### The Site and its Surroundings

1. **The Site and its Surroundings**

1.1 The 3.6ha site is located between the St George's Quay to the north, the elevated West Coast Main Line embankment, viaduct and Carlisle Bridge to the east and the embankment of the former Glasson branch line to the south west. It is triangular in shape and is relatively flat. It forms part of the wider Luneside East regeneration site.

1.2 The site is located close to the city centre, the bus station and the railway station. There are two principal access routes to the site; via St George's Quay/Damside Street or via West Road/Meeting House Lane. Both routes join the City Centre gyratory system and pass through residential/tourist areas. The X1 bus service runs past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct purpose-built cycle link to Lancaster Station from Long Marsh Lane and St George's Quay and New Quay Road form part of the District's Strategic Cycle Network. The site is also a relatively short walk from Lancaster City Centre.

1.3 Policy H3 of the Lancaster District Local Plan identifies 3.4ha of land adjacent to the St George's Quay area as a brownfield Housing Opportunity Site. A Development Brief for the area was adopted as Supplementary Planning Guidance by the Council in January 2000 and revised in September 2004. This sets out in detail the Council's vision for this site within the context of the economic position that prevailed at the time.

1.4 The River Lune to the north is a County Biological Heritage Site and beyond that lies Morecambe Road and the Ryelands area of residential development. To the east of the West Coast Main Line lies the regenerated St George's Quay area where residential developments and conversions have recently taken place and produced an attractive residential scheme. This area forms part of the Lancaster Conservation Area. To the south west of the site, on the opposite side of a wooded railway embankment, which is designated as a Green Corridor, lies a small new residential development with the Lancaster Football Club "Giant Axe" ground and an area of Victorian terraced
houses beyond. At the western corner of the site is the Scaleford Retirement Home with the Lancaster Cricket Club beyond.

2.0 The Proposal

2.1 The application has been formally amended and now seeks planning permission for 149 new dwellings comprising 40 2-bedroom, 77 3-bedroom and 32 4-bedroom properties with associated parking and landscaping. Vehicular access is gained from 2 existing access points on St George’s Quay, with a pedestrian link created through the site to Long Marsh Lane to the south.

2.2 The material palette has changed throughout the submission; the revised Design and Access Statement proposes reconstituted stone throughout the development, with tile to the roofs.

3.0 Site History

3.1 The site has an fairly extensive planning history but the 3 most relevant applications are:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01287/OUT</td>
<td>Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses</td>
<td>Permitted</td>
</tr>
<tr>
<td>06/00126/FUL</td>
<td>Modification of conditions 1 and 12 attached to outline planning 01/01287/OUT - to extend the time limit for the submission of reserved matters</td>
<td>Permitted</td>
</tr>
<tr>
<td>10/01134/RENU</td>
<td>Renewal of Outline application - 01/01287/OUT as amended by 06/00126/FUL for comprehensive mixed use development</td>
<td>Permitted</td>
</tr>
</tbody>
</table>

4.0 Consultation Responses

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Highways</td>
<td>Objects - lack of information construed as being detrimental to highway safety and residential amenity (especially driveways onto Long Marsh Lane with no consideration of existing on-street parking).</td>
</tr>
<tr>
<td>County Ecology</td>
<td>No objection but questions whether the proposed mitigation and compensation measures can be implemented given the proposed loss of trees and lack of opportunity for replacement planting. Amendments – Welcomes the retention of the embankment but there will still be a need for ecological mitigation (new landscaping, bat roosting, bird nesting opportunities, etc).</td>
</tr>
<tr>
<td>County Archaeology</td>
<td>No objection subject to a condition requiring no works taking place on the site until the implementation of a pre-agreed programme of archaeological work has been secured.</td>
</tr>
<tr>
<td>English Heritage</td>
<td>No objection subject to the design of the proposed development protecting and preserving the structures and archaeological deposits relating to the Potworks either by open space or non-destructive foundation design. The application should be determined in accordance with national and local policy guidance and on the basis our specialist conservation advice.</td>
</tr>
<tr>
<td>Natural England</td>
<td>No objection in relation to statutory nature conservation sites. Natural England has not assessed the application for protected species, but considers the site could benefit from enhanced green infrastructure, and there may be opportunities to incorporate landscape and biodiversity enhancements. Amendments – Nothing further to add.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>No objection subject to conditions relating to the development being implemented in accordance with the FRA dated April 2013 including mitigation measures for storm</td>
</tr>
</tbody>
</table>
water storage and finished floor levels, surface water drainage system and scheme for foul drainage disposal.  
\textbf{Amendments} - No further comment to add.

