan, Policy 21, there should be no net loss of heritage value in any development that is permitted on Biological Heritage Sites.
Carnforth Town Council	<p>The Town Council wishes to reiterate the comments they made on the previous application (07/00633/HYB): It is far from happy that development is proposed at the quarry site. Housing would be better provided on site(s) nearer the town centre, and there is an urgent need for affordable housing, local sporting facilities and small industrial units. It recommends that housing on the site should be limited to 100 or so affordable properties only, a number of small industrial units (on land that is less suitable for housing) should be developed, the Biological Heritage Site should be properly conserved, and amenity open space and playing fields with associated sports facilities (incorporating Carnforth Rangers football ground) provided.</p> <p>The Town Council is concerned about the single vehicular access from Kellet Road and the potential safety implications for those accessing schools and the children's centre. They seek a further access from Back Lane via Windermere Road, alleviating the need for an emergency access into Dunkirk Avenue.</p> <p>Traffic lights at the access/egress should be moved east to provide a single traffic control system for the bridge together with access into the Lundsfield Quarry development. Though the new foot/cycle bridge is desirable, it should be provided in the early stages of the development to Lyne Rigg Estate/Canal Turn car park or via Stanley Road, Hill Street and Towpath Walk, not to Alexandra Road. They are also concerned about the sewerage capacity, and seek a planning contribution for CCTV in the town centre if planning permission is granted.</p> <p>The new foot/cycle bridge over the canal must be included in the development, and completed in the early stages of the scheme. The Town Council also wish to ensure the approved plans are strictly adhered to. They also have concerns about contamination, sewerage capacity and financial contributions. Any s106 and s278 monies/works must be spent/delivered accordingly, and highlight that funding for improvements to the town's library and A6/Market Street traffic lights is already allocated from other budgets.</p>

5.0 Neighbour Representations

- 5.1 The following responses were received from the members of the public and Carnforth Football Club back in 2007/2008. 3 residents on the eastern side of the application site object on the basis of loss of views and privacy caused by the high properties, and the noise and congestion created by the

additional vehicular traffic utilising the access road. Loss of wildlife / reduction in size of the heritage site, additional pressure on local schools and the depleted fire service were also cited as reasons for objecting.

3 residents on Kellet Road have raised concerns about the scheme only being served by a single access/egress, and the safety thereof, and question whether there is an alternative and safer route through the Highfield Estate. They are particularly concerned about the safety of the local school children.

5.2 Carnforth Rangers Football Club does not object to the principle of development at Lundsfield, but do have the following concerns about the application:

- The consultation was unsatisfactory, leading to confusion amongst the general public over the application's exclusion of the football ground;
- The proposals may lead to ransom strips, hindering the football club's future development plans for the football ground;
- The development of the quarry in the manner proposed opposes the regeneration objectives of the CARP;
- The current proposal provides no commitment towards the integrated development of Lundsfield as a whole;
- The development has an adverse affect on the Biological and Geological Heritage Site that could be minimised if the football ground was included in the application site; and
- The enjoyment of the existing facilities could be adversely affected if permission is granted.

With regard to public consultation, the revised application has raised fewer objections than its predecessor (07/00633/HYB), although the nature of the objections has not changed.

The proposed footbridge over the canal into Alexandra Road has again concerned a number of local residents who feel that it will exacerbate the existing litter and parking problems, as well as create further disturbances to the residents due to noise of passing people and a loss of privacy and security caused by this additional footfall. One resident is concerned that the existing footpath, of which there is only one along the west side of the road, is not adequate to deal with the extra foot traffic.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 National Planning Policy Statements (PPS) and Guidance notes (PPG)

PPS1 (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in

PPG 13 - Transport. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

PPS3 (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously-developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing. The guidance does make the distinction that 'low cost market' housing may not necessarily be considered (for planning purposes) as affordable housing.

PPS 9 (Biodiversity and Geological Conservation) - aims to ensure that planning decisions maintain, and enhance, restore or add to biodiversity and geological conservation interests. Prevention of harm to biodiversity and geological conservation interests is paramount. When granting permissions, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought or else the development be refused. Where previously developed sites have significant biodiversity or geological interest of recognised local importance, local planning authorities and developers should aim to retain this interest or incorporate it into any development of the site.

