

Agenda Item A5	Committee Date 7 March 2016	Application Number 15/00813/FUL
Application Site Land adjacent to Campbell Drive Lancaster Lancashire		Proposal Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access
Name of Applicant Mr Andrew McMurtrie		Name of Agent
Decision Target Date 6 October 2015 (Extension agreed to 31 March 2016)		Reason For Delay Awaiting amendments further to changes in market conditions and additional bat information
Case Officer		Mr Andrew Drummond
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The 2.4 hectare application site is situated on the north side of Quernmore Road about 1.75km to the east Lancaster city centre. The Grade II Listed building, known as the Annexe, is located on higher ground to the west with its old cricket pitch to the north, the M6 motorway runs north-south on higher ground further to the east beyond 2 agricultural fields and the Standen Gate residential area falls to the south.
- 1.2 The site is currently developed with maintenance buildings and associated parking areas in the southern half of the site, and an outdoor bowling green to the rear with natural landscaping to the western, northern and eastern boundaries. The road frontage is generally characterised by a low stone wall punctured by 3 existing vehicular access points and a cluster of stone buildings to the south west corner. There are some red brick structures within the front part of the site. The site slopes downwards from west to east with the most significant change in level occurring immediately the east of Campbell Drive where the land drops away to the lower part of the site.
- 1.3 In terms of designations affecting the site, the site is approximately split in two, with the southern half falling within a Housing Opportunity Site and the northern half and the eastern boundary within an Urban Greenspace. The Outdoor Playing Space lies across both of the aforementioned designations, but only affecting about half of the total site. There are 2 further constraints on the site, namely a Tree Preservation Order (no.381) that affects the whole site and the Mineral Safeguarding Area that primarily covers the eastern boundary and the north west corner.

2.0 The Proposal

- 2.1 The application seeks planning permission for a single storey 372 sq.m (GIA) retail unit and 62 residential units. The 2 and 2.5 storey houses comprise 8 3-bed terraces, 1 5-bed detached, 7 4-bed detached, 8 3-bed semi-detached and 18 4-bed semi-detached. The 3-storey apartment building incorporates 4 1-bed, 14 2-bed and 2 3-bed flats. The properties would be constructed of natural stone and rendered walls under a natural slate roofs.

- 2.2 Access would predominantly be from Campbell Drive, though 2 additional access points are proposed onto Quernmore Road to serve 2 separate parking areas for the retail unit and the 5 terraced properties facing onto Quernmore Road. The existing accesses along the site's frontage would be closed.
- 2.3 To accommodate the proposed development trees would be lost from the centre of the site, as well as the northern and eastern boundaries.

3.0 Site History

- 3.1 There is no planning history directly related to this proposal or site. The adjacent site, known as Lancaster Moor, has a separate outline planning consent (11/00379/RENU) for up to 440 dwellings, which is being brought forward through subsequent Reserved Matters applications. Lancaster Moor is also subject to one standalone full application for 23 dwellings. In total, there is detailed consent for 402 dwellings (Campbell House (7) + western boundary (23) + (High Wood) 197 + Annexe Phase 1 (32) + Phase 2 (51) + Phase 3 (59) + Phase 4 (33)).

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to conditions relating to access roads and arrangements, provision and protection of visibility splays, construction management scheme, off site highway works and cycle parking
County Planning	No contributions sought towards education provision
Sport England	No objection. Sport England supports the proposal as it will address current deficiencies in sports provision (make a contribution to pitch improvements at Far Moor) and complies with the requirements of paragraph 74 of NPPF.
Historic England	Do not consider that it is necessary to be notified of this application.
Conservation Officer	No objection subject to conditions relating to materials and construction details
Natural England	No objection in relation to statutory nature conservation sites.
North Lancashire Bat Group	Initial objection due to lack of information, was sustained further to submission of additional information. Currently being consulted on the further survey work that has been undertaken.
Greater Manchester Ecology Unit	No objection subject to a precautionary bat measures and relocation of the bat box
Tree Officer	Initial objection due to the scale of loss of and impact on protected trees. Despite 2 re-submissions of amended site plans, the Officer maintains their objection due to the impact of the development on the trees proposed for retention both during construction and ongoing occupancy.
Local Lead Flood Authority	No objection subject to conditions relating to the development being constructed in accordance with Flood Risk Assessment
United Utilities	No objection subject to conditions relating to surface water and foul drainage systems
Environmental Health	No objection subject to conditions relating to contamination, air quality, dust control, and hours of work. Comments awaited on the proposed noise mitigation measures.
Police	No objection. Strongly recommend that the whole development is built to Secured by Design standard, but if not then a series of security measures (CCTV, alarms, fencing, locks) should be considered
National Grid	The development does not intersect a pipeline or hazard zone, so HSE Planning Advice does not have an interest in the development.
Civic Society	Consider it most regrettable that the open parkland fronting the Moor Hospital Annexe should be considered suitable for an intensive modern housing development, including the loss of the bowling green and many mature trees. However, the properties are well designed and the inclusion of a retail unit is welcomed.

5.0 Neighbour Representations

5.1 85 objectors have responded to the original application, predominantly representing households within Lancaster Moor, Standen Gate or Standen Park developments (with some households represented by more than one objector) citing the following reasons for opposing the development:

- Contrary to planning policy / inappropriate use of the land (though there is some support for the redevelopment of the site's frontage)
- Adverse impacts on traffic and associated air quality, poor access, inadequate levels of parking, reduction of safety and lack of bus services
- Inappropriate design, over-development of the site leading to overlooking, adverse impact on setting of a Listed building and detrimental to character of the area (which would negatively impact Lancaster's tourism)
- Loss of public open space and protected trees to the detriment of wildlife and amenity
- Retail use would lead to light and noise pollution (unsuitable opening and delivery hours), anti-social behaviour, litter problems, and infestation of rodents (though there is some support for the provision of a convenience store)
- Lack of community facilities in the area, including schools and recreational space
- Other comments relate to the Green Belt and Public Rights of Way (neither designations are found at this site), social housing adversely impacting local house prices and the environment changes into which people have recently purchased properties (not valid planning reasons for objecting)

1 further piece of correspondence has been received listing concerns (which are reflected in the comments above) but neither supports nor objects to the application.

Story Homes, the developer for High Wood, has objected on the basis that the proposal is contrary to planning policy, over-development of the site, fails to respect the visual amenity of the area, results in the loss of protected trees and is of an inappropriate scale resulting in the development having a detrimental impact on a Listed building.

5.2 Further to receipt of the amended plans and the associated re-consultation, a further 68 objections (some from the same author and some originating from the same address) and 2 neither supporting nor objecting to the application have been received at the time of writing, referring to the same reasons as listed above, in addition to a criticism that the applicant has not addressed the concerns of the local residents, flood risk and the lack of affordable housing. Some residents have grouped together to employ Simply Ecology Limited, who have objected to the proposal on the basis of the inadequacy of the bat information. 1 letter of support has been received citing that the old depot buildings are the one current drawback of this beautiful area and given that they wanted to live in this area why should they object to others wanting to do the same.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

Paragraph **17** - 12 core land-use planning principles

Paragraph **49** and **50** - housing

Paragraphs **56**, **58** and **60** - good design

Paragraph **74** – open space, sports and recreational buildings and land

Paragraphs **131**, **132** and **134** - heritage

6.2 Development Management DPD

Policy **DM25** Green spaces and green corridors

Policy **DM26** Open spaces, sports and recreational facilities

Policy **DM27** Biodiversity

Policy **DM28** Landscaping impact

Policy **DM29** Protection of trees, hedgerows and woodland
Policy **DM32** Setting on designated heritage assets
Policy **DM35** Key design principles
Policy **DM41** New residential dwellings

6.3 Lancaster District Core Strategy

Policy **SC1** Sustainable development
Policy **SC2** Urban concentration
Policy **SC5** Achieving quality in design
Policy **ER2** Regeneration priority areas

6.4 Lancaster District Local Plan

Saved policy **H3** Housing opportunity sites
Saved policy **E29** Urban greenspace
Saved policy **R1** Open spaces

6.5 Joint Lancashire Minerals and Waste Local Plan

Policy **M2** Safeguarding minerals

6.6 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 2 (Lancaster Moor Development Brief – June 1998) is therefore relevant to the consideration of this application.

7.0 Comment and Analysis

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

- The principle of a mixed use development of this site
- The loss of open space
- The loss of protected trees
- The impact on the setting of heritage assets
- The design and layout of the development
- The impact on highway safety and efficiency
- The amenity of existing and prospective residents

7.2 The principle of a mixed use development of this site

The re-use of a brownfield site for residential purposes is acceptable in principle subject to the site being sustainably located. The application site is situated about 1.75km from the city centre on the eastern edge of Lancaster, where all the key services can be found. Between the site and the city centre are 2 primary schools and 1 secondary school as well as numerous forms of open space, including parks, gardens, playing fields, allotments and a cemetery. The area is also served by a limited, daytime bus service. The proposal also includes a convenience store, which increases the sustainability of the area and the site itself. Therefore the principle of this mixed use development on this previously developed site is acceptable as the site with the inclusion of the retail unit is considered to be sustainable.

7.3 The loss of open space

7.3.1 The principle of developing on some of the application site that is identified in the saved Local Plan as Urban Greenspace (saved policy E29) and in SPG2 as land to be protected from development has already been established with the High Wood development (13/00232/REM). Saved Policy E29 does allow for "the limited expansion of existing uses", which given the High Wood development already secures housing to the north leaves this part of the Urban Greenspace as being severed from the wider designation and would allow for a "limited expansion" whilst maintaining the rest of the designation which covers the cricket pitch and land to the west of Lancaster Moor known as Far Moor. That said it is fully recognised that the weight that can be applied to such policies is limited as

SPG2 was published in 1998 and the Local Plan was adopted in 2004. Whilst they are material considerations, the recently adopted Policy DM25 holds more weight. This policy also allows for the loss of such spaces where on balance the development achieves wider policy aims and objectives, and it is expected that such development provides a replacement space which is of an equal or better standard and reflects the area's needs. The proposal does seek to achieve other planning objectives in terms of delivering a high quality mixed use development on a brownfield site, including much needed housing. It also seeks to financially contribute towards the drainage of some of the outdoor sports field at Far Moor.

7.3.2 Many of the residents of High Wood have objected to the loss of the bowling green as this is a space utilised by their children. As it happens, this is private land and whilst it is not fenced off it should not be accessed. Therefore the bowling green is not a publicly accessible parcel of open space. However, the cricket pitch immediately to the north of the application site is publicly available, and there are planning conditions on some of the Lancaster Moor consents to secure a drainage and landscaping scheme to make the space usable. There is also a condition on the High Wood consent to secure a woodland trim trail (wooden pieces of play/exercise equipment). These along with the more traditional forms of play equipment on the Standen Gate development mean that the area is well catered for in terms of informal recreation. The issue is more of the loss of a formal outdoor playing space. However, there are provisions within SPG2 that allow the *“existing recreational facility ... [to] be retained or relocated to a suitable alternative site”*, and similar requirements in saved Local Plan policy R1. The condition of the existing bowling green is perhaps an anecdotal sign of the lack of demand for such facilities, but this is backed up by evidence that the Public Realm Officer has of demand and supply of sporting facilities in the area. Sport England has not objected to its loss, subject to the proposal addressing current deficiencies in sports provision. It is their view that if a contribution towards the improvement of the pitches at Far Moor is made the proposal would comply with the requirements of paragraph 74 of the NPPF. The substance of this national planning policy is reflected in the recently adopted DM26, which also allows for the redevelopment of open space where high quality re-provision of equal or better provision than existing is made, and it would seek to serve both existing users and any uplift in users associated with the proposed development. It goes on to state that the value of open space should be determined by the land in question no longer having an economic, environmental or community value. The space as a bowling green is no longer functional and it would not be economical to bring it up to the required playing standard as there is no demand for such a facility. Clearly the local community place a value upon it, but technically it is private property so should not be accessible. Rather the cricket pitch area should be utilised.

7.3.3 The loss of the space is therefore acceptable subject to the delivery of the cricket pitch (secured by other consents) and the level of compensation being sufficient to deliver adequate drainage to Far Moor to meet an existing need; a need that is likely to increase due to the development of more family housing. There is a demand for football pitches in the area, but the pitches at Far Moor, only 170m along Quernmore Road to the east, are inadequately drained and need work. The revised scheme was submitted with information from an agronomist on the soil quality of the Far Moor pitches and it is concluded that it would cost a minimum of £55,000 to bring one of the two pitches at Far Moor up to an appropriate playing surface standard. However, the Public Realm Officer advises that the demand is for junior football pitches, and in particular for under 12s. 3 junior (under 12s) pitches could be accommodated in place of the existing 2 adult pitches on the Far Moor site, so the proposed contribution of £60,500 by the applicant appears to be adequate to cover the costs associated with drainage and markings for the required junior pitch. Feedback from the Public Realm Officer is awaited in this regard.

7.4 The loss of protected trees

7.4.1 The development would lead to the loss of 78 protected trees, including 28 category B trees. Whilst some of these trees do not (individually) positively contribute to the amenity of the area, in terms of them being impressive individual specimens (there are no category A trees proposed for removal) or part of a wider group, the trees to the west, east and north boundaries in particular contribute significantly to the character of the site and its environs. This principle is set out in SPG2, which states *“whilst it may not be realistic to retain every single tree, removal must be kept to an absolute minimum. Existing trees to be retained must be protected from the effects of development.”* This is updated in the recently adopted policy DM29, which seeks for development to positively incorporate existing trees within new development. Where this cannot be achieved the onus is on the applicant to justify the loss as part of their submission. Where loss is justified the Council will seek

replacement tree planting. The trees that line Campbell Drive will be retained, except for one category U tree which has to be removed due to its health, rather than to accommodate the development. The main losses are within the body of the site, to the northern boundary and to the north east corner of the site, with only 31 new trees proposed in compensation. The proposed landscaping scheme does not seek to plant 234 new trees (based on the Council's policy for replacement on a 3:1 basis), but it is important that the north and east boundaries are enhanced. A condition requiring a landscaping scheme to be agreed is recommended to secure the strengthening of planting to these boundaries. In light of the importance of the boundary trees it was requested that plots 40 and 41 were replaced with one detached property as plot 41 was proposed within the root protection zone of the adjacent trees, which if damaged would result in the loss of important natural screening. The applicant has duly submitted amended plans to this effect. However, whilst the Tree Officer recognises that this is an improvement, given the significant loss of trees across the site and the positioning of the dwellings and their garden spaces to the proposed retained trees their objection is maintained. The issue of tree loss, especially of protected trees, is a key material consideration. Ultimately it needs to be weighed up against the scheme's benefits and considered whether a reason for refusal could be sustained on this matter alone. Clearly the eastern and northern boundary trees identified for retention are important as they form a strong part of the setting of the Listed buildings, which introduces a further material consideration. It is therefore essential for all retained and new trees to be maintained, which for the ones located in public areas should be secured by way of a planning obligation.

7.5 The impact on the setting of heritage assets

7.5.1 The site falls within the setting of the Grade II Listed Annexe building, which is currently being refurbished and converted to 175 apartments, and to a lesser extent of the Grade II Campbell House which was recently converted to 7 apartments. In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects the setting of a Listed building, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area or the setting of the building. This is reiterated in policy DM32.

7.5.2 Policy DM32 sets out how to consider the impact of development proposals on the setting of heritage assets, including position in relation to key views, scale, visual permeability, materials and architectural design and changes to roofscape. To assist in the assessment of this application the Local Planning Authority sought 2 photomontages, which the applicant has duly undertaken. These show existing and proposed views from east of the site along Quernmore Road – one from close to the site looking up at the Annexe with the application site in the foreground and one from further away looking across at the Annexe with the application site set down in the mid-distance with the Annexe above in the background. Both photomontages show the importance of the trees to the eastern boundary, and the necessity to protect and supplement those trees identified for retention. Without this, the impact of the proposal could be an adverse one. The images also show that the trees thin out as they approach Quernmore Road and as such the existing buildings are currently visible. The replacement of these poor quality structures with well-designed properties constructed of render and natural materials would enhance the Annexe's setting. The more distant viewpoint also brings into view Standen Gate to the south and High Wood to the north, so a limited continuation of predominantly residential development along this eastern edge of Lancaster would not appear out of place. It would be broken up by the retention of the cricket pitch for open space, which English Heritage (now Historic England) required to protect the setting of the 2 Listed buildings. They have not wished to make comment on this application, which emphasises the significance of the cricket pitch over and above the application site. It is the opinion of the Planning Officer that subject to the retention of the trees along the western boundary and suitable new planting overall the proposal preserves setting of the Annexe, which is in line with planning policy (Policy DM32) and legislation (Listed Building and Conservation Areas Act). The Senior Conservation Officer also raises no objection to the proposal subject to conditions covering materials and construction details.

7.6 The design and layout of the development

7.6.1 The design of the proposal has evolved through the determination process as a result of external factors relating to affordable housing (discussed in 8.1). National (paragraphs 56, 58 and 60 of the NPPF) and local (SC5 and DM35) planning policies promote high quality design. In particular, paragraph 56 of the NPPF states that "good design is a key aspect of sustainable development".

- 7.6.2 The revised layout seeks to accommodate more housing within the body of the site further to the loss of the 15 units above the convenience store. There are more semi-detached properties (and less detached) proposed within the revised scheme than there were originally, but plot sizes as now proposed are generally more consistent and proportionate to the size of their associated dwelling. The layout also takes more account of and protects some of the significant trees within the site (though some other trees previously shown for retention are lost). The revised layout is more honest about the losses, with less trees within domestic gardens and/or in close proximity to the dwellings which not only would have adversely impacted (overshadowed) upon the amenity of the properties and their private amenity spaces, but would probably have come under increased pressure to be removed by the dwellings' future occupiers. The parking layout for the flats and plots 26 to 43 make the body of the site very car dominant, but it is screened from wider views. The key viewpoints into the site are of boundaries characterised predominantly with landscaping and building facades.
- 7.6.3 The house elevations are generally traditional in nature with a vertical emphasis due to the choice of fenestration and the steep pitched gables to most of the properties' frontages. Where dormers are proposed they are proportionate and flat roofed, covered in a fibre cement cladding to tie in colour with the slate roofs. The main differences are to the 3 storey apartment block and to Plot 1, which is situated at the junction of Campbell Drive and Quernmore Road, the gateway into the Lancaster Moor development. The apartment block has been designed to provide interest to each elevation, breaking up its massing with balconies, inserts and projections. Whilst it does not reflect any particular building style, it does not appear out of place due to its location within the site (lowest part and most screened) and its choice of materials that complement and reflect the palette to be used elsewhere. It is proposed to create an Arts and Crafts styled home as a lodge house for the main access drive (Plot 1). Given the amount of natural stone already on site, it should be a requirement of any planning permission granted that the existing buildings are demolished in a manner that allows for their natural materials to be stored and recycled. This is one such structure where the recycled materials should be utilised; the boundary wall to Quernmore Road is another.
- 7.6.4 The scale and mass to the Quernmore Road frontage has been significantly reduced further to the loss of the upper floors above the retail unit. This makes a big difference to this public streetscape. It is proposed that the retail unit will utilise the same palette of materials as the dwellings to tie it into the wider scheme. The store has also been designed to meet the requirements of modern convenience store operators with 2 distinct, rectangular sales and service areas, whilst proposing a roof arrangement that adds interest and character, and keeps the scale of the building proportionate.
- 7.7 The impact on highway safety and efficiency
- 7.7.1 There has been some publicity circulated about this application tying it the 2007 outline planning permission (renewed in 2011) for up to 440 dwellings on the adjacent site. Though the application site does form part of the area identified in the Development Brief (SPG2) for the wider site, it was excluded from the outline planning permission. While the total amount of development proposed across the 2 sites exceeds the amount of development set by the outline consent, this is a standalone planning application and must not be considered as part of any earlier permission, but rather alongside other relevant planning consents (including Lancaster Moor and Nightingale Hall Farm in particular), so the cumulative impact of development can be assessed.
- 7.7.2 One of the key issues being raised by local residents, especially residents of High Wood, is the adequacy of the existing access onto Quernmore Road at its junction with Campbell Drive. In addition to this access, which would be utilised by 37 of the proposed houses and 20 of the proposed apartments, 2 further access/egress points are proposed onto Quernmore Road to serve the 2 parking areas for the 5 houses fronting Quernmore Road and retail unit respectively. The Highway Authority has considered each of these accesses and raised no objection.
- 7.7.3 Parking provision across the site is as follows: 17 spaces for the proposed retail unit (including 2 mobility spaces), 7 spaces for the terrace comprising 5 3-bed properties facing Quernmore Road, a minimum of 2 parking spaces (including garages measuring at least 2.7m by 5m) for the 37 other houses, and 33 spaces for the 20 apartments. The Highway Authority has considered the level of provision for each part of the development and raised no objection.
- 7.7.4 Both Lancaster Moor and Nightingale Hall Farm developments were granted planning permissions subject to conditions, including the provision and implementation of a Travel Plan. A similar

requirement will be imposed on this consent should planning permission be granted.

7.8 The amenity of existing and prospective residents

7.8.1 The applicant was made aware of the Council's adopted separation distances and the need for adequately sized private amenity spaces (minimum 50 sq.m) and the development proposal complies accordingly. Equally there are no side windows facing directly at other side facing windows. Therefore the properties do not result in overlooking or being over-dominant on each other. However, there are 5 plots that immediately abut the service area of the proposed retail unit and 4 more plots in close proximity. In terms of the relationship between the residential to commercial uses it is essential that the hours of trading of convenience store and the hours of deliveries to the retail unit are such that they protect the amenity of the future occupiers of the dwellings. Conditions will be required in this regard.

7.8.2 The application site is separated from the M6 motorway by 2 agricultural fields, but given the openness between the two, the highway is clearly audible from the site. Glazing and ventilation details can be incorporated into the design of the dwellings to protect the amenity of future residents, but their associated external space also needs to be considered. Environmental Health has reviewed the submitted Noise Assessment and require the proposed mitigation measures to be conditioned accordingly.

7.8.3 Other forms of nuisances and pollutions have been listed by local residents in their comments to the application, including litter, air quality and anti-social behaviour. There have been no objections raised by Environmental Health or the Police. In terms of air quality the Air Quality Officer has suggested that the following measures be considered as the proposal would have some limited impact on Lancaster's Air Quality management Area – Travel Plan (including car sharing club), cycling and walking infrastructure, off site roadside tree planting, provision of electric charging points and Code level 4 dwellings. Where appropriate these are incorporated as conditions within the recommendation. Dust control, which is also an air quality issue, is incorporated into the Construction Management Scheme.

7.9 Other considerations

7.9.1 Drainage

The site falls within Flood Zone 1, but the site is prone to some surface water flooding, which is evident from some seasonal pooling of water within the site. This is probably due to the area's topography. A private culvert runs through the site, which will need to be diverted as part of the scheme. Surface water will be directed to the relocated culvert, but there is a need for surface water attenuation within the site to reduce the run-off rate, which will increase due to the proportion of hardstanding and hard surfaces increasing across the site. The Local Lead Flood Authority (Lancashire County Council) has no objection to the application subject to the development being constructed in accordance with the recommendations of the submitted Flood Risk Assessment. United Utilities raises no objection to the proposal, subject to conditions requiring the submission of details of the foul and surface water drainage systems.

7.9.2 Ecology

A preliminary ecological appraisal was submitted with the original application which detailed the ecological baseline of the site in order to inform where there is potential for protected, or otherwise notable, species and/or habitats and to provide an assessment of the likely impacts of the proposed development on protected species and biodiversity. Broadleaved scattered trees, buildings, amenity grasslands and scattered / dense scrub were identified within the application site. These habitats are considered to be widespread and common habitats within the local area. Although there is likely to be loss of young broadleaved trees, semi-mature trees and scrub as a result of the proposed works, it is considered unlikely that the status of this habitat will be adversely affected by the development. The appraisal recommended that these losses should be compensated for through native or wildlife friendly plants to be incorporated into the landscape scheme. No invasive species were recorded at the time of the survey.

7.9.3 Bats

The linear features of the broadleaved trees alongside the access road bordering the development site could provide commuting and foraging opportunities for bats. The bat roost potential for the semi-mature and mature broadleaved trees on site are of low to medium bat roost potential as some suitable features such as crevices and missing bark were identified at the time of survey. Several of the existing buildings on site had missing gaps in the brickwork and gaps in the slate roofs. Though all buildings on site were considered to have negligible potential for roosting bats, an internal building inspection was recommended to ascertain if bats use, or have previously used, the site for roosting purposes. All buildings were full searched internally and externally and no signs of bats were found within any of the buildings on site. No further surveys are recommended on site for bats. These findings were reviewed by Greater Manchester Ecological Unit (GMEU), who advise the Local Planning Authority on such matters, and the details were found wanting. Furthermore, the North Lancashire Bat Group disputed the findings and some local residents instructed Simple Ecology to assess the site and they too added their objection. Subsequently, an endoscope assessment was undertaken and found that very few of the crevices and holes on buildings C & D provided opportunities for bats and the small number that did provide an opportunity had no evidence of use. In addition the developer carried out test drilling which demonstrated the walls were solid (i.e. not cavity walls). GMEU had no reason to doubt the findings of this report and accepted at this point those buildings C & D were low risk. Buildings A, B and E were visually re-assessed by a suitably experienced bat worker (also an independent consultant) who concluded that they were low risk but that A and B required pre-cautionary measures during demolition. Building E was again assessed as having negligible risk. Similarly the trees have been assessed for their suitability to support bats. GMEU has advised that they have no reason to dispute the assessment. GMEU accepts that sufficient survey effort has been carried out to enable determination. Their interpretation of these assessments is that whilst bats, such as common pipistrelle, could theoretically utilise the small number of gaps and crevices available, from the information supplied this risk is low. However, the conditioning of pre-cautionary measures is warranted. It is recommended that low risk features are soft-stripped with pre-cautionary emergence surveys to be undertaken prior to demolition commencing should such an activity be delayed beyond 30 April 2016. They conclude that the level of survey undertaken coupled with the pre-cautionary measures proposed is sufficient to avoid an offence under the Habitat Regulations. Furthermore, they believe that in the unlikely event of a bat being found a Licence would be in time issued by Natural England and that the planning permission would not be invalidated.

7.9.4 Contamination

A site assessment has been submitted by the applicant and reviewed by the Council's Contaminated Land Officer. The Officer is generally satisfied with the content of the assessment and has requested standard land contamination conditions. One of the issues with the site (which was also the case with the adjacent Lancaster Moor site) is the presence of asbestos, which will need to be removed and disposed of in accordance with strict regulations.

7.9.5 Mineral Safeguarding Area

The north west corner and the eastern side of the site is located within a mineral safeguarding area. The County Council, who are the mineral authority, have set out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan. The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. Most of the undeveloped land to the north and north east of the site is identified for mineral safeguarding. The site is on the edge of this and lies adjacent to existing residential development. As such it is unlikely that the development would impact on the likelihood of minerals being extracted in this location. Having had full regard to the requirements of policy M2, it is considered that given the lack of housing land supply, as discussed above, there is an overriding need for the development which outweighs the need to avoid sterilisation of the mineral resource. In any case it is not considered that pursuing extraction of the minerals as part of the development would be appropriate in this location given the proximity to residential properties.

8.0 Planning Obligations

8.1 On site affordable housing provision

The applicant engaged the Local Planning Authority at a pre-application stage, commencing discussions in late 2014. At this time, Central Government had introduced a concept called Empty Building Credit. This allowed developers to discount their affordable housing requirements based on the volume of the vacant buildings that they were seeking to replace with a residential scheme. Therefore based on this discount and the additional cost of providing a high quality development within the setting of the Grade II Listed Annexe building, the applicant sought to provide 15 affordable units predominantly over first and second floors above the proposed retail unit. This equated to 21% (15 units out of 71 across the site). Based on this, the applicant secured an agreement with the landowner to purchase the site at a particular price. However, subsequently, the introduction of the Empty Building Credit has been found to be unsound by the High Court, so cannot be applied. Furthermore, there have been a number of external factors affecting Registered Providers, namely the summer Budget and the Housing and Planning Bill (the latter is at the second reading stage in the House of Commons). The announcements arising from the Budget and the Bill are a 1% reduction in rents year-on-year for 4 consecutive years, an extension to “Right to Buy” initiative and an introduction of the Starter Homes scheme. Whilst the decrease in income from rents is very clear cut, the other 2 schemes lack sufficient detail at this time for Registered Providers to be certain as to the impacts on their respective businesses, but based on the outline plans for each scheme/initiative it is likely that the impacts will be negative. Consequently Registered Providers are reviewing their business models – reconsidering elements of their operations that they have previously discounted but also assessing whether to continue with elements that they are currently involved with. In the interim they are being very cautious about what they take on, and reducing the level of risk that they are willing to expose themselves to where developments are pursued. As a result they will not take on dwellings above retail units. (Likewise, though for different reasons, lending institutions will not lend on more than a small percentage of the overall number of units where open market flats above retail is concerned, so either way they are undeliverable). The revised scheme redesigns the retail unit, removing all residential elements. This, along with the other changes to the site layout and house types, has been subject to a viability assessment by the applicant, which has been independently considered. The viability assessment proposes no affordable housing provision, based on the above, in addition to previously unknown abnormal costs associated with the site, including diversion of a culvert, surface water retention, foundation design and remediation (involving asbestos removal). The independent assessment concurs that the scheme can only support the provision of a financial contribution of £65,000 towards the local bus service and approximately £60,000 towards the drainage and marking out of Far Moor.

8.2 The site is located on the eastern edge of the built-up area of Lancaster. By road, it is about 1.75km from the city centre and about 2km from the local centre of Bowerham. Both centres are accessible by foot or cycle, but due to the topography of the area neither are particularly attractive options. Therefore it is essential that the development contributes to the local bus service, a circular route from the city centre that serves the eastern suburbs of Lancaster. A financial contribution of £65,000 is sought in this regard.

8.3 As discussed in 7.3, the existing site contains an old outdoor bowling green. Whilst its usage has expired - its surfacing is no longer fit for purpose and the demand for a new one is lacking - it remains an outdoor playing surface, which if lost due to development must be compensated for. The Public Realm Officer has advised that the demand is for junior football pitches (Under 12s). A financial contribution of £60,500 has been offered by the applicant in this regard, and this is currently being reviewed by the Public Realm Officer. The contribution must be sufficient to cover the costs associated with the required drainage and markings.

8.4 The retail unit is a key component of this proposal. Without it, the scheme is a 100% open market housing scheme in a relatively unsustainable location. Its provision will make the area more sustainable as it will provide a facility that is currently lacking in this eastern part of Lancaster, and therefore make the proposal more acceptable in planning terms. Its inclusion also develops part of the site that otherwise could deliver some affordable housing. As a result, the convenience store is essential to the scheme and its provision should be secured by way of a planning obligation requiring it to be open for trading prior to the occupation of no more than 50% of the dwellings.

8.5 The proposal includes a large area of publicly accessible landscaping, which will need to be retained

and maintained. To secure this, the service of a management company will need to be employed and funded to ensure that the landscaping is maintained to an appropriate standard for the lifetime of the development so not to adversely affect the amenity of the area.

9.0 Conclusions

9.1 The application has raised a significant volume of objection from local residents, which is recorded (at the time of writing) in Section 5. The objections raise issues relating to highways, trees, open space, various forms of pollution, flood risk, inappropriate use of the site and unacceptable design. Each of these concerns are then addressed within the analysis, citing where appropriate relevant planning policies and consultation responses from statutory consultees. Overall this proposal seeks to redevelop a brownfield site for primarily residential purposes, with the addition of a convenience store which makes the site and its surroundings more sustainable. In national planning policy terms, there is a presumption in favour of sustainable development unless there are material considerations indicate otherwise where Councils (like Lancaster District) cannot demonstrate a 5 year housing supply. The delivery of 62 dwellings weighs heavily in favour of this proposal, as does the provision of the retail unit; there are no objections from consultees on highway, open space, drainage and environmental health grounds; and in terms of heritage and design the proposal includes very high quality design which, whilst it may not enhance the setting of the adjacent Listed buildings due to the loss of a significant number of trees, would preserve their setting due to the removal of the existing maintenance buildings and associated yards and the predominant use of natural materials that are prevalent in the area. Whilst it is recognised that the absence of affordable housing and the loss of a substantial number of trees are weaknesses of the proposal (the latter can only be partially compensated for by way of additional planting), these 2 matters on their own, or cumulatively, do not outweigh the benefits of the scheme. Therefore the application is recommended for approval subject to reasonable contributions and conditions.

Recommendation

That, subject to receiving amended plans reflecting advice provided regarding the retention of more trees, no objections being raised relating to noise and bats, and agreeing obligations relating to open space contributions and affordable housing provision with the applicant, Planning Permission **BE GRANTED** subject to a legal agreement covering:

- Financial contribution of £65,000 towards local bus services;
- Financial contribution for the drainage and marking at Far Moor (the amount to be confirmed);
- The retail unit to be open for trading prior to the occupation of no more than 50% of the dwellings; and
- Securing the services of a management company to maintain the landscaping

and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with the list of approved plans
3. Precautionary bat measures and relocation of the bat box
4. Construction management scheme
5. Tree protection plan and arboricultural method statement
6. Standard contamination condition
7. Asbestos removal
8. Access details, including visibility splay provision and protection
9. Off-site highway works (footpath to site frontage, relocation of bus stop, road markings, street lighting and pedestrian refuge to Quernmore Road)
10. Surface water drainage scheme
11. Four drainage scheme
12. Notwithstanding plans, materials, including natural stone, natural slate, mortar, render, rainwater goods, eaves/verges/ridges, doors, windows, garage doors, boundary treatments, gates, surface treatments
13. Natural stone wall boundary to Quernmore Road frontage – details required
14. Landscaping scheme – details required (incorporating recommendations from the Preliminary Ecology Appraisal)
15. Travel Plan
16. Ventilation/extraction details for retail unit
17. Cycle and bin storage for retail unit

18. Cycle and bin storage for apartments
19. Electric charging points
20. Parking to be provided prior to the associated development being occupied / brought into use
21. Noise mitigation measures
22. In accordance with Flood Risk Assessment
23. Hours of demolition / construction (0800-1800 Mon to Fri, and 0800-1400 Sat only)
24. Hours of operation for the retail unit (0700-2200 Mon to Sat, and 1000-1800 Sun and public holidays)
25. Hours of deliveries for the retail unit (0730-1900 Mon to Sat, and 1000-1600 Sun and public holidays)
26. Retail unit – convenience store only
27. Removal of PD rights (Parts 1 A-G, 2 and 14)
28. Garage use restriction
29. Existing natural stone on site to be securely stored and reused on gateway “lodge” house (plot 1)

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

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

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

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.