<table>
<thead>
<tr>
<th><strong>United Utilities</strong></th>
<th><strong>No objection</strong> subject to conditions relating to separate drainage systems for foul and surface water, and no building over or planting close to the public sewer and its access strip.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Network Rail</strong></td>
<td><strong>No objection</strong> but as the development is within 10m of the operational railway line and Network Rail land the applicant is to supply a risk assessment and a method statement for the works on site</td>
</tr>
<tr>
<td><strong>Police</strong></td>
<td><strong>No objection</strong> but application provides no information on how the applicant seeks to reduce crime and increase community safety (e.g. Secured by Design). Nothing to add to previous comments.</td>
</tr>
</tbody>
</table>
| **Fire & Rescue**   | It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.  
\textbf{Amendments} – Previous comments apply including advice regarding water provision. |
| **Environmental Health** | **No objection** subject to hours of construction, dust control and pile driving conditions. |
| **Tree Officer**    | **Objects** – 3 groups of trees should be retained and the submitted arboriculture report lacks a detailed Tree Constraints Plan, Tree Protection Plan and detailed Arboriculture Method Statement for all works proposed within identified root protection areas. In addition, a detailed Tree Works Schedule will be required for any work proposed to the canopies of retained trees, a detailed landscape scheme and 10 year maintenance regime. |
| **Conservation Officer** | **No objection** subject to the quayside properties being finished in natural stone under natural slate roofs.  
\textbf{Amendments} - Amended plans acceptable. |
| **Urban Design Officer** | **Objects** – significant design concerns (no distinctive identity, no highway hierarchy, no consideration of context, car dominant, contrary to SPG4) and considers it unacceptable that no community consultation has been undertaken by the applicant. |
| **Lancaster Civic Society** | **Concerns** – Lancaster Civic Society welcomes the development of the derelict site but has a number of concerns/enhancement requirements - materials, architectural details, lack of soft landscaping, lack of public open space and a children’s play area within what is a very dense development of family houses, perimeter boundaries, a streetscape view of St George’s Quay to demonstrate if the new buildings harmonise with the existing St George’s Mill building.  
\textbf{Amendments} – Please to see applicant has responded to community wishes regarding the embankment. In terms of the other aspects their previous comments still apply, and they wish to endorse the comments by the City Council’s Urban Design Officer. |

### 5.0 Neighbour Representations

#### 5.1 The response from local residents and other members of the public can be divided into those observations that were received before the May 2014 amended plans, and those received after.

Prior to the submission of amended plans, there had been correspondence from 60 objectors citing the following reasons:

- Loss of the embankment / green corridor
- Loss of protected trees
- Adverse impact on biodiversity
- Increase in noise (embankment acts as a buffer)
- Increase flood risk (embankment acts as a barrier)
- Lack of open space and children’s play equipment
- Lack of public consultation by the applicant
- Applicant ignored advice provided by Council Officers
- Applicant “cherry-picking” - not seeking to deliver a comprehensive development
- Detrimental impact on highway safety / increased traffic on Long Marsh Lane and West Road
- Cut-through over Castle Hill – contrary to vision for Lancaster Castle as a tourist attraction
- Poor design – fails to meet the “urban village” vision
- Detrimental to character of area
Inappropriate site / development / land use
Pollution / contamination concerns
Contrary to the original planning consent
Contrary to the advice provided by Council Officers to the local community since 1997 at public consultation events
Increase in anti-social behaviour

Some additional objections have been received but the standard letter submitted has been left unsigned so they are excluded from the number of objectors stated above.

