

Agenda Item A6	Committee Date 2 March 2015	Application Number 14/01289/FUL
Application Site Land Adjacent To Westgate And Heysham Railway Branch Line Westgate Morecambe	Proposal Erection of 90 new dwellings with associated access	
Name of Applicant Chorley Community Housing	Name of Agent Mr Simon Halliwell	
Decision Target Date 20 March 2015	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Subject to matters being resolved, approval	

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 2.1ha parcel of land roughly triangular in form with its widest part fronting Westgate (approximately 207m) tapering to a point at the far northern end of the site. The site borders Westgate to its southwestern boundary; the Morecambe-Heysham railway branch along the northwestern boundary and the Globe Arena along the eastern boundary. The Hurley Flyer public house sits to the east of the site separated by a small section of scrub land. Opposite the site there are a number of residential and holiday caravan parks. Beyond the railway line the predominant land use is residential consisting mainly two-story semi-detached properties, though there are a couple of dormer bungalows backing the site.
- 1.2 The site is approximately 850m from the West End local centre and approximately 1.3km to Morecambe Town Centre. Westgate links to the A589 (Morecambe Road) to the east and again to the A589 (Marine Road West) on the coast to the west. Access to public transport is good with bus services running along Westgate regularly to the centre of Morecambe. The train station is situated approximately 1km to the north of the site (as the crow flies). There is a public right of way (FP23) on the opposite side of Westgate close to the junction with Westcliffe Drive which provides access to a network of footpaths heading out towards the Lune Estuary.
- 1.3 Westgate itself rises over the railway line along the site frontage. On the site there is a small embankment which sits up against Westgate and quickly flattens out. The remainder of the site is pretty level. The land itself once formerly fields has remained vacant for some considerable time and is now taken over to dense scrubland and grassland with trees formed along two of the sites three boundaries. Steel palisade fencing enclose the site on all boundaries.
- 1.4 The site is largely unconstrained. It is located within the main urban area of Morecambe adjacent to existing development; it is outside any conservation area designation with no listed building in the vicinity of the site likely to be affected by the proposal; there are no protected trees on site or bordering the site and the site falls within flood zone 2. In terms of land allocations, the site has a longstanding allocation as a housing opportunity site.

2.0 The Proposal

2.1 Full planning permission is sought for 90 residential units with associated access off Westgate close to the location of the existing field access. The scheme is 100% affordable housing supporting by central government funding.

2.2 The breakdown of accommodation comprises the following:

- 21 x 2-bedroom dwellinghouses
- 26 x 3-bedroom dwellinghouses
- 5 x 4-bedroom dwellinghouses
- 1 3-bedroom bungalow
- 6 x 2-bedroom bungalows
- 1 x 1 bedroom bungalow
- 16 x 1-bedroom apartment
- 14 x 2-bedroom apartment

All dwellings shall be designed and constructed to meet Code 3 of the Code for Sustainable Homes.

2.3 The development is arranged around an internal loop road arrangement with the bungalows located in the central core of the site. The principal apartment block is two storey in height fronting Westgate to the east of the proposed access. This block is over 50m in length with a maximum ridge height of approximately 8.7m. The height of the block gradually steps down towards the Hurley Flyer public house with discrete steps along the frontage to break up the massing of the building.

2.4 Apartment Blocks B and C are located to the rear of the site. Both of these blocks are two-storey (maximum ridge height to 7.7m). Block B has its rear elevation facing the rear of the Globe Arena and Block C backing the railway line. Parking courts are located to the south of these two blocks. Amenity space has been provided to the north of Block C providing some greening and open space to the development.

2.5 The dwellings are predominately pairs of semi-detached units facing into the central core of the site on the west side of the internal loop road. To the east of the loop road the dwellinghouses are arranged into courtyards with the side elevations of the end units siding the Globe Arena. The majority are all two-storey units with the exception of the end units which act as 'bookends' and are three storey with dual aspects.

2.6 The proposal materials comprise of a mix of three contrasting bricks, concrete interlocking roof tiles, laminate cladding, such as Trespa, with grey UPVC windows and fascia/soffits.

2.7 A single vehicle access is proposed off Westgate opposite the junction into the regent Leisure Park. The new access will provide footways to both sides to provide suitable pedestrian access into the site also. The internal road layout is a loop arrangement with section of narrowing and change in materials to act as traffic calming measures. The scheme proposes 174 parking spaces arranged around three parking courts and in-curtilage parking for dwellinghouses.