PPG 17 (Planning for Open Space, Sport and Recreation) - advises local authorities to avoid any erosion of recreational function and maintain/enhance the character of open spaces, and to ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment. Authorities should also protect and enhance those parts of the rights of way network that might benefit open space, and consider the impact of any development on biodiversity and nature conservation.

6.3 Regional Spatial Strategy - adopted September 2008

Policy **DP2 (Promote Sustainable Communities)** - fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities, improving the built and natural environment, conserving the region's heritage, promoting community safety and security including flood risk, reviving local economies, promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling.

Policy **DP4 (Make Best Use of Existing Resources and Infrastructure)** - development should accord with the following sequential approach: first, using existing buildings (including conversion) within settlements, and previously developed land within settlements.

Policy **DP5 (Reduce the Need to Travel, Increase Accessibility)** - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy **DP7 (Promote Environmental Quality)** - understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land and remediating contaminated land and use land resources efficiently, maximising opportunities for the regeneration of derelict or dilapidated areas, promoting green infrastructure and the greening of towns and cities.

Policy **L4 (Housing Provision)** - address the housing requirements by ensuring the construction of a mix of appropriate house types, sizes, tenures and prices, encourage new homes to be built to Code for Sustainable Homes standards, promote the use of the Lifetime Homes standard, ensure that the transport networks (including public transport, pedestrian and cycle) can accommodate additional demand generated by new housing; and maximise the re-use of vacant and under-used brownfield land and buildings.

Policy **L5 (Affordable Housing)** - developments should secure the provision of affordable housing, which should remain affordable and available in perpetuity.

Policy **RT2** (Managing Travel Demand) - measures to discourage car use (including the incorporation of maximum parking standards) should consider improvements to and promotion of public transport, walking and cycling. Major new developments should be located where there is good access to public transport backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car.

Policy **RT9** (Walking and Cycling) - encourage the delivery of integrated networks of continuous, attractive and safe routes for walking and cycling to widen accessibility and capitalise on their potential environmental, social and health benefits.

Policy **EM1** (Integrated Enhancement and Protection of the Region's Environmental Assets) - The Region's environmental assets should be identified, protected, enhanced and managed. Schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands. Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance. Schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places.

Policy **EM5** (Integrated water management) - protect the quantity and quality of surface, ground and coastal waters and manage flood risk.

Policy **EM16** (Energy Conservation & Efficiency) - ensure that the developer's approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of development and energy consumption.

Policy **EM18** (Decentralised Energy Supply) - new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

6.4 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 90% of new dwellings to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC4** (Meeting the District's Housing Requirements) - the Council will aim to maximise the opportunities offered by the development of new dwellings to redress imbalances in the local housing market, achieve housing that genuinely addresses identified local housing need and secure units of affordable housing in perpetuity.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

Policy **SC7** (Development and the Risk of Flooding) - Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

Policy **ER7** (Renewable Energy) - to maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

Policy **E1** (Environmental Capital) - development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where

dereliction can be cleared and contamination remediated.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

6.5 Lancaster District Local Plan - adopted April 2004 (saved policies)

Policy **H6** (Housing Opportunity Sites) - identifies Lundsfield Quarry as a potential housing development site.

Policy **H10** (Affordable Housing - partially saved) - sets a threshold of 20% for affordable units for this site.

Policy **H12** (Layout, Design and Use of Materials) - new housing developments will only be permitted which exhibit a high quality of design and local distinctiveness.

Policy **H19** (Site Layout and Amenities) - in Lancaster, Morecambe, Heysham and Carnforth, new residential development within existing housing areas will be permitted where there is no loss of open/green spaces, it does not adversely effect the amenities of nearby residents, it provides high standard of amenity, and it makes satisfactory provision for disposal of sewerage, waste water, servicing, access and car and cycle parking.

Policy **T9** (Provision of Buses in New Developments) - States that all housing development should be designed to maximise opportunities for using public transport and should be located as close as possible to existing or proposed bus services. Where appropriate pedestrian/cycle links should be provided. Where a site is currently poorly served by bus, the Council will negotiate with developers a contribution towards the operation of a local bus service to start during the early stages of development. Where a developer is unwilling to make reasonable provision for maximising the use of public transport, development will not be permitted;

Policy **E12** (Nature and Geological Conservation) - The Council will ensure that any impacts upon wildlife, wildlife habitats, protected species and important geological features are taken into full account. Where development is permitted, developers will be required to minimise any adverse impact and/or create and provide for the appropriate management of compensatory wildlife habitats;

Policy **E17** (Sites of County Conservation Importance) - Development likely to damage or destroy a County BHS or County Geological Heritage Site (GHS) will not be permitted unless the need for development outweighs the need to protect the site. Where development is permitted, developers will be required to minimise adverse impacts and to compensate for these by appropriate habitat creation or enhancement measures, either within the site or the immediate local area.