A petition containing 700 names has been submitted opposing the application and the loss of trees.

Both City Councillor Jon Barry and County Councillor Gina Dowding object to the application on the following grounds:
- The embankment should be retained
- There should be no vehicular access onto Long Marsh Lane
- There is a lack of green space
- It reneges on previous commitments to the local community over many years
- Current application is contrary to the original planning consent
- The proposed housing development lacks infrastructure

5.2 The developer’s amended plans (retaining the embankment and removing 21 dwellings from the scheme, including the affordable housing) have been the subject of further public consultation. That consultation was in the early stages at the time of compiling this report, and as such no further neighbour correspondence had been received. Any responses will be verbally reported.

6.0 Principal National and Development Plan Policies

6.1 **Housing provision (including affordable housing)** – National Planning Policy Framework (NPPF) paragraphs 49 and 50; Core Strategy policies SC1, SC2, SC4 and ER2; saved Local Plan policies H3, H12 and H19

- **Design (including Public Realm)** – NPPF paragraphs 56, 58, 60, 61, 64 and 66; Core Strategy policies SC5; saved Local Plan policies H12 and H19

- **Access, highway safety and efficiency, and parking** – NPPF paragraph 32; Core Strategy policy E2; saved Local Plan policy H19

- **Heritage assets** – National Planning Policy Framework (NPPF) paragraphs 129, 131 and 132; Core Strategy policies E1

- **Open space provision** – NPPF paragraph 73; Core Strategy policy SC8; saved Local Plan policy R11

- **Trees** – Core Strategy policy SC1; saved Local Plan policy E13

- **Ecology** – NPPF paragraph 118; Core Strategy policy E1; saved Local Plan policy E12

- **Sustainable construction** – NPPF paragraph 96; Core Strategy policy SC1

- **Drainage** – NPPF paragraph 103; Core Strategy policy SC1

- **Residential amenity** – saved Local Plan policy H19

6.2 The Council is in the late-stages of preparation of an emerging Local Plan and has now produced a Submission version of the Development Management DPD. Policies in the emerging Local Plan are a material consideration. However, the degree of weight that can be afforded to these policies varies depending on stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the Framework (paragraph 216 of the NPPF). Some weight can therefore be afforded to the following draft policies that received no significant objections at the Publication stage and are relevant to this application:

- **Housing provision (including affordable housing)** – emerging Development Management DPD policy DM41

- **Design (including Public Realm)** – emerging Development Management DPD policies DM3 and DM35

- **Access, highway safety and efficiency, and parking** – emerging Development Management DPD policy DM20, DM21, DM22 and DM23

- **Heritage assets** – emerging Development Management DPD policies DM32 and DM34
6.3 Whilst Supplementary Planning Guidance and Documents (SPGs and SPDs) do not form part of the Development Plan, they are a material consideration. The Council’s Supplementary Planning Guidance 4 (Luneside East Development Brief – September 2004), Supplementary Planning Guidance 12 (Residential Design Code – September 2004), and Meeting Housing Needs Supplementary Planning Document (February 2013) are therefore relevant to the consideration of this application.

7.0 Comment and Analysis

7.1 The material considerations arising from this application are:
- Principle of Development
- Development Funding and Deliverability
- Affordable Housing Provision
- Design, including layout
- Access, highway safety and efficiency, and parking
- Impact on Heritage Assets
- Open Space Provision
- The Embankment, Trees and Ecology
- Sustainable Construction
- Drainage
- Residential Amenity

7.2 Principle of Development
The wider Luneside East site was subject to a Development Brief (2004), which sought to transform this heavily-contaminated and predominantly derelict site into a vibrant new quarter with a mix of residential, workspace and food and drink uses.

The site’s planning history, both in terms of planning applications and local policy, already establishes the principle of housing on the western half of the site. The proposal seeks to deliver 149 residential units. This is a significant amount of housing, to be delivered on a predominantly brownfield site, and it will contribute towards the Council’s 5-year housing supply. The principle of housing development on the site is therefore acceptable subject to the other material considerations.

7.3 Development Funding and Deliverability
Since the Brief was produced there have been significant achievements. Prior to the housing market crash in 2008, good progress was made in securing public funding for site assembly, achieving a successful Compulsory Purchase Order and securing a developer partner. However, since the onset of the recession, the disbanding of the North West Regional Development Agency, and the changes to public funding that followed the 2010 General Election, maintaining this progress has been much more challenging and has required a greater degree of flexibility from all parties involved to maintain some level of progress and protect the Council from risk in holding a site in the condition it was when acquired.

Loan finance from the Lancashire Economic Partnership via the ‘Growing Places’ Fund has allowed the overall site developer, Luneside East Ltd (now Northpoint), to clear and remediate this heavily contaminated site and demolish part of the existing mill ahead of any site redevelopment. In 2010 outline planning permission for the whole site was renewed followed by a full planning approval for Phase 1 of the masterplan (which includes a wide range of new uses within the mill).

A key condition of securing the Growing Places loan is that Northpoint must appoint a housebuilder who, in turn, are required to obtain planning approval for the residential element of the overall development. Upon securing planning permission, this part of the site will be sold to the housebuilder and the proceeds used to repay the loan. At the same time, Northpoint are required to co-ordinate
the development of the whole site and to deliver the other uses (e.g. the redeveloped mill, open space provision etc.) that is envisaged in the Development Brief.

The failure to repay the outstanding Growing Places loan (for example, due to inadequate development returns) could have the effect of prejudicing the ability of other schemes in the district to benefit from such funding in the future. It might also reflect negatively on the Council’s reputation in terms of not demonstrating the flexibility required (by the National Planning Policy Framework and Practice Guidance) to secure starts on stalled development sites.

7.4 Affordable Housing Provision

The applicant proposes no affordable units as part of their 149 dwelling scheme. When the outline application was renewed in 2011, 20% provision was clearly sought. The committee report (10/01134/RENU) stated:

“Saved Local Plan policy H10 requires 20% of the new dwellings to be affordable… which would go some way to meeting the local housing need in this area of Lancaster. This would seem an appropriate level of provision given the considerable costs of remediating this site and raising site levels for flooding reasons. If, however, at the time of submitting a Reserved Matters application the developer questions the scheme’s viability based on the 20% provision of affordable housing, their appraisal can be tested against the recent Affordable Housing Viability Study which was commissioned by the Council for the District. The applicant would be required to provide robust evidence to show why this level of contribution is unviable.”

However, this is now a stand-alone full application, so the Council’s adopted policy position is for 30% provision. The applicant was made aware by Officers that if they sought to deliver either no affordable housing (or less than the relevant proportion) then their submission would need to be support by a robust viability appraisal.

The viability appraisal associated with the revised scheme was received shortly before the deadline for drafting this Committee Report. As such, the content of the appraisal had not been fully assessed before going to print. The appraisal does confirm that the total number of dwellings being proposed has reduced from 170 to 149 as a result of the retention of the embankment. It should be recalled that this revised scheme and the loss of housing numbers – has been proposed by the developer to satisfy the wishes of the local community.

This has impacted upon scheme deliverability and the financial returns arising from the development.

The viability appraisal will be evaluated before the Committee Meeting and further information will be verbally presented. Whilst this is not an ideal situation, it is preferable to the deferral of the planning application because of the need to determine this major planning application in accordance with government timescales (and the extension of time that has been secured with the agreement of the applicant).

7.5 Design, including Layout

This application has been a frustrating one for Officers. Pre-application advice was provided in writing on March 2013, setting out the standards that were expected to be achieved. That advice concluded that the initial proposal was not locally distinctive, didn’t establish a strong sense of place, and had not developed organically to complement the industrial heritage of the site. Officers also advised that the scheme should be presented to ‘Places Matter’, which is the independent design review team for the North West. The applicant refused this request.

The scheme was subsequently amended to address some, but not all, of the design and layout issues that had been highlighted by Officers. The layout still remained rather suburban in nature, with the applicant seeking to utilise their standard house types across the body of the site with no particular reference to the individuality of the locality. This is reflected in comments from the Lancaster Civic Society, Urban Design Officer and some local residents.

Improvements were again secured in terms of the design of the frontage to St George’s Quay and the provision of a pedestrianised ‘green corridor’, taking the form of a tree-lined boulevard extending from the mill through to Long Marsh Lane.
The proposed palette of materials initially proposed brick for most properties and reconstituted stone and concrete tiles to the site’s frontage on St George’s Quay. Given this site is the foreground to a view of Castle Hill (a scheduled monument), Lancaster Castle and The Priory (both Grade 1 Listed buildings) this did not, in the opinion of Officers, demonstrate the importance of the setting of the nearby heritage assets.

Further amendments have resulted in the submission of a revised Design and Access Statement. This confirms that all of the properties will be constructed from reconstituted stone, under tiled roofs. Whilst this is broadly acceptable through the main body of the site, Officers still contend that the site frontage properties should be finished under a slate roof, given the impact that these quayside properties will have on longer-distance views of the heritage assets. It is with this in mind that condition 6 requires natural slate to those properties on the frontage to the Quay.

7.6 Access, Highway Safety and Efficiency, and Parking
The Highway Authority objected to the application as initially submitted. Their objections were predominantly due to the introduction of new vehicular driveways on (and increased use of) Long Marsh Lane. The revisions to the plan result in the removal of all of the properties fronting Long Marsh Lane. This is anticipated to remove the main highway objection to the scheme, and a verbal update regarding County Highway’s comments to the revisions will be provided.

The applicant advises that the number of parking spaces across the site will be 269 (reduced from the 293 spaces previously proposed for 170 dwellings). This equates to approximately 1.8 spaces per dwelling. County had previously advised that parking provision should be 1.5 spaces per dwelling, and so the provision being proposed exceeds the standards.

Under the conditions of the outline permission, the wider site redevelopment (including the commercial uses) was envisaged to deliver off-site highway works, which would include works along the Quay and – away from the site – at Westbourne Road/Station Road junction. The outline planning application is still extant and the lead developer (Northpoint) are continuing to liaise with the Council in regard to the future, wider requirements for off-site highway works.

7.7 Impact on Heritage Assets
The initial application was submitted without a Heritage Statement despite pre-application advice. This was eventually remedied and the revised Heritage Statement has been the subject of consultation.

Aside from initial concerns regarding external materials, other consultees (notably English Heritage and County Archaeology) have made representations regarding the quality of the archaeological remains associated with the Potworks, which is a part of the site that was excavated in 2007 (and additional work in 2009). The recent remediation work in 2013 also allowed recovery of pottery from the site. The Potworks are considered to be “the best-surviving example of a Delft-ware pottery kiln in the UK”. County Archaeology advise that the material that has been recovered from the site has national, and potentially international significance. The site was assessed by English Heritage under the Ancient Monuments and Archaeological Areas Act 1979. That assessment concluded that the heritage asset did not meet the criteria required for Ancient Monument status.

The applicant’s archaeological consultant has also reached the same conclusions regarding the archaeological significance, and advises that further archaeological works are still required on the site, namely the in-situ preservation of the kiln – either through the use of open space or a non-destructive foundation design if dwellings are proposed. As dwellings are being proposed on the Potworks site, the developer proposes to use a foundation design which aims to retain the remains in situ. The consultant accepts that the shardruck deposits (a tip of broken pottery and fire clay) “need to be taken into account” and so an archaeological condition will ensure that this is the case.

The existing mill is not a listed building, but is clearly important within the streetscene and as part of the setting of the heritage assets beyond (when observing from across the River Lune). The setting of nearby heritage assets can be safeguarded with the use of stone and slate on the quayside properties. This is especially true given that the first amendments secured improvements to the scale and height of the quayside units.
7.8 **Open Space Provision**

The outline planning consent required the applicant to deliver “*recreational open space and equipped children's play facilities*”. Given the density of development proposed within the confines of the red edge, and taking into account the mass of land that is retained at the embankment, there is no opportunity for on-site provision, particularly taking into account the reduction in the number of propose dwellings and the impact that this has on overall scheme viability.

The only concession that the applicant has made is the pedestrian boulevard through the site to Long Marsh Lane. The surface treatment and the planting along this boulevard should be of a high quality to compensate for the lack of open space within the site.

On the issue of the wider Luneside East site, the situation regarding open space provision is comparable to that of the off-site highway works. The extant outline allows for open space provision (or a contribution towards open space within the general locality, potentially towards Quay Meadow), and the lead developer, Northpoint, will be required to liaise with the Council in this regard.

7.9 **The Embankment, Trees and Ecology**

One of the most contentious parts of the application concerned the initial loss of the existing western part of the embankment and its replacement with dwellings.

During pre-application advice, Planning Officers informed the applicant that the loss of the embankment would be controversial, saying:

“If the embankment cannot be retained as part of the new plans, then it requires an innovatively-designed urban park to provide that connection between the existing residential neighbourhood and this new development. The fact that this area was identified as an area that must be well-designed, attractive and capable of being a ‘gateway into the site from Long Marsh Lane…to be well-integrated within the urban fabric…an attractive and well-landscaped link for pedestrians and cyclists to and from Long Marsh Lane” (Paragraph 7.29 of the Development Brief) and a “focus for community activities and events” (Paragraph 7.30) reflects its importance within the wider vision. This park must be well-related to the housing and must go much further than the usual standard and size of public open space/children’s play space. This letter already emphasises the need for a more orthogonal layout, and that will provide an opportunity for a more orderly provision of open space. The site’s industrial history and strong geometry gives further credence to the view that the urban public space should have a unique identity”.

The letter continued by advising:

“It will be incumbent upon any developer to hone any proposals relating to the embankment with local residents, as required by Paragraph 7.33. Details of this process would need to be included within any subsequent Statement of Community Involvement”.

The applicant chose to ignore this advice. Unsurprisingly, when the scheme was formally submitted there was significant public opposition. As part of the objections, the local planning authority received a request from a resident to investigate whether the trees along the embankment were worthy of a Tree Preservation Order (TPO). Following assessment, a Provisional Tree Preservation Order was imposed on the trees in question.

The effect of the TPO (and the highway objection to increased use of Long Marsh Lane) has been to require revisions to the scheme. The embankment is now shown as being retained, with the group of trees remaining in situ. The retention of the trees means that the ecological mitigation measures as accepted by County Ecology can be implemented; something that the County Ecologists had questioned when the scheme proposed the removal of this landform and the vegetation it supports. The County Ecologist has provided a list of mitigation/compensation measures which can be controlled via (proposed) planning condition 16.

It is also envisaged that the revisions will remove the objection from the Tree Protection Officer. Any further consultation responses will be verbally provided.

7.10 **Sustainable Construction**

The outline planning consent required the applicant to deliver housing that meets level 3 of the Code for Sustainable Homes and at least 10% of the development’s ongoing energy requirements from
renewable energy technologies. As this is a stand-alone, detailed application the applicant is not required to comply with such requirements. The revised Design and Access Statement confirms that all new dwellings will be constructed to Code Level 3 (for Sustainable Homes) and a 10% carbon reduction improvement on the 2010 Building Regulations. Condition Number 8 will ensure compliance.

7.11 Drainage
The scheme would be served by connections into existing foul drainage that runs along St George’s Quay. In terms of surface water the proposed means of dealing with its run-off is by creating an outfall into the River Lune via a subterranean pipe under St George’s Quay. This arrangement has been agreed with United Utilities and the Environment Agency.

7.12 Residential Amenity
Further to late receipt of a noise assessment, Environmental Health has considered the document and agreed with the mitigation measures proposed. These measures are required to protect the future residents of the properties in close proximity to the elevated West Coast mainline that runs along the eastern side of the site from noise emanating from the railway that it utilised day and night throughout the week.

8.0 Planning Obligations

8.1 For the reasons set out above relating to viability there are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The tone of this report expresses the frustration that Officers have encountered during discussions with the applicant, particularly in regard to layout, design, house types and open space. Latterly the retention of the embankment – satisfying the wishes of the local community - has resulted in the removal of the affordable dwellings from the scheme.

However the development still has the potential to deliver a number of significant benefits, most notably the re-use of a significant proportion of a derelict, brownfield site that has lain empty for some considerable time. At a time when the neighbouring Luneside West development is being built out, this has the potential to revitalise the Quayside.

The scheme will also deliver a substantial number of dwellings at a time when the Council cannot currently demonstrate a 5-year supply of housing. The figure being proposed equates to approximately one-third of the housing supply required annually, and so is a significant material consideration.

This report also considers the financial (funding) considerations that affect the development. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The Act continues defining a “grant or other financial assistance” that has been provided or received by a relevant authority by either a Minister of the Crown or as part of a payment of Community Infrastructure Levy (the former being appropriate in this circumstance).

Whether or not a local finance consideration is material to a decision depends upon whether it could help make the development in planning terms. Decision-takers have to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development. This report sets out these details in paragraph 7.3.

Given these benefits, and the improvements to the submission that have been achieved since the pre-application stage, the planning balance falls in favour of recommending that planning permission be granted.

Recommendation
That – subject to verification regarding the viability appraisal, and subject to County Highways confirming no objections to the revised plan - Planning Permission BE GRANTED subject to the following conditions:
1. Standard 3-year timescale
2. Development in accordance with approved plans
3. Standard amended plan condition
4. Phasing plan to be agreed prior to commencement
5. Sample of external materials to be agreed prior to commencement
6. Natural slate to the roofs of the properties fronting St George’s Quay
7. Windows and doors to properties fronting St George’s Quay to be recessed by 100mm or greater
8. Windows and door frames to properties fronting St George’s Quay to be finished in dark green, dark grey and white (one colour per property block though a mix across the 6 blocks)
9. Dwellings to be constructed in accordance with the Revised Sustainability Statement, precise details of which are to be agreed prior to commencement
10. Access arrangements and internal roads specifications to be agreed
11. Protection of visibility splays
12. Car parking provision, Travel Plan and management scheme to be agreed prior to first occupation
13. Covered, secure cycle and refuse storage (for apartments) to be agreed prior to first occupation
14. Details of all new landscaping scheme and maintenance to be agreed prior to commencement and details of planting timescales to be agreed
15. Development to ensure no-build zone within 3m of the embankment
16. Ecological mitigation and compensation measures to be implemented in full
17. Details of all external lighting to be agreed prior to first occupation
18. Separate drainage system
19. Surface water management scheme
20. Development to accord with previous agreed land contamination strategy, including requirements associated with any importation of new material, soil or hardcore and the prevention of new contamination.
21. Construction Management Plan – including dust control and wheel cleaning facilities during construction, and construction traffic management
22. Hours of construction (Mon to Fri 0800-1800 and Sat 0800-1400 only)
23. No pile driving
24. Prior to commencement, a programme of archaeological work to be agreed – including details of foundation design and location of all subterranean infrastructure over the Potworks and the remaining shardruck dumps, dumps of broken products, wasters and kiln furniture to be agreed
25. No building over or planting close to the public sewer and its associated access strip
26. Method statement and risk assessment in relation to the railway infrastructure and land
27. Acoustic mitigation measures to be agreed prior to commencement
28. Secured by Design principles to be adopted

**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**

None.