3.0 Site History

3.1 Whilst the general locality has witnessed development in recent years (The Globe Arena and The Hurley Flyer), the applications relating to the site are over 30 years old, namely:

Application Number	Proposal	Decision
1/79/72	Renewal of outline planning permissions for the erection of 26 semi-detached bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	Refused
1/78/1097	Amended layout for the siting of seventy nine dwellings	Approved
1/75/1227	Outline application for the erection of 26 semi-detached	Approved

	bungalows, 38 semi-detached houses, 3 detached houses, 12 self-contained flats and 12 garages and off-street parking	
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4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none"> • Details of internal carriageway and connection to existing highway • Details of any requirements to re-profile or cut then existing embankment • Roads to be built to adoptable standards • Improvement/relocation of existing bus stop facility at Regent Caravan Park • Inclusion of ghost island vehicular right turn and pedestrian refuge • Construction method statement • Protection of visibility splays • Review and investigation of TRO in relation to parking within the site. <p>Concerns raised regarding highway drainage & parking management given existing parking problems associated with the football stadium. The above condition should resolve concerns and drainage proposals are currently under review.</p>
Environmental Health	<p>Concerns relate to inadequate noise assessment in relation to plots 1-16 and 67-82 and minimal assessment of light pollution and nuisance from the stadium. The developer has provided further information which is under consideration.</p> <p>Subject to addressing the above, the mitigation measures set out in the noise assessment to be conditioned to secure acceptable living conditions for future occupants given proximity to football stadium - full glazing and ventilation details to be conditioned.</p> <p>Standard contaminated land conditions to be imposed. The developer has provided a site investigation report following these comments. At the time of writing this report, comments from the Contaminated Land Officer remain outstanding.</p>
Network Rail	<p>No objections subject to a number of conditions - Provision of an appropriate 1.8m high fencing along railway boundary including acoustic mitigation measures; Details of drainage ensuring the site drains away from Network Rails assets; Details of any earthworks, finished floor levels carried out near the railway line. Advice notes in respect of construction, landscaping, noise and vibration are also provided for the applicant should permission be forthcoming.</p>
Strategic Housing Officer	<p>No objections – the scheme has already secured central government funding through the Homes and Communities Agency to deliver the development. The scheme delivers a mix of housing types and sizes that will meet the local housing need and welfare reforms, including bungalows. Given the location of the site in close proximity to existing affordable housing stock, the Council with the applicant would agree a Local Lettings Plan to ensure there is an appropriate mix of occupants on site to achieve a sustainable environment.</p>
Environment Agency	<p>No objection subject to conditions regarding (a) Development to be carried out in accordance with the FRA, and (b) Surface water drainage details.</p>
United Utilities	<p>No objections subject to a condition requiring details of the foul and surface water drainage. No surface water to drain to the existing sewer.</p>
City Council Drainage Engineer	<p>Concerns about the proposed surface water drainage strategy. The surface water could drain to the existing drainage ditches and watercourse rather than the public sewer. This should be explored further and details of how surface water will be dealt with addressed prior to determination as the details could affect the layout.</p> <p>Further drainage proposals have been submitted and are currently under further consideration.</p>
Tree Protection	<p>Objection - amendments to demonstrate retention and protection of more of the</p>

Officer	existing trees established to the northern and southern boundary lines.
County Planning	No objections subject to a contribution of £108,267 to go towards 9 primary school places.
Lancashire Constabulary	No objections but concerns raised over parking. The adjacent football club results in excessive parking on the highway. The new development would need to ensure appropriate parking restrictions are imposed to prevent football supporters visiting the club parking on the roads within the new development.
Lancashire Fire Service	Refer to requirements under Building Regulations.
Morecambe Town Council	No objections subject to Highways being satisfied with the new junction, parking restrictions imposed to minimise parking issues that arise from, the adjacent Club on match days, conditions relating to flood risk (finished floor levels) and a management plan for the affordable housing.

