

Agenda Item A5	Committee Date 25 July 2016	Application Number 16/00581/OUT
Application Site Land North Of New Quay Road Lancaster Lancashire		Proposal Outline application for the erection of up to 12 dwellings and provision of cycle/pedestrian access.
Name of Applicant Lancaster Port Commissioners		Name of Agent Mr Rob Moore
Decision Target Date 9 August 2016		Reason For Delay Not applicable
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Approval (Delegated back to Chief Officer when the statutory consultation period has expired, and subject to no objections being received from the Environment Agency, Lead Local Flood Authority, United Utilities and County Highways in respect of the shared pedestrian/cycleway plans).

1.0 The Site and its Surroundings

- 1.1 The site is located 1.5 km to the north west of Lancaster City Centre, with the development site amounting to 0.6 hectares, the site is bound by a flood defence wall to the north, east and west with the site predominately scrub habitat, which is interspersed between former relict hardstanding. The site was previously used as a former quay for the then former Lune Mills Linoleum Works (which has been redeveloped for housing). The site is relatively level at 6.7 metres above Ordnance Datum (AOD).
- 1.2 To the north of the development is New Quay Road, beyond which are a number of recently constructed properties currently being built out by Barrett and Redrow Homes (the site known as Luneside West). The River Lune is immediately to the north of the site. Access to the development would be off New Quay Road.
- 1.3 There is a rising mains sewer that crosses the site together with an 8 metre easement adjacent to the flood defence wall. The entire site lies within Flood Zones 2 and 3, albeit in an area that benefits from flood defences. Public Right of Way Number 27 is located to the west of the proposed development and the River Lune is designated as a Biological Heritage Site (approximately 12 metres to the north of the proposal). The site is unallocated in the adopted Local Plan.

2.0 The Proposal

- 2.1 The proposed development consists of the erection of up to 12 units (Use Class C3). The application is in outline, with all matters reserved for future consideration. An illustrative layout has been supplied in support of the application which consist of all detached units being 2 storeys high, (however with eaves height of up to 10 metres).

- 2.2 This application is only seeking the principle of development and therefore should the outline scheme be approved by Committee the detail will be considered as part of a reserved matters application.
- 2.3 Since the time of the submission the scheme has been amended to account for a shared cycleway/pedestrian link (3 metres in width and 180 metres in length) along the flood defence wall which would be sited within the 8 metre easement to connect into the cycleway to the east and west. The indicative plan showing the generalised layout of this was received in July 2016 and a full re-consultation has occurred, with the views of consultees being reported to members.

3.0 Site History

- 3.1 A similar application for 14 houses (15/01282/OUT) was withdrawn in January 2016, following concerns in relation to the proposal being within a flood zone, land drainage, design and concerns regarding the deliverability of the scheme. A second application for 14 houses (16/00090/OUT) was withdrawn in April 2016 which raised the same concerns that are mentioned above.

The site was used as a former quay for the former Lune Mills Linoleum Works.

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	Originally objected to the development, however since amended plans have been received showing an 8 metre easement they have withdrawn their objection and raise No Objection . To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Lead Local Flood Authority	Raised concerns with the indicative drainage layout, however they have since responded with No Objection subject to conditions requiring the development to be undertaken in accordance with the FRA, submission of a surface water drainage scheme, and construction method statement. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
United Utilities	No Objection , however have raised concern regarding a 750mm public combined rising main/pressurized sewer crossing the site; recommended conditions associated with foul and surface water. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
County Highways	No Objection , recommend conditions associated with highway improvements along the frontage to the site in addition to the provision of a shared cycle/pedestrian link along the landward site of the flood defence wall. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Dynamo (Lancaster and District Cycle Campaign)	Objection , on the basis that the driveways cross a shared cycleway/pathway and will present a risk to passing cyclists and pedestrians. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Environmental Health	No comments received in relation to this application, however raised No Objection to application 16/00090/OUT, but recommended conditions regarding electric vehicle points, hours of work conditions and a scheme for dust control. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Contaminated Land Officer	No comments received in relation to this application, however raised No Objection to application 16/00090/OUT, but recommended further site investigation. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Conservation Officer	No Objection , however the site is a non-designated heritage asset. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.

Public Realm Officer	No Objection; recommends that 218m ² of open space is provided on site and an off-site contribution of £38,828 is provided for. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Lancaster Civic Society	Objection, the land is not appropriate for housing. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Planning Policy	No comments in relation to this application however raised concerns regarding the extent of the 'Sequential Test' only covering a small geographic area in response to application 16/00090/OUT. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
County Ecologist	No observations received within the timescales.
Strategic Housing Officer	No comments received within the timescales.
Natural England	No Objection to the development.
Ramblers Association	Comments; the English Coastal Trail is likely to pass along the river bank, the exact route will be understood in 2016. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Lancashire Police	Raised concerns with use of land in between the properties and the flood wall having no real use and could encourage nuisance/fly-tipping/anti-social behaviour, to date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Public Rights of Way Officer	No Objection. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Lancashire Fire and Rescue	No Objection. To date no response has been received in relation to the amended plan to account for the shared pedestrian/cycleway.
Lancashire Archaeological Advisory Service	No Objection; and recommends a condition regarding securing a programme of archaeological investigation, recording and analysis.

5.0 Neighbour Representations

5.1 To date there has been 17 letters of objection in relation to the application. The reasons for objection are noted below;

- Loss of view (not a planning consideration);
- Premium Price paid for properties along New Quay Road (not a planning consideration);
- Flood and surface water drainage concerns, including the potential impact on the flood defence wall and the development will require drainage implemented by Barratt's;
- Design and Layout concerns, including visually overbearing to adjacent properties; loss of amenity; insufficient size to accommodate the number of dwellings;
- Traffic and Highway concerns, including traffic safety and detrimental impact upon National Cycle Route 6;
- Loss of Maritime and Historic Heritage, including narrow gauge railway;
- Lack of existing infrastructure to support development, including education provision;
- Ecological concerns, including loss of an important Green Corridor; adverse impact upon nature conservation; and information in relation to ecology has not been uploaded correctly;
- Alternative use as a place for reflection and nature study area should be considered;
- Noise and Light disturbance;
- Development is not in keeping with the frontage along the River Lune;
- Development is not in conformance with the Development Plan or National Planning Policy;

Barratt Homes have objected to the development based on reasons that were contained within the committee report to planning application 16/00090/OUT.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34 and 38 Access and Transport

Paragraphs 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 100- 104 – Flooding
Paragraphs 109, 115,117,118 – Conserving the Natural Environment
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraph 173 – Deliverability
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District’s Housing Requirements
SC7 – Development and the Risk of Flooding
E1 – Environmental Capital
ER2 – Regeneration Priority Areas

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

T24 – Strategic Cycle Network
E30 – Green Corridors

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM33 – The Setting of Non-Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings

6.5 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement

7.0 Comment and Analysis

7.0.1 There are a number of considerations with respect to the application which include;

- Principle of Development;
- Flooding;
- Surface Water Drainage;
- Flood Defences;
- Highways;
- Design and Layout;
- Drainage Infrastructure;
- Affordable Housing;
- Air Quality;
- Heritage; and,
- Ecology.

7.1 Principal of Development

7.1.1 Whilst the site is unallocated for development, the site is located within the main urban area of Lancaster and therefore – notwithstanding other matters - it is in a broad geographical location where the Council would in principle support residential development. The most recent housing land supply and delivery position for the district is described in the 2015 Housing Land Monitoring Report (HLMR) and accompanying Housing Land Supply Statement 2015. This has a base date of the 1st April 2015. Allowing for existing commitment and past housing completions, the requirement for a 20% NPPF buffer and the (Sedgefield) methodology for calculating future supply the Housing Land Supply Statement identifies a five year supply position of 3.4 years against its adopted housing requirement of 400 dwellings per annum.

7.1.2 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPA) should approve development proposals that accord with the Development Plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or
- Specific policies in this Framework indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer the opportunity for housing delivery should be considered favourably. Notwithstanding this the site has been assessed as part of the Council's Strategic Housing Land Availability Assessment (Site SHLAA_266) and has been found to be undeliverable for housing (reflecting the high flood risk) and coupled with this, the site would need to be considered as part of the wider regeneration proposals in the Luneside Area. Therefore it needs to be considered whether the scheme can pass the Sequential and Exception Test.

7.2 Flooding

7.2.1 The site falls within Flood Zone 3 which is defined as having a high probability of flooding, albeit it is protected by flood defences which gives protection for a 1 in 500 year flood event, providing a crest level of 8.11 metres. Notwithstanding this, given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding*". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

7.2.2 The applicants have submitted a Sequential Test in support of this planning application, however despite officer advice that this should be district-wide, the applicants have only sought to consider land within the Luneside Regeneration Area and its setting (the site does not fall within Luneside East or West allocations). The assessment highlights four sites which are located outside Flood Zones 2 and 3.

7.2.3 Whilst a Sequential Test has been submitted in support of the scheme, the scheme has not sought to bring forward development which meets a specific identified local need and specific regeneration objectives for the Luneside area. Notwithstanding this, government guidance is clear that an area of search based on a regeneration area may be appropriate. The area is referred to under Policy ER2 as a Regeneration Priority Area for a 'Mixed-Use Waterfront Regeneration' for both housing and employment. Policy ER2 does not specify specific areas of land for each type of land use. The applicant has considered paragraph 33 of the NPPG, given it would not be achievable to pass the

Sequential Test on the type of development proposed. They have sought to introduce more local circumstances to narrow the scope of the test. The NPPG does make clear that fulfilling regeneration objectives can be an example to where local circumstances can be applied. If the applicant's logic was expanded to all sites at Luneside, there could be no employment development at all, which is not what Policy ER2 had in mind, and there is some doubt as to whether the delivery of a small housing development is contributing to the regeneration objectives of Policy ER2.

7.2.4 Whilst officers do not wholly agree with the approach offered by the applicant's agent, it is logical in the circumstances to accept the stance. As already mentioned, the area of search based on a Regeneration Area can be appropriate, and given this, it is considered that to refuse a scheme based on the development not satisfying the Sequential Test on a district wide basis would be hard to justify at appeal, and with this, the Sequential Test can be passed. There is however still a need to pass the Exception Test.

7.2.5 Moving to the Exception Test, it is considered that it would provide wider sustainability benefits given the site is part of a wider regeneration strategy area on what is brownfield land. A detailed Flood Risk Assessment has been submitted in support of the scheme, the Lead Local Flood Authority (LLFA) have raised concern with the outline drainage layout and subsequently a revised drainage layout has been provided to address these concerns and relayed to the LLFA, who now offer no objection. Previously officers had concerns that with an objection from the Environment Agency (EA) there could have been a real risk of flooding elsewhere, but assuming both consultees are amenable to the revised layout to provide for the shared cycle/pedestrian access then it is considered that in line with Paragraph 103 of the NPPF that the Exception Test can be passed on the site. The additional comments of the EA and LLFA will be verbally reported to Members.

7.3 Surface Water Drainage

7.3.1 The application is accompanied by a Flood Risk Assessment (FRA), however the Lead Local Flood Authority raised concern regarding a lack of a coherent drainage strategy for the site, however following the receipt of an amended plan raise no objection subject to conditions. It is proposed that flood mitigation measures within the FRA which include Property Level Protection to assist in making the development flood resilient and resistant should be controlled by condition. Whilst there is some concern that New Quay Road could become impassable in severe flood events, residents could sign up for the Environment Agency Early Warning Flood System for evacuation purposes. Given the above (and subject to no objection from the LLFA) surface water drainage can be secured by condition and therefore the proposal complies with Policy DM39 of the DM DPD.

7.4 Flood Defences

7.4.1 The local community have raised concern with the application in that it may well lead to flooding by undermining and restricting access to the flood defence wall that forms the boundary of the site and the concerns are fully understood, not least because these concerns (namely restricting access to the flood defence wall) were endorsed by the EA on the two previous planning applications. The rationale for the previous objections by the EA related to the fact that the proposal involved developing within 8 metres of the flood defence and would restrict essential maintenance and emergency access to the defences. The withdrawn application provided for private gardens within the 8 metre easement, which was found unacceptable to both the EA and also the Local Authority (because individual boundary treatments would have limited the ability to access the defences). The revised scheme provides for an 8 metre easement which will include a combined pedestrian/cycleway running the length of the site. The EA have verbally confirmed they are amenable to such a proposal assuming artificial lighting is limited in extent and number, and no tree planting is proposed. Their official response to the amended information has still to be received at the time that this committee report was being prepared but from a perspective of protection of the flood defences it is considered that the development will not be detrimental to the flood defence wall, or increase the likelihood of flooding occurring elsewhere within the local area. With this in mind (and assuming no objections from the EA and LLFA), and whilst previously it was considered that the scheme had the potential to negatively impact on the flood defences, as part of this revised scheme given the amended layout it is considered that the scheme will not adversely impact on the flood defences, and therefore the scheme complies to Policy DM38 of the DM DPD.

7.5 Highways

- 7.5.1 There has been local concern regarding the capacity of the local highway network to accommodate additional vehicles and more so in relation to the potential conflict with cycle users and pedestrians who use the footway in front of the site. With respect to highways, the County Council raise no objection to the scheme subject to conditions, including a need for the 2 metre footway along the frontage of New Quay Road to tie into the existing footway, together with 4.5 metre wide dropped crossings. The County are also requesting a footway/cycleway within the site following the flood defence wall, which could serve a dual purpose as a cycleway and maintenance strip for the Environment Agency. The latter proposal was not included on the response to the first withdrawn application (15/01282/OUT) however it would be a valuable addition and therefore the applicants have sought to amend the scheme to incorporate this at the request of officers (see below).
- 7.5.2 A number of the representations received in response to the application have raised concern regarding conflict between pedestrians and cyclists who utilise the footway to the front of the site. From a review of online maps it would appear that the official route utilises the road, however it makes sense why cyclists have been using the footway in front of the site. The land in question is not currently adopted. As part of discussions between the applicant's agent, the EA and officers the provision of a shared cycleway/pedestrian link that runs around the flood defence wall has now been included within the scheme and this would be a significant positive which may not have been possible to achieve if this site had not come forward for development. Whilst not requested by the County, additional signage could be provided and this can be addressed by means of planning condition should a scheme be supported.

7.6 Design and Layout

- 7.6.1 The applicant engaged in the Council's pre-application advice service in 2015 when concerns were raised that any scheme in this prominent location would need to have active frontages on all four elevations so as not to undermine the wider regeneration of the area. The scheme proposed consists of the erection of 12 detached units which does generally reflect the emerging character and appearance of the surrounding Luneside West area. The scheme is at a high density (in the region of 40 dwellings per hectare) but this is considered to make efficient use of land and is not uncharacteristic of the surrounding area. Notwithstanding this, all properties along St Georges Quay and New Quay Road face the River Lune and there is no development on the riverside aspect of the road (such as the proposed development). The applicant has sought to address the concerns of the LPA by reducing the number of dwellings proposed to 12, and using L-shaped properties which in some respects would assist with making the development not entirely car-dominated when viewed from along New Quay Road. One critical concern raised by officers was the undeveloped nature of the land that fell within the 8 metre easement and these concerns were shared with the applicant, that it was likely that the area could be utilised for anti-social behaviour, and this was endorsed by the Architectural Liaison Officer from Lancashire Constabulary. Whilst it is not ideal to have a footway/cycleway to the rear of properties, subject to lighting being installed and through the use of effective boundary treatments (which should consist of a stone wall and not closed boarded fencing) officers are satisfied in design terms.
- 7.6.2 The scheme at 2 storeys (eaves height up to 10 metres) in height would be akin to the adjacent development and whilst a number of concerns have been raised with respect to privacy, this should be protected given there would be 21 metres between dwellings where windows of habitable windows face each other. Whilst the gardens proposed are not 10 metres in length they adhere to the Council's standards of 50sqm and would all be located outside of the EA's 8 metre easement. In the circumstances whilst this does not strictly accord to Policy DM35 it is considered that the restrictions imposed by the EA are such that an exception to the rule can be made here.

Drainage Infrastructure

- 7.7.1 United Utilities do not object but they have raised significant concerns regarding the presence of a 750mm public combined rising main/pressurised sewer crossing the site. There is a requirement (under building regulations) that there cannot be any development over or within 3 metre of the rising main because the proposed development would be exposed to a high risk in the event of a failure of the rising main. It is very evident from the indicative plan that the development as proposed would not be acceptable given all the units currently proposed are within 3 metres of the mains, meaning

that a diversion would be required to facilitate the development. The applicant's supporting statement suggests that the cost of a diversion would be a cost incurred by United Utilities due to a legal agreement between the parties. Notwithstanding this, it raises issues as to whether the development can be accommodated here and whether this is a 'deliverable scheme'. Notwithstanding this, the applicants have not sought to include the cost of the diversion of the rising main in the viability assessment that has been submitted in support of the scheme. Concerns of deliverability were given as a reason for refusal previously but in the absence of no objection from United Utilities, and given there are no technical constraints now limiting the development, combined with the deeds that the applicant has provided to demonstrate that the diversion of the pipeline should not be a barrier to the development, officers are satisfied that there is a solution to deliver the development on the site.

7.8 Affordable Housing / Housing Needs

7.8.1 There is a need to provide 20% on-site affordable provision, equating to 2.4 units. The withdrawn application was accompanied by a viability assessment that suggested that the development could not afford to support any contribution to affordable housing. There were significant concerns with the figures contained within the assessment. Since the time of the withdrawn application the applicants have committed to providing a contribution of 20% affordable housing (to be based on a financial contribution) to be assessed at reserved matters stage, given this, and subject to the applicant entering into a Legal Agreement to secure this provision within the 13 week timescale, this would adhere to Policy DM41 of the DM DPD. Notwithstanding the above, and following the Court of Appeal decision (Reading and West Berkshire Councils) from May 2016, should a scheme come forward with less than 10 dwellings and occupy a footprint of less than 1000m² then no affordable housing provision would indeed be required, given there are 12 units proposed however a contribution of 20% is in-fact required.

7.8.2 The scheme proposes 8 4-bedroom units and 4 3-bedroom units. The Meeting Housing Needs SPD sets out the general need for the area is predominantly properties consisting of 2 and 3 bedrooms within a mixture of dwelling types. It could be considered that the application deviates from the identified need; however if a scheme was approved this could be considered further at reserved matters stage and in the absence of a response from the Strategic Housing Officer, overall it is considered that matters relating to type and size of properties could be addressed further at reserved matters stage to ensure that the development is capable of meeting a local identified need.

7.9 Air Quality

7.9.1 The application is supported by an Air Quality Assessment given the development would be accessed from the City Centres gyratory and this forms the main part of Lancaster's Air Quality Management Area (AQMA). The conclusions of the assessment is that overall it is unlikely to result in adverse air quality impacts. Given the number of units proposed whilst there may be additional traffic flow into Lancaster's AQMA, the site is broadly sustainable, meaning that it would be possible to walk into the City Centre for work and social purposes and whilst the views of Environmental Health are awaited it is not considered that there would be detrimental impacts. It is recommended that electric vehicle charging points are installed in all dwellings should Members be minded to approve the application.

7.10 Heritage

7.10.1 The applications have generated a substantial amount of public interest with many citing concerns regarding the loss of the last remaining Quay. It is noted that the application site was a quay for the Lune Mills Linoleum Works and New Quay was established in 1767 after St Georges Quay and therefore would have played a pivotal role in Lancaster's economic success. Whilst the site is generally populated by scrub, the site still has the former narrow gauge rails associated with the previous use and therefore it does have some historical value. However the site is a brownfield site and is not within a Conservation Area, nor is a scheduled monument or listed. The Conservation Officer raised no objections to the location of dwellings on the site and therefore it is not considered that refusing the application on the basis of a loss of heritage could be substantiated at appeal.

7.10.2 One of the reasons of refusal of the application earlier in 2016 was due to a lack of a heritage assessment to support the determination of the planning application. The statement submitted whilst

comprehensive, does not address the fundamental question of the survival of the first quay in the 18th Century and whether or not it was removed prior to the construction of the present structure in the later 19th Century. Whilst the survival of the first quay is uncertain, this can be addressed by a scheme of archaeological investigation being controlled by means of planning condition. The Lancashire Archaeological Advisory Service now have no objection to the scheme subject to the condition mentioned above, and therefore it is considered that the proposed development accords with the provisions of Policy DM34 of the DM DPD and the wider policies contained within the NPPF, subject to conditions being imposed on the permission in relation to archaeological recording.

Ecology

- 7.11.1 The site immediately abuts the River Lune Biological Heritage site, and the Lune Estuary Site of Special Scientific Interest and Morecambe Bay SPA/SAC are 1km downstream as such the application was supported by an ecological appraisal. This identified no significant ecological constraints associated with the development and given the presence of the flood defence wall between the Lune and the development it is not considered that there would be any significant impacts on any protected sites. It is also not considered that the development would result in increased pressure on the Morecambe Bay SPA/SAC with respect to the disturbance of wading birds and wildfowl and therefore no significant impacts are envisaged. A condition could be imposed requiring the submission of an ecological enhancement plan, and safeguards during construction.

Other Material Considerations

- 7.12.1 The Public Realm Development Manager has requested the provision of 218m² of open space provided on the site together with an off-site contribution of £38,828 to be provided. Given the addition to the scheme of the cycleway/pedestrian access along the quay wall, which will be an important gain as part of this scheme, it is considered that in the circumstances that this would negate the need for any open space to be provided on the site and also due to the cost of this an off-site contribution would not be required.
- 7.12.2 Concerns have been raised that drainage would need to be connected to the adjacent residential estates main foul and surface water systems, whilst the formal observations to the amended information has still be to receive from the likes of the Lead Local Flood Authority and United Utilities, these are more civil matters. Concern has been raised that further development would create further pressure on the local schools in the area, the County Council are responsible for education provision and to date have not provided a response in relation to the application.

8.0 Planning Obligations

- 8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.
- The provision of up to 20% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);

With Committee's support, Officers seek delegation back to the Chief Officer to ensure that the Section 106 Agreement is signed within the agreed time period for decision-making (i.e. before 9th August 2016).

9.0 Conclusion

- 9.1 Whilst a small site, this is a challenging one, and this has been demonstrated by the succession of planning applications that have been submitted on the site over the course of the last 9 months. The site is considered to be in a sustainable location and has the potential to accommodate development given the technical issues have now been addressed (assuming no consultees object to the amended plans submitted in support of the scheme). It is not considered that the development will have any adverse impacts on flood defences or indeed create flooding elsewhere; whilst the Local Planning Authority are sympathetic to those who have recently purchased properties on New Quay Road, there is no right to a view and assuming the dwellings are appropriate in height then there will be no loss of privacy for existing or proposed residents; the scheme provides a link in the cycleway/pathway which will be of a significant benefit to cycle users in the district; the scheme will

assist in the delivery of much needed housing in Lancaster and therefore in social, economic and environmental terms can be found acceptable, and therefore it is recommended to Members that the development is approved (on the assumption that the EA, LLFA, UU, and County Highways raise no objection to the scheme based on the latest set of amended plans).

Recommendation

That subject to the receipt of satisfactory statutory consultation responses regarding the amended plans, and the applicant entering into a Section 106, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard outline condition with all matters reserved
2. Dwellings limited to 2 storeys in height
3. Offsite Highway Works – re-instatement of 2 metre footway and 4.5m drop crossings
4. Cycle/Pedestrian link along the Quay wall to be agreed.
5. Scheme for foul water to be agreed
6. Surface Water Drainage Scheme to be agreed
7. Surface Water Management Scheme
8. Construction Management Scheme
9. Standard Condition – Contamination
10. Ecology scheme to be agreed
11. Written Scheme of Investigation – Archaeology
12. Removal of Permitted Development Rights
13. Finished Floor Levels
14. Development in accordance with the Flood Risk Assessment – Flood Mitigation Measures.
15. Vehicle charging point scheme

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 agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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