

Agenda Item	Committee Date	Application Number
A7	25 June 2018	17/00945/FUL
Application Site	Proposal	
Land South East of Lancaster Leisure Park Wyresdale Road Lancaster Lancashire	Erection of 44 dwellings with associated access and landscaping	
Name of Applicant	Name of Agent	
Mr Gareth Haslam	Miss Olivia Carr	
Decision Target Date	Reason For Delay	
20 November 2017	Viability and Flood Risk Considerations	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

(i) Procedural Note

A site visit was arranged for Members, and was undertaken on 18 July 2016. This was in relation to the withdrawn planning application 16/00591/FUL that proposed 44 dwellings.

1.0 The Site and its Surroundings

- 1.1 The application site is located circa 1.5km to the south east of Lancaster City Centre with the M6 motorway circa 0.5km to the west of the development site. To the north west of the site lies Lancaster Leisure Park with Lancaster Brewery being located 30 metres north of the application boundary, and to the north east lies the Potteries new housing development by Miller Homes. To the east lies open countryside and to the south lies properties on Colchester Avenue and Chelmsford Close and also the Exeter Avenue Allotment Gardens.
- 1.2 The site is currently grazed farmland occupying an area of 1.95 hectares, with a substantial tree belt running through the centre of the site. There is also a tree belt that runs along the western boundary of the site and beyond this is Burrow Beck. To the north lies established poplar trees and along the eastern boundary is a mix of trees and hedgerow. To the south lies a combination of fencing and trees and also a culvert is present here, which accommodates an unnamed tributary (eventually leading to Burrow Beck).
- 1.3 The site is broadly speaking unconstrained. It does not fall within a designated protected landscape nor benefits from any statutory ecological designation. The very southern tip of the site falls within Flood Zones 2 and 3 with the remainder of the site falling within Flood Zone 1. However, the site is known to suffer from surface water flooding issues, especially along the southern half of the site and also within the central belt. All trees that surround the boundaries of the site (to the east and west) are protected under a Tree Preservation Order (No.583 2016). The trees to the north are covered by a Tree Preservation Order from 2011 (No.484 2011). There are a number of pipelines that run across the southern periphery of the site and the site is unallocated within the adopted Local Plan.

2.0 **The Proposal**

2.1 The application proposes a residential scheme comprising:

- 4 x one bedroom apartments;
- 4 x two bedroom houses;
- 19 x three bedroom houses;
- 5 x four bedroom houses; and
- 12 x five bedroom houses.

The scheme proposes to construct the dwellings with Marshalls Cromwell Pitched Weathered Stone and Marley Edgemere tiles to match Phase 1.

2.2 Open space is provided to the south of the site and a play area is proposed on the northern boundary of the site. Surface water is proposed to be controlled on the site and released into Burrow Beck at a controlled rate.

3.0 **Site History**

3.1 The previous application (16/00591/FUL) essentially proposed the same development but was withdrawn as the applicant had concerns it could not fulfil its obligation to deliver 40% of the units as affordable homes. Members should also consider the previous approval for residential development to the north of the application site and the applicant has engaged in the Council's pre-application advice service.

Application Number	Proposal	Decision
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping (Phase 1)	Approved
15/00840/PRETWO	Erection of 45 residential units (Phase 2)	Advice Provided
16/00591/FUL	Erection of 44 dwellings with associated access and landscaping (Phase 2)	Withdrawn
17/00344/PRETWO	Erection of 44 dwellings and associated works (Phase 2)	Advice Provided
17/00732/VCN	Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 in relation to boundary treatments, condition 6 in relation to the phasing of the highway works, condition 14 amending the timescales for the implementation of on-site play and fulfilling the requirements of condition 19 (contaminated land) and condition 23 (cycle stores/refuse) on planning permission 16/01183/VCN) (Phase 1)	Approved