5.0 Neighbour Representations

5.1 At the time of compiling the report 5 letters of objection have been received. The main reasons for opposition are as follows:

- Inappropriate location for residential development due to proximity to the football ground – noise, traffic and parking is horrendous on match days.
- Increase in traffic in the Westgate Area and dangerous junction proposals
- Impact on local infrastructure (schools/doctors)
- Impact on house values
- Increase in anti-social behaviour because of the type of housing proposed
- Detrimental impact to the character of the area
- The area is prone to flooding
- Lack of public consultation

Please note the consultation period for public consultation is still ongoing at the time of compiling this report. A verbal update will be provided if additional letters are received.

A letter on behalf of Marston's Inns and Taverns expresses concerns that additional residential development adjacent to their premises could place unreasonable restrictions on their operations which would affect the viability of their business. They have questioned the adequacy of the noise assessment on the basis of the time of year the assessment was undertaken (November). It does not cover the summer months when activities around the application site may be greater due to greater use of the premises external space. Subsequently, questioning whether the LPA can make an informed decision of the likely impacts of neighbouring uses on the proposed development.

In addition to the above, David Morris MP has written to the local planning authority expressing concerns on behalf of his constituents. The main areas of concern are as follows:

- Risk of flooding to surrounding Westgate area if the site is developed;
- Parking problems in the area and additional pressure this will place on Police resources especially on match day;
- Lack of school places at the local school.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)
 Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
 Paragraph 32 and 34 – Transport Considerations
 Paragraphs 47-55 - Housing
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design
 Paragraph 69 – Promoting Healthy Communities (place making)
 Paragraphs 109, 117 – 119 and 123 – Conserving the Natural Environment
 Paragraph 173 – Ensuring Viability and Deliverability
 Paragraphs 186, 187, 196, 197, 203 -206 – Decision making

6.2 Lancaster District Development Management DPD (DM DPD)
 Policy DM20 – Enhancing Accessibility and Transport Linkages
 Policy DM21 – Walking and Cycling

Policy DM22 - Vehicle Parking Provision
Policy DM27 – The Protection and Enhancement of Biodiversity
Policy DM29 – Protection of Trees, Hedgerows and Woodland
Policy DM35 – Key Design Principles
Policy DM38 – Flood Risk
Policy DM39 – Surface Water Drainage
Policy DM41 – New Residential Development

6.3 Lancaster District Core Strategy (LDCS)
SC1 – Sustainable Development
SC4 – Meeting the Districts Housing Requirements

6.4 Lancaster District Local Plan (LDLP)
Saved Policy H2 – Housing Sites in Previous Local Plans

6.5 Supplementary Planning Guidance (SPG)
SPG 12 – Residential Design Code
SPG – Meeting Housing Needs

6.6 Other Material Considerations
National Planning Practice Guidance (NPPG)

7.0 Comment and Analysis

7.1 The principal issues to consider in the determination of this application are:-

- Principle of development and housing need;
- Access and parking considerations;
- Layout, design and residential considerations;
- Landscaping and Biodiversity; and,
- Other considerations – drainage, flood risk, contamination.

7.2 The site is an allocated housing opportunity site as set out in saved policy H2 of the LDLP. This site was an allocated site in the previous Local Plan too. It consists of scrub and grassland. Whilst it is technically greenfield land its condition and appearance is not particularly appealing. Areas of the land along Westgate have been used for dumping waste and litter creating a poor and unattractive environment. The redevelopment of the site will improve this current situation.

7.3 The delivery of housing is an important element of the NPPF. Specifically, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. Where the Council cannot demonstrate a five-year housing supply relevant housing policies should not be considered up-to-date. In which case the key test is set out in paragraph 14 which states that for decision making: *'where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole'*.

7.4 This Council cannot demonstrate a five-year housing land supply and as such the above test applies. Securing 90 affordable units not only positively contribute to the Districts housing supply but would also significantly boost the Council's affordable housing targets set out in the Core Strategy. Addressing local housing needs through the delivery of affordable housing plays a fundamental role in achieving sustainable development. This proposal provides a good mix of housing types comprising mainly 1, 2 and 3 bedroom units. The scheme delivers 'cottage-style' flats for some of the smaller units which is supported by the Council's Strategic Housing Officer. The delivery of bungalows is also something highly welcomed as these will target the over 55 years or those with mobility difficulties. The proposed tenure is for 100% affordable rent which will be calculated at no more than 80% of the local market rent. Whilst our policy seeks a mix of tenures for affordable housing, mainly 50% social-rented and 50% intermediate, such as shared ownership, this proposal is quite unique. Firstly it is a 100% affordable housing scheme and secondly as it is supported and funded by the Homes and Communities Agency (HCA). The scheme housing mix and tenure have been driven by the HCA Affordable Housing Programme, specifically that their funding regime is based on affordable rented units; the local housing demand

for affordable rented units in the area and the fact that the housing mix will help address the impacts of the Welfare Reform. The scheme has been discussed at the pre-application stage with Officers and supported by our Strategic Housing Officer.