Policy **E29** (Urban Greenspaces) - These areas will be protected from development and where appropriate enhanced. Exceptionally, essential education or community related development or the limited expansion of existing uses will be permitted.

Policy **R1** (Outdoor Playing Space) - Areas designated as outdoor playing space will be protected from development. Development which would result in the loss of such space will only be permitted where sport and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site or alternative provision of equivalent community benefit is made available.

7.0 Comment and Analysis

7.1 Background

Prior to the submission of both 2007 applications, Planning Officers were involved in discussions with the developer regarding this scheme and many statutory consultees were involved in the 'Development Team' process to shape and develop the submissions.

The initial application (07/00633/HYB) was submitted in Spring 2007, with a report due to go before Members at the July 2007 Planning Committee. However, the applicant withdrew this application at a late stage after Officers recommended it for refusal. The report raised a number of concerns,

which the current application sought to address.

In April 2008, the Planning Committee resolved to approve the application subject to the delivery of the canal bridge. Despite years of discussions with adjacent landowners, numerous site visits and information supplied by the applicant on bridge design and topographical surveys, it has been concluded that a bridge crossing cannot be achieved. The application is therefore back before Committee in light of this detailed analysis of bridge options.

7.2 Providing Inclusive Communities

PPS1 promotes the development of mixed, inclusive, sustainable communities. The proposal delivers in ways the previous proposal did not. The application proposes to redevelop a brownfield site that suffers from contamination whilst providing housing (including a percentage of affordable housing), establishing routes across the site, and enhancing the residual areas of the BHS.

The layout and overall design of the scheme (albeit illustrative) has also been improved to ensure the scheme is more inclusive, making it attractive to new residents and existing neighbouring residents alike.

7.3 Community Benefits

New development should enhance community facilities rather than detract from them. Although the football ground falls outside the Housing Opportunity Site identified in the Local Plan, the developer has not incorporated this land into their proposals despite the benefits that could be achieved by doing so. There would be many positives from utilising this land. Firstly, it would allow a greater developable area and thus minimise the need for land-take within the protected Biological Heritage Sites. Secondly, a replacement football ground could be located in an area that would suit the club's needs better and where they could develop wider community involvement, making the club more sustainable in the long term and attracting youth into sports and recreation. And finally, the ground would not be surrounded, overlooked or encroached by development, which in effect would happen if they remain in situ as proposed in the application. The inclusion of the football ground in the proposals would make it possible for the site to be developed in reverse, ensuring that the west end was developed first, so construction traffic would not need to travel through an occupied residential area. Regretfully the developer is not resolving to relocate the football ground at this time and hence gain these benefits. Though the proposed layout has been designed to incorporate the football ground as a possible third phase (should a suitable alternative site be secured for a football ground and the club agree to sell), there is no alternative than to approach the site in the way submitted. However, it should be noted that despite the advantages that the inclusion of the football ground would deliver, the ground is excluded from Lancaster District Local Plan's housing opportunity site designation, and therefore there is no compulsion on the developer to incorporate it within their submitted scheme.

7.4 Desirable Infrastructure - the new canal bridge

The City, County and Town Councils are concerned about the delivery of the new canal bridge. The Councils deem the bridge to be highly desirable to the scheme; without it the site is not nearly as sustainable and it would encourage the use of private motorised travel along the one access/egress track onto Kellet Road because of the journey times/distances involved. To demonstrate this, average distances are set out in the table below based on distances from the central part of the application site and assuming a bridge and associated footpath link to Oxford Street:

	With bridge	Without bridge
Rail station	0.75km	1.1km
Bus stops on A6	0.45km	0.9km
Supermarket	0.6km	1km
Convenience store	0.55km	0.55km
Post office	0.75km	0.9km
Doctor surgery	0.7km	0.95km
Library	0.4km	0.95km
Primary school	0.3km	0.75km
Secondary school	0.7km	0.7km

However, whilst the delivery of the new bridge over the canal is an important part of the scheme to make the site accessible by other means than the motorised vehicle, County Highways have not objected to the scheme without it despite the clear benefits that would result. Instead they have requested that an existing bus service is diverted into the site for a period of 5 years at a total cost of £225,000. It is recognised though that this is a relatively poorer alternative to a new canal bridge as it will clearly not be as effective in changing individual's travel habits in this congested market town.

Unfortunately, following years of investigations into the matter, the local planning authority has had to regrettably conclude that the new canal bridge is not an option. Following receipt of a bridge design and a topographical survey from the developer, the case officer re-visited the application site to find a suitable location for the new canal bridge, and then spoke to the relevant landowners about the proposal. A very brief summary of the findings are listed below (to be read in conjunction with the appended plan at the end of the report):

1. If the bridge was essential to the site being developed, British Waterways would require the developer to pay them a significant percentage of the development value. This would make the whole scheme unviable. The bridge, as defined by County Highways, is desirable rather than essential, so a 'ransom' situation does not arise as there is an alternative solution. However an Oversail Agreement must be entered into with British Waterways as the bridge crosses a water course that is the responsibility, and in the ownership, of British Waterways. Despite numerous conversations with different members of staff within the organisation, British Waterways are holding out for a significant sum to be paid in association with the Oversail Agreement from the developer. This could make any bridge proposal unviable.
2. Location 1 – a bridge across the Marina would be financially unviable due to the additional span required to bridge the wider expanse of water, and there are no obvious routes through to Lancaster Road.
3. Location 2 – a bridge connection into Alexandra Road is not possible due to the changes in topography between the south bank and the road on the northern side would mean that the bridge would have an adverse impact on residential amenity (and as such is unacceptable for planning reasons). Connecting a bridge to the end of Hill Street or Alexandra Road would have resulted in a construction that would have been overbearing on the residential properties on the north bank. Furthermore, it would have overlooked these dwellings, eroding their privacy.
4. Location 3 - a bridge connection into Towpath Walk via an informal, unmade footpath (unsuitable for the same reason as Location 2 above).
5. Location 4 - a bridge connection into Hill Street would be financially unviable as it would require the re-location of a sub-station and associated overhead cables, and it would have similar problems to Locations 2 and 3 in terms of adversely affecting residential amenity.
6. Location 5 would require land to the north of the canal currently owned and operated by Travis Perkins. Whilst this land is allocated as a Housing Opportunity Site, no proposals for its development have been forthcoming. If this site did come forward it could potentially provide the land required to provide the desired crossing. But it is not an available option at the present time.
7. Location 6 would require land from North Road County School, but despite the case officer meeting with the Head of Governors and the Head Teacher to explain the situation, the school's Body of Governors ruled against the sale of school land. Even if the Governors had been agreeable to the disposal of land the necessary application to the Secretary of State may have been refused if the disposal resulted in the school failing to meet its requirements for playing field space.
8. Location 7 could potentially accommodate a bridge crossing (land on the north bank at this location is owned by the City Council and British Waterways). A ramped footpath would be required from the bridge onto the northern towpath due to the local topography. It would rely upon the Travis Perkins site providing the essential link through to Lancaster Road as part of any future housing development on the site, which is not guaranteed. The town centre link

may therefore be achievable in the long term, but it would be indirect and very costly, especially as it involves numerous landowners.

9. Other options further east or south along the canal provide little, if any, benefit.

7.5 Site Accessibility

Linked to the issue of the new canal bridge is the matter of accessibility and concerns relating to connections to and from the bridge. The case officer has maintained from the outset that a safe, designated foot/cyclepath(s) away from the site's road network should be provided linking the Highfield Estate (the existing residential area to the east of the application site) to the centre of the development site. This link, also referred to as a 'greenway' because of the sustainable, safe and visually pleasant non-motorised route it would offer, is essential to the delivery of an effective pedestrian and cycle network. The developer altered their previous submission to incorporate such a path into the Masterplan. However, the path when designed as part of the Reserved Matters application should provide permeability and connectivity along a 'non-road' route, with as few road crossings as possible.

The only proposed access onto Kellet Road provides an indirect route to services and facilities such as a convenience shop, bus stops, secondary school and open and equipped play space, which will encourage car journeys into Carnforth, which already suffers severely from congestion. The provision of this direct, non-motorised link(s) into the Highfield Estate is the best alternative to the new canal bridge.

7.6 Highway Layout

The road network previously raised a concern in relation to the canal. The applicant has revised their layout and removed the roads and parking spaces that abutted the canal. This is unavoidable along the access road, but once into the site the relationship between the canal setting and the built environment needs to be complementary. Though the design detail is a reserved matter, the masterplan shows a layout that is far superior to the previous scheme.

7.7 The Biological Heritage Site and Open Green Spaces

The applicant has taken note, in part, of previous concerns raised by the Council in relation to open space and recreational needs. The informal recreation designation in the north west corner of the site by the marina (which has since been superseded by the publication of the Core Strategy) has been addressed through a more appropriate design. The detail to be provided at the reserved matters stage will be critical to ensure that opportunities at the marina to deliver community facilities, employment opportunities and local tourist attractions are maximised.

Also where previously the applicant sought to develop the area of Urban Green Space, the current application seeks to leave this area undeveloped. However, this space is not an open, grassed area for informal recreational and sport use, and therefore is limited in its use. Neither does the developable area of the proposed scheme provide such an area of open space, thereby relying upon the somewhat geographically-removed play space and kickabout area on Dunkirk Avenue.

This puts undue pressure on the neighbouring protected areas, namely the canal corridor and the Biological Heritage Site (BHS) to the south. Although a new towpath along the canal may provide some recreational value, it cannot provide for other informal recreational pursuits. Similarly, the BHS provides biodiversity value, but by nature of its protective designation, it should only attract limited public use in the interest of protecting plant and animal species. In line with good practice urban design principles, built environments should be broken up with adequate amounts of green spaces to create attractive places for recreational, environmental and social purposes.

One third of the BHS is due to be developed under the existing proposals; an area greater than that advised by the County Ecologist during a pre-application site meeting in early 2007. To address the loss of a large section of the BHS compensation/mitigation measures are required to ensure the remainder is enhanced and managed, and important species and habitats retained and safeguarded. However, 3 of the statutory consultees (Environment Agency, County Ecologists and the Wildlife Trust) have 3 key concerns regarding ecology. Firstly the developer is proposing to install infiltration basins (as part of their sustainable urban drainage system) into the BHS and claims that it will

improve the biodiversity interest of that area without any evidence of such. The consultees disagree with this assumption and believe it will not only reduce the level of biodiversity value in this area but also disconnect the northern quarry BHS from the canal BHS. Secondly from the developer's submissions it is unclear what habitats/species are to be lost, transplanted or maintained and where such occurrences are to take place. Thirdly, especially in the central quarry BHS, the areas have not been tested to see if they are appropriate for transplantation, and therefore moving species into these areas may ultimately not be successful.

Prior to taking these points in order, it should be recognised that the existing condition of the BHS is quite poor, and the developer is only seeking to develop areas of the BHS that have little or no biodiversity value wherever possible. The proposed works and Management Plan will help to improve the north and central quarry areas and secure their future.

The infiltration basins can be designed to be wet or dry, but the developer's ecological consultants have shown in their submissions that greater biodiversity value can be gained from them being wet.

Though the development of basins in this area will remove 2 existing ponds, these can be re-provided elsewhere within the BHS at a ratio of 2 new ponds for every 1 lost. This can be secured by way of the s106 agreement.

The issue regarding what is being maintained, transplanted or lost in each area has been confused somewhat by some areas of the BHS being split into 2 sections, such as 4a and 4b. Where previously it seemed that various habitats were being created one on top of another (which is not very often possible), resulting in queries being raised over what habitats were being lost/gained and how the biodiversity value could be accurately calculated, it became clear that habitat A was being transplanted into area 4a whilst habitat B was remaining in situ in area 4b, for example. This matter was clarified in writing by the developer's ecologists just prior to February's Committee (in 2008), hence the verbal update at that meeting.

Lastly, the questionable success or otherwise of the transplantation of the calcareous grassland from the north quarry to the central quarry can be quashed as there is already this type of habitat within the central quarry site. In addition the developer's ecological consultants have provided an example of where such transplantation has been successful elsewhere.

Therefore the applicant has shown through its submissions to the Council that their development proposal is not detrimental to the biodiversity value of the BHS.

7.8 Affordable Housing

The applicant has addressed the Council's previous concerns regarding affordable housing (subject to the final wording of the s106 agreement being agreeable). It is proposed to provide a suitable mix of housing to meet local needs and meet the requirements of national planning guidance.

The site should deliver 20% provision of affordable housing to be pepper-potted around the site with a 50/50 split between socially rented and intermediate housing. The proportion of affordable properties should reflect the overall offer across the site. In other words, if 50% of all dwellings are 3-bed houses, the affordable housing mix should include the same proportion of 3-bed houses. The developer has also agreed to work with one of the Council's preferred Registered Providers (RP) to deliver the affordable housing. The provision, phasing, tenure split, mix of dwelling types/sizes and occupancy criteria should be secured by way of a s106 agreement.

By pepper-potting the affordable units around the site, in line with good practice for increased social inclusion, it will also ensure that the units will be delivered in Phases 1 and 2 rather than all at the end of the build programme. There should be no aesthetic difference between open market and affordable units in order to integrate residents within a diverse community.

The draft s106 agreement submitted by the applicant refers to a sum of money being made available to one of the Council's preferred RPs to purchase any property they wish for a social rent or shared ownership. This would be in lieu of provision of affordable units on site. The sum would be based upon £9,000 per dwelling that is granted reserved matters consent. However, this would achieve significantly less than the 20% affordable homes sought under Policy H10 of the Local Plan (and less than the 30% sought under the Core Strategy and the Affordable Housing Practice Update), and

therefore is not an acceptable option.

7.9 Design & Energy Efficiency

It is not proposed that the development be built to particularly high standards of energy efficiency or incorporate any form of renewable energy. However, the development should meet at least Level 3 of the Code for Sustainable Homes, and generate at least 10% of its ongoing energy requirement from on site renewable technologies. Conditions are imposed to this regard.

The case officer is concerned not only about the build quality in terms of energy, but also about the design quality of the residential properties. The design of the properties must relate to their environment. The properties and their layout must complement their surroundings, and not merely be an implanted, standard house type.

7.10 In summary, the site is allocated for residential development, and therefore the principle of developing this brownfield site for housing is accepted. Unfortunately, further to years of investigation it has been proved beyond doubt that the most sustainable community benefit that this development could have potentially delivered is not achievable, namely the new canal bridge. In light of its omission, it is therefore critical that the scheme incorporates an appropriate provision and mix of affordable housing (as a priority – see Section 8 below) to meet local housing needs. Other crucial measures include pedestrian linkages to the local facilities on and beyond the Highfield Estate, and mitigation and compensation of the Biological Heritage Site.

8.0 Planning Obligations

8.1 Market Conditions

The application was submitted in 2007 before the market went into decline. The draft legal agreement submitted by the developer was therefore calculated on the basis of projected sales figures at the time of submission. Since the 'credit crunch' house values have dropped, and therefore the development value of the application site has also decreased. Even taking this into consideration, the level of contribution that can be afforded is less than previously envisaged. Therefore the local planning authority has carefully considered the contributions sought, and has prioritised the provision of affordable housing over the other matters in line with the Council's priorities. The other contributions to be secured are listed below. It should also be noted that since the application was last reported to Planning Committee, regulations have been published that govern how and when contributions are sought. The obligations identified below are considered to be in accordance with the regulations.

8.2 Transport Contribution

The new canal bridge has been discussed at length within the body of the report, so further commentary is not required. As it cannot be delivered, the alternative is for the developer to pay a contribution of £225,000 over 5 years towards a bus diversion into the site, starting on the occupation of the first dwelling. This is a very costly exercise for what could result in little benefit (in fact it could put off existing users as route times would increase), especially by the time all the properties are occupied in Phase 2 the 5 year period may have expired and the bus service would cease unless it was viable for the bus operator to continue the diversion. In addition, there is a requirement for £75,000 to be paid as part of Phase 1, which would provide a bus diversion into the eastern section of the site. Together with the request for a further contribution of £153,600 for transport improvements and £57,000 for bridleways and footpaths, the total transport contribution would amount to in excess of half a million pounds. In the view of the local planning authority, the only long term benefits that this development can achieve in transport terms are linkages into the Highfield Estate, and therefore this should be the only element taken forward from the list of County's requests.

8.3 Affordable Housing

There is a clear need for both open market and affordable housing of various tenures, types and sizes. This application, if approved, must secure an appropriate mix of residential properties, especially in terms of the affordable units (see Section 7.8 above). These details are reflected in the recommendation below.

8.4 Biological Heritage Site

Enhancements and future management of the Biological Heritage Site (BHS) is critical to the development as part of the BHS is lost to it. To ensure that there is no net loss of biodiversity interest, the retained BHS should be appropriately enhanced and managed. It is therefore appropriate to require the developer to enter into a legal agreement to secure this aspect of the development.

8.5 On-site landscaping

Most development sites include pockets of landscaping that fall outside the curtilages of the private dwellings. Whilst conditions can be applied to ensure that these spaces are appropriately located and planted, and then maintained for a set period of time, their ongoing maintenance is not secured unless arrangements are put in place by way of a legal agreement. The developer can either levy a service charge on the new residents of the development to fund the maintenance programme through a private management company, or the land can be transferred to the City Council with the commuted sum (amount to be agreed) for future maintenance. Such a provision should be included within the legal agreement attached to any planning permission granted.

9.0 Conclusions

9.1 The application site is designated as a Housing Opportunity Site in the Local Plan. However, the site has a number of constraints, namely the Biological Heritage Site (BHS), an industrial past resulting in a variety of ground conditions, a football ground located centrally albeit outside the site, and a lack of linkages. The application needs to adequately address each of these constraints.

As set out above, the case officer is satisfied that the developer has identified a suitable way forward to undertake works to the BHS and progress a Management Plan for the site to enhance its existing condition and secure its future. Though the geographical area of the BHS will be reduced the improvements will result in an overall net gain of biodiversity value over the north and central quarry sites.

The case officer has exhaustively explored the possibility of the new canal bridge, concluding that a bridge cannot be delivered in the current circumstances. Whilst the bridge remains a desirable link, it is not critical to the development. However, the provision of linkages into the Highfield Estate should be secured.

The football ground has been excluded from the development site, which is a missed opportunity, but the ground is not included in the housing designation. However, the illustrative masterplan shows that the football ground could be accommodated into the residential scheme in the future if a suitable alternative site is identified and secured for the football club's relocation. In terms of the ground conditions, this is controlled by planning conditions required by the Council's Environmental Health Service.

It is for these reasons that the Council recommends that planning permission is granted subject to the signing of a s106 agreement that incorporates the items set out below and the conditions listed thereafter.

Recommendation

Subject to the signing and completion of a Section 106 Agreement covering:

1. 20% affordable housing provision including 50/50 split between social rented and intermediate housing, type/size of affordable units based on the same proportionate split of total dwelling types/sizes across the site, phasing plan and occupancy criteria
2. Foot/cycle links to Highfield Estate, including a 'greenway' through the application site
3. Biological Heritage Site Management Plan
4. Ongoing maintenance arrangements of on-site landscaped areas

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

1. Standard 3 year timescale
2. Great Crested Newts and bat surveys required
3. Biological Heritage Site Management Plan required – mitigation / compensation measures to be implemented
4. Geological Heritage Site Management Plan required – mitigation / compensation measures to be implemented
5. Arboriculture Implications Assessment incorporating an Arboriculture Survey, Tree Constraints Plan and Method Statement
6. Adoptable highway details required
7. Off site highway works, including the installation of MOVA technology to the canal bridge traffic lights, new road layout on Kellet Road, a roundabout at the junction of Back Lane and Kellet Road and central refuse on Kellet Road by Carnforth High School
8. Protection of visibility splays
9. Wheel cleaning facilities – temporary during construction
10. Hours of construction
11. Scheme for dust control – earth moving and construction activity
- 12-15. Contaminated land conditions
16. Asbestos
17. Construction Method Statement

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

1. Outline Permission – Reserved Matters required (except access, site remediation and works to the Biological Site)
2. Illustrative plans only
3. At least 10% on site renewable energy
4. At least Code level 3
5. Landscaping scheme required
6. Site and plot boundary treatment
7. Car parking arrangements
8. Cycle storage facilities
9. Travel Plan
10. Refuse storage facilities
11. Wheel cleaning facilities – temporary during construction
12. Separate drainage system
13. Surface water regulation system using a sustainable drainage system
14. Hours of construction
15. Construction noise – pile driving condition
16. Scheme for dust control – earth moving and construction activity
17. Details of ball-stop fencing around the football ground

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this 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.

Background Papers

1. Plan of the Lancaster Canal adjacent to the Application Site