4.0 **Consultation Responses**

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

Consultee	Response
County Highways	No objection though recommends that it would be prudent to establish a new pedestrian route from the site to the local service centre of Bowerham; raises concerns about the design of the internal spine road, the size of the garages (should be 3m x 6m), and the lack of progress on the off-site measures associated with Phase 1.
Lead Local Flood Authority (LLFA)	Initially objected to the proposal (October 2017) and requested additional information as the LLFA considered that there was a lack of robust evidence to demonstrate the scheme would not result in a flood risk within or outside of the site. In May 2018 an amended Flood Risk Assessment was supplied (which contained hydraulic modelling) and the LLFA has no objection subject to a condition concerning the final surface water drainage scheme to be submitted, a surface water

	lifetime management and maintenance plan and a construction phase surface water Management Plan .
Environment Agency	No objection though recommend that the LLFA's views are sought on any flood risk that may arise from surface water and/or the adjacent non-main watercourse.
Tree Protection Officer	No objection though advises that the Planting Plan lacks provision for large native species and therefore there is scope for this to be re-visited. No objection is raised to the submitted Arboricultural Implications Assessment, the Arboricultural Method Statement or the Landscape Management Plan.
Environmental Health (Noise)	No objection though recommends that more reliable information/data is obtained to ensure that a robust mitigation scheme can be implemented.
Environmental Health (Air Quality)	Recommends that measures to reduce the associated transport impact are incorporated; in particular the provision and operation of an on-site car club using electric/low emission vehicles. With respect to odour, considers that the abattoir can be a source of odour and needs to be further assessed. With respect to the brewery considers that there would be a low risk to future occupiers.
Greater Manchester Ecological Unit	No Objection subject to conditions concerning protection of Burrow Beck, provision of a landscape management plan and protection of trees.
Contaminated Land Officer	No observations received within the statutory timeframes.
United Utilities	No Objection though recommends standard conditions associated with surface water management and highlights that a water main/trunk main crosses the site.
Lancashire Police	No Objection however recommend that secured by design principles are carried out across the site.
Public Realm Development Manager	No Objection though recommends 820 square metres of amenity space is provided on site with a play area for under 6s is recommended containing a mixture of natural and equipped play facilities. In terms of off-site contributions, a contribution of £49,751 is requested for drainage and soft landscaping at Farr Moor Recreation Ground, £22,400 towards phase 2 of the play area at Williamson Park and £14,064 towards Williamson Park for its parks and gardens.
County Education	No request for an educational contribution to be made
Natural England	No observations to make.
Lancaster Civic Society	No Objections though recommends that building materials could be amended, and raises concerns with flooding and access issues.

5.0 Neighbour Representations

5.1 40 letters of objection have been received (both to the planning application and the re-consultation (May 2018) on the amended Flood Risk Assessment.

The reasons for objection are noted below:

Principle of Development / Sustainability Credentials – The site should not be developed given the landscape impact associated with the scheme and there are significant concerns that no affordable housing is now being proposed by the applicant. There are concerns that the local area cannot accommodate further development given the local service provision (such as schools and doctor surgeries).

Surface Water Drainage – There is already a problem downstream given the flooding in November 2017 in Bowerham and Hala and this scheme will only compound the issue; the site should not be developed and surface water should be allowed to soak into the ground naturally; Burrow Beck is at capacity and the catchment cannot accommodate the increased number of dwellings which this scheme proposes; there are concerns that the flood risk assessment is based on theory and no recognition of the actual flooding events that have occurred on this site or the wider catchment have been taken into consideration; the fact remains that the site floods and has done for a number of years.

Highways – There is insufficient parking and residents already have to park on the spine road; there will be increased traffic past residents on Phase 1 of the Estate; the site is isolated and so there is no option other than to use a car.

Trees – The large trees on Phase 1 need to be better managed to allow light into gardens; the trees adjacent to Burrow Beck and the brewery should remain as these assist in screening the brewery site.

Noise – New properties would be located close to the noisy brewery site.

Amenity – The properties along Colchester Avenue currently have uninterrupted views from the rear of their properties and this will be lost should this scheme proceed; there is also concern that some may use a shortcut via Colchester Avenue in order to access amenities in Bowerham and therefore pass through private garden spaces.