- 7.5 In this case, Chorley Community Housing will provide the Council with 100% nomination rights for the initial letting of the 90 units and no few than 50% subsequent letters which will be advertised through the Council's Choice Based Lettings Scheme and prioritisation scheme. The Council and Chorley Community Housing will agree a specific lettings plan to ensure the right balance of tenants on site. This can be secured by planning condition.
- 7.6 Overall, the principal of residential development on this site is well established through the long standing housing allocation of the site. The scheme will also address a much needed housing need for the district as a whole and deliver affordable housing that will address local needs. In this sense, the proposal is compliant with the spirit of section 4 of the NPPF and DM41 of the DM DPD.
- 7.7 **Access and parking considerations**
Policy DM20 states that the Council will seek to ensure development proposals, particularly those that will generate significant footfall and vehicle journeys, are located where sustainable travel patterns can be achieved and are located in close proximity to main transport routes. This is consistent with the guidance set out in the NPPF.
- 7.8 The proposed development is located in the urban area of Morecambe with good access to local services and public transport. The West End local centre is within 1km of the site with the nearest local school and children's centre less than 650m from the site. Regular bus services are available off Westgate with the closest bus stop only 120m from the site. The train station is approximately 1.7km from the site where there are regular services to Lancaster. With regards to cycle links, there is a local cycle route which directly passes the site where it links to the national cycle route (No.69) approximately 1.6km north-east of the site. Overall, the site is accepted to be positioned within a highly sustainable location – locations that can support new residential development.
- 7.9 In terms of the acceptability of the site access, the application has been accompanied by a detailed Transport Assessment (as advised at the pre-application stage) to demonstrate that a suitable and safe access can be provided, in accordance with paragraph 32 of the NPPF, and that the scale of development would not adversely affect the safe operation of the local highway network.
- 7.10 A Traffic Impact Assessment has been undertaken which comprised detailed traffic surveys and modelling. This assessment indicates that the proposed residential development could potentially generate in the region of 35 two-way trips in the AM peak hour and 41 two-way trips in the PM peak hour. Traffic Generation Assessments have subsequently concluded that the development can be safely accommodated with minimal impact on the highway network. The Highway Authority have raised no questions or objections in relation to the assessment undertaken.
- 7.11 The applicant proposes a new access off the B5274 Westgate, which runs in an east-west alignment and is approximately 8-9 wide with footways to both sides. This road is subject to a 30mph speed limit. The access is proposed in a similar position to the field access directly opposite the access to Regent Caravan Park. The access road is 5.5m wide with footways either side with a junction radii of 10m. Visibility splays of 2.4m by 43m can be provided in both directions. County Highways have raised no objections to the location, dimensions or the proposed visibility splays for the new access.
- 7.12 The internal road layout consists of a loop arrangement making it more efficient for larger vehicles to access and egress the site in forward gear. Selected areas of narrowing and changes in surface materials are proposed to provide traffic calming measures throughout the scheme. It is anticipated that the main internal loop road will be adopted with the parking courts remaining in private management. The precise details of the carriageway shall be controlled by condition.
- 7.13 Off-street parking shall be provided for 174 vehicles which equates to just short of 200%. The application indicates all space spaces will be provided for each dwellinghouse and 2-bed flats with 100% parking provision provided for the 2 bedroom flats and 1 bedroom bungalow. The level of provision is regarded acceptable given the nature of the proposal and the sustainable location.

The Highway Authority have indicate the level of provision if adequate. On this basis, the scheme is compliant with Policy DM22.

- 7.14 Parking issues in the area have been raised as a concern by local residents, the MP, the Police and the Highway Authority. It is understood that on match days in particular on-street parking on surrounding streets in the vicinity of the Globe Arena is problematic. Subsequently, the developer will have to provide a scheme for parking management which would involve the developer funding and investigating a range of Traffic Regulation Orders to limit on-street parking at the point of access and within the site. The development would also have to provide adequate management regimes to secure the private parking spaces are not abused by visitors to the football club on match days. It is contended that an appropriately worded planning condition to secure an appropriate scheme for parking management on site would be acceptable.
- 7.15 The Highway Authority have indicated that some off-site highway works would be required to ensure the proposal is acceptable, in accordance with paragraph 206 of the NPPF. The works required include the improvement and possible relocation of an existing bus stop on Westgate close to Regent Caravan Park and the setting out, laying and construction of a right turn ghost island in conjunction with pedestrian refuge facility. Such work can be delivered via condition and s278 under the Highway Act, though Officers have requested a plan to ensure the proposed access and works satisfies the Highways Authority. Members will be verbally updated on this matter.
- 7.16 Overall, the applicant has sufficiently demonstrated that the proposed development can be safely accessed, provides sufficient parking and is not going to adversely affect the safe operation of the local highway network. To deal with parking problems in the area, conditions are recommended to secure appropriate parking management on site particularly during match days. On this basis, it is contended that the proposal is acceptable from a highway safety perspective and that the development complies with paragraph 32 of the NPPF and policies DM20 and DM22.
- 7.17 **Layout, Design and Residential Amenity Considerations**
The application site is positioned between a number of noise-generating land uses including the Morecambe–Heysham railway line, the Globe Arena football stadium, the Hurley Flyer public house and Westgate public highway. Subsequently, the application has been accompanied with an acoustic report as assess the appropriateness of the site for residential purposes.
- 7.18 The assessment proposes mitigation specific to the adjoining uses. In each case the building envelope will need to be improved though the use of specific acoustic glass and ventilation systems. This level of mitigation is acceptable for within the buildings and habitable rooms. For external amenity space, acoustic barriers are proposed along the boundaries with the Globe Arena, Hurley Flyer and the railway line. The assessment indicates that Westgate (where the road rises above the site) would omit the need for an acoustic fence in this location. The assessment considers that the noise generated from fixed plant at the Hurley Flyer would not lead to an unacceptable impact on future occupants. Representations from the adjacent public house question the robustness of the noise assessment, in particular that there has been no assessment of day/evening noise generated from the external areas of the public house especially during summer months. The applicant has been made aware of these representations and is considering the matter further. Their concerns are already summarised in this report; and for information the Hurley Flyer planning permission allows opening between the hours of 0700 to 0030 Sunday to Thursday and 0700 to 0130 on Friday and Saturday.
- 7.19 The Council's Environmental Health Service have accepted the mitigation measures proposed but have sought further information in relation to the acoustic requirements along Westgate. They have raised no concerns over the compatibility of the site adjacent to the public house, railway or football stadium subject to the mitigation prescribed in the submitted report being secured by condition. The applicant is addressing the outstanding issues raised by Environmental Health and those raised by Marstons. A verbal update will be provided. Paragraph 123 of the NPPF clearly states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts. With the exception of the two outstanding matters, the applicant has demonstrated noise emanating from adjoining uses would not render the site unsuitable for residential development. As for the concerns raised by the adjacent public house, it is acknowledged that it is an established business and that new development adjacent to it should be appropriately mitigated to avoid existing businesses later having unreasonable restrictions imposed on them because of

changes to the neighbouring land use. This will be further considered once the applicant has provided their response to these representation.

- 7.20 Turning to the layout and design: One of the core planning principles of the NPPF is to “*always seek to secure high quality design*” (paragraph 17). It continues by stating that “*good design is a key aspect of sustainable development and should contribute positively to making places better for people*” (paragraph 56). Development should respond to “*local character and history and reflect the identity of local surroundings and materials*” (paragraph 58). Development Plan policy requires new development to positively contribute to the surrounding townscape and reflect local distinctiveness.
- 7.21 The local area is not defined by a specific local building style or appearance and so the applicant has adopted a contemporary approach to the appearance of the proposed dwellings and the layout to the scheme in general. The use of brick as the principal material under interlocking roof tiles raises no issues. The clever use of contrasting brick and cladding to the facades helps articulate what could otherwise be relatively bland buildings. The well-designed ‘bookend units’ to each street addresses their dual aspect and adds interest, along with the porch detail, large box window frames, contemporary dormer detail and the subtle variation in the design approach between the dwellings and the apartments. Such features create 3-dimensional relief to the streetscenes and are fully supported. The mass of the apartment blocks are broken up by the use of porches or subtle changes in height as the units respond to the topography. The steps along the façade of Block A also help add interest and reduce the overall bulk of this building. The submitted street scene drawings help demonstrate that this scheme will deliver high quality design which will create a strong sense of place. In relation to layout and design, it is contended that the proposal complies with paragraphs 55-58 of the NPPF and policy DM35 of the DM DPD.
- 7.22 The layout also demonstrates compliance with the residential amenity standards set out in the DM DPD. Separation distances between the proposed units are acceptable and the garden sizes are in general 10m in length as specified in policy DM35. With regards to proximity to existing dwellings, the main bulk of existing residential development is on the opposite side of the railway line and so sufficiently far enough away not to be affected by the proposal. In respect of existing and future amenity, the proposal complies with paragraph 17 of the NPPF and policy DM35 of the DM DPD.
- 7.23 **Landscaping and Biodiversity**
There are no tree preservation orders or conservation area constraints affecting trees within the site or on any immediately adjacent land. The site is characterised by hedgerows and areas of scrubland, much of which can be seen from the public domain. Trees and hedgerows within the site provide important greening and partial screening, including from the railway branch line to the north, public highway to the south and Morecambe Football Club to the east.
- 7.24 The applicant has submitted an Arboriculture Implications Assessment (AIA). A total of 4 groups of trees and 9 individual trees have been identified, including tree species of hawthorn, sycamore, alder, willow and lime. The AIA reports trees as being of “low value” (category C) and as such, should not represent a constraint to development. Whilst the Tree Protection Officer does not disagree with these conclusions, particularly along the Westgate and railway boundaries, these trees provide invaluable greening as well as creating a buffer between the development, absorbing noise and pollution not to mention their wildlife value. On this basis, the Council’s Tree Protection Officer has objected to the proposals. The applicant has indicated that they will revise the plans to retain more trees along the railway and Westgate boundaries in order to resolve these concerns. A verbal update will be provided in relation to this matters.
- 7.25 The landscaping includes areas that serve to break-up areas of car parking and provides ample open greenspace in the form of amenity areas. These details are welcomed.
- 7.26 With regards to biodiversity, the NPPF clearly states that the planning system should “*contribute to and enhance the national and local environment...by minimising impacts on biodiversity and providing net gains where possible*”. This is echoed in local planning policy DM27. The applicant’s extended phase 1 habitat survey and bat report confirms that the site comprises a number of habitat types, including dense scrub, semi-natural woodland and poor semi-improved grassland. It has also assessed the use and potential use of the site by protected species such as bats, breeding birds and badgers. Furthermore it assesses the proposal in relation to nearby

internationally designated sites, including Morecambe Bay.

- 7.27 The assessment concludes that no protected species were found on site but that mitigation and further surveys are recommended. This includes repeat badger survey before the commencement of development, additional activity surveys and the assessment of trees for bat roosts in relation to bats, clearance of any trees, hedges, grassland being carried out outside the bird breeding seasons, together with native planting and sensitive lighting to enhance the ecological value of the site.
- 7.28 On the whole these recommendations are acceptable, with the exception of the recommendations set out for protected bats. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. The authority cannot determine an application without understanding the true impacts of the proposal on bats and whether mitigation is required.
- 7.29 The developer has undertaken a bat report which is not consistent with the recommendations set out in the Phase 1 ecology statement. The trees identified in the phase 1 report as having low potential have been reassessed by a professional ecologist and licenced bat consultant. Their surveys concluded trees on site offer no significant opportunity for bats roosts and no evidence of any roosts were recorded. Subsequently, in accordance with the Bat Conservation Trust guidance (figure 4.1) no survey effort is required. However, there is no explanation why the recommended activity surveys have not been undertaken given the medium habitat quality of the site for foraging and community bats. Before reaching a decision the planning authority has to be satisfied that the full impacts of bats are known and that if necessary effective mitigation measures can be put in place before planning permission can be granted. This has been brought to the attention of the applicant. It is anticipated further information will be required before a decision can be made. A verbal update will be provided on this matter.
- 7.30 **Other issues – Drainage, Flood Risk and Contamination**
National and local planning policy advocates the SuDS hierarchy. The developer has submitted a flood risk assessment and drainage strategy to demonstrate the site can adequately drain and would not cause a flood risk on site or elsewhere. This strategy relies on the surface water draining to the public sewer at greenfield run-off rate. This is contrary to the SuDS hierarchy and conflicts with the consultation response received from United Utilities which states that the surface water should not drain to the public sewer. United Utilities have raised no objection but requested a condition to this effect. It is inappropriate to condition the details of surface water drainage unless there is a feasible strategy in place. The Council's Drainage Engineer has objected and requested further information to justify their position that the surface water cannot be accommodated on site or drain to the nearby watercourse. That information is now forthcoming, and has satisfied our engineer that despite a low discharge rate the watercourse is not in a condition that would ideally accommodate the surface water and as such draining to the public sewer may be the only solution. United Utilities have been re-consulted to establish whether this is possible or not. A verbal update will be provided.
- 7.31 With regards to contamination, a Phase 2 report has been submitted and considered by the Council's Contaminated Land Officer. There remain matters outstanding which the developer has responded to. Officers are waiting on a response from the contaminated land officer to establish whether the details submitted are satisfactory or whether further conditions would be required. Again a verbal update will be provided.

8.0 Planning Obligations

- 8.1 As this is a 100% affordable housing scheme, Officers are satisfied that the occupancy of the properties for affordable housing in perpetuity can be controlled by condition rather than legal agreement. In terms of other requests, County Education have assessed the scheme based on their adopted methodology and concluded that there would be a shortfall of primary school places and that a contribution of £108,267 is required. Officers have advised the developer of this and asked them to confirm whether they can pay this contribution and if not provide sufficient viability evidence to demonstrate why not, particularly given the concerns raised by the local MP and residents about the lack of school places. That said, Officers at this stage are mindful that this is an affordable housing scheme funded by central government and as such do not anticipate a positive response. In terms of paragraph 14 of the NPPF, the lack of an education contribution would not in this case

significantly and demonstrably outweigh the benefits of delivery much needed affordable housing in the district.

9.0 Conclusions

9.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development encompasses an economic, social and environmental role and that these roles are mutually dependant. This proposal presents an opportunity to redevelop a vacant and untidy site in a highly sustainable location which is currently allocated as a housing opportunity site.

The proposal will contribute to the District's undersupply of housing and will provide much needed affordable housing in the city. In accordance with paragraph 49 and 14 of the NPPF, the delivery of housing in a sustainable location carries significant weight and for decision making this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrable outweigh the benefits of the proposal. As the application stands, the main outstanding issues relate to protected species, drainage, noise impacts from Westgate and the adjacent public house, landscaping and whether the developer can support the request for the education contribution and if not sufficiently evidence why not. If such matters can be adequately resolved, Members are recommended to support the proposal.

Recommendation

Subject to the outstanding matters being satisfactorily resolved, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Amended plans list
3. Details of internal carriageway and connection to existing highway - roads to be built to adoptable standards
4. Details of any requirements to re-profile or cut then existing embankment
5. Off-site highway works - Improvement/relocation of existing bus stop facility at Regent Caravan Park/ Inclusion of ghost island vehicular right turn and pedestrian refuge
6. Protection of visibility splays
7. Parking provision to be provided before occupation
8. Scheme for parking management (investigation of TROs or alternative management)
9. Construction Management Plan
10. Materials and samples to be agreed
11. Precise details of windows/doors and their frames, dormer detail and porch canopies
12. Boundary details to be implemented but acoustic barrier details provided and agreed beforehand
13. Development to be carried out in accordance with the FRA
14. Finished floor levels to be provided
15. Surface and foul water drainage details (TBC)
16. Noise mitigation measures to be agreed (TBC)
17. Tree Protection
18. In accordance with AIA/AMS (TBC)
19. Landscaping scheme to be implemented (TBC)
20. Landscape maintenance (TBC)
21. Contaminated Land conditions (TBC)
22. Ecological mitigation and enhancement (TBC)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has and continues to proactively work with the applicant/agent in negotiating amendments which should positively influence the proposal and secure a development that accords with the Development Plan and the National Planning Policy Framework.

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.