Ecology – The site benefits from protected species and no development should be permitted which adversely impacts them.

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 103 – Flooding
Paragraphs 109, 115,117,118 – Conserving the Natural Environment
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC4 – Meeting the District’s Housing Requirements

6.3 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
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
DM30 – Development affecting listed buildings
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM37 – Air Quality Management and Pollution
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM48 – Community Infrastructure
DM49 – Local Services

6.4 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document;
- Surface Water Drainage, Flood Risk Management and Watercourses (May 2015);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points New Developments (September 2017);
- Affordable Housing Practice Note (September 2017);
- Low Emissions and Air Quality (September 2017);
- Local Plan Viability Assessment Stage One (May 2018)

7.0 Comment and Analysis

The key material considerations arising from the proposal are:

- Principle of development;
- Market and Affordable Housing;
- Design considerations;
- Drainage matters;
- Trees;
- Highways;
- Noise;
- Odour and air quality;
- Open Space.

7.1 Principle of Development

7.1.1 The site is located on land on the eastern edge of Lancaster. The Council, via the spatial objectives described in the Core Strategy and continued in the emerging Land Allocations document would generally direct development to the main urban areas of the district, including Lancaster. It is important to note that this does not preclude development outside such locations but it would need to demonstrate how the proposal complies with the other policies within the Development Plan and ultimately lead to the delivery of sustainable development.

7.1.2 The Local Planning Authority cannot demonstrate a 5 year housing land supply and therefore Paragraph 14 of the NPPF is engaged which sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPAs) should approve development proposals which 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 in doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework [NPPF] taken as a whole; or
- Specific policies in this Framework [NPPF] indicate development should be restricted.

In considering this proposal significant weight has been attached to the above and therefore unless material considerations imply otherwise schemes promoting new sustainable housing should be considered favourably.

7.1.3 In terms of the emerging policy position (Strategic Policies and Land Allocations DPD), the site is allocated under Policy H5 as a residential allocation which covers the Lancaster Leisure Park and Auction Mart. However, Policy SC4 also covers this part of the site which is for the protection of open spaces along the Burrow Beck Valley. Officers are liaising with colleagues in policy as the area is not an accessible green space at present and it is hard to see how the proposal fits in with the wider H5 allocation, given it is not referenced within the main body of the text for H5. The site has no protection under the extant local plan and therefore the Council on balance considers that the site is considered sustainable and therefore the principle of development on this site could be found acceptable.

7.2 Market and Affordable Housing

7.2.1 The need for open market housing in Lancaster is predominantly made up of 2 and 3 bedroom properties and this is evidenced in the Meeting Housing Needs Supplementary Planning Document (SPD). The scheme does propose to offer fifteen 3-bed, five 4-bed and twelve 5-bed houses. Whilst strictly speaking not entirely in accordance with the demand as evidenced within the SPD, Officers are supportive of the high number of three bedroom properties and the mix proposed is deemed acceptable. It is also similar to the mix on Phase 1.

7.2.2 In the withdrawn application the applicant proposed 40% affordable housing, but withdrew it on viability concerns. They then re-submitted a scheme on the basis of providing no affordable housing, though through an independent process of viability testing it was concluded that the scheme can accommodate in the region of 6 shared ownership properties and 6 affordable rented units and this equates to 27.2% of the total provision. The ground conditions on the site are not conducive to using standard foundation designs and there are additional abnormal costs associated with the scheme. Officers consider that through negotiation (bearing in mind the applicant submitted a scheme providing for no affordable housing) that the provision of 12 units on the basis of affordable rented and shared ownership is considered acceptable, and can be secured by means of legal agreement and this weighs in support of the proposal.

7.3 Design Considerations

7.3.1 The applicant engaged in the Council's pre-application advice service, and the layout has been the subject of a number of different iterations to address officer concerns, and this has resulted in a reduction from 46 to 44 units. The applicant is proposing to utilise essentially the same house types that were utilised on Phase 1 of the development and the same materials. Whilst the choice of materials lacks local distinctiveness these are akin to Phase 1, and would be located in a less publicly visible location and therefore could be supported.

7.3.2 One weakness of the scheme is the clustering of the affordable units (and smaller units) within the north eastern corner of the site and in design terms this feels rather uncomfortable especially when viewed against the remainder of the development which in layout terms works well. Officers feel there could have been some merit in terms of mixing the unit types within the development. Paragraph 50 of the NPPF seeks the delivery of a wide choice of homes and the creation of sustainable, inclusive and mixed communities, and paragraph 61 of the NPPF advises that high quality and inclusive design goes beyond aesthetic considerations to include the connection between people and places. Officers consider that the delivery of affordable housing (as opposed to direct or indirect off-site provision) is the most significant element in the site's contribution to a mixed community in the area. Tenure blind development is a function of design, and there would be a range of house types across the site but all would recognisably belong to a consistent design language. Whilst the layout is uncomfortable this would not be sufficiently harmful to outweigh the general positive outcomes of the proposed affordable housing provision.

7.3.3 The remainder of the layout works in a way that allows the Council's adopted standards to be adhered to. The relationship to the offsite dwellings on Colchester Avenue is in the region of 36 metres from plots 38 and 35 which exceeds the Council's required separation distance of 21 metres. Concerns in respect of loss of visual amenity for those residents on Colchester Avenue are noted, but no-one has a right to a view and whilst the change is a significant one (from open field to residential housing estate) the separation distances proposed are sufficient enough to prevent overlooking and privacy concerns. On balance the scheme complies with the requirements of Policy DM35 of the Development Management DPD.

7.4 Drainage Matters

7.4.1 The developable area of the site all lies within Flood Zone 1. However, there is a very small parcel of land that is located to the far south west of the site that lies within Flood Zones 2 and 3 (no development is proposed in this location area). It is worth noting that Burrow Beck and its un-named tributary from the western and south-eastern boundaries of the site, converge at the southern extent of the site before flowing south. Burrow Beck, via Hala, flows to its confluence with the River Lune estuary approximately 4.2 km south west of the site. The site is in the region of 1.95 hectares and the application proposes approximately 0.73 hectares of impermeable areas.

7.4.2 The flood risk assessment submitted with the withdrawn planning application was found to be lacking in detail insofar as it related to surface water drainage. This attracted an objection from the Lead

Local Flood Authority on the basis of building within 8 metres of the watercourse and inadequate information to assess the planning application. The applicant amended the layout removing any dwellings from within the 8 metre easement, though there are gardens within it. However, provision has been made for a drainage and easement access point between plots 36 and 37.

- 7.4.3 It is considered that soakaways are not feasible to use (given the nature of the ground conditions) and therefore discharge of surface water to Burrow Beck is likely to be used with a gravity fed discharge being possible to the lower southernmost extent of the site. This will require attenuation storage which could consist of cell storage together with the use of oversize pipes.
- 7.4.4 An objection was raised by the LLFA in October 2017 (before the localised flooding in November 2017) as there was a lack of evidence to show how off-site flood risk will be mitigated (despite the submission being fundamentally the same as the withdrawn application). The applicant submitted an amended Flood Risk Assessment in May 2018 to address the issues raised by undertaking extensive hydraulic modelling of the site to provide accurate flood zone mapping to inform any mitigation. The results of the modelling conclude that the proposed development will remain flood free during all events up to the 0.1 AEP event (Annual Exceedance Probability – 0.1 AEP is deemed as the most extreme event considered) and not increase flood risk off site. The recommendations within the FRA and drainage strategy set out that finished floor levels should be 150mm above surrounding ground levels and that the garden of plot 13 should remain free of built structures such as sheds/outbuildings. Any fence on the western boundary of the site must be of post and wire or post and rail construction. It is also recommended that the attenuation volumes are calculated for the detailed drainage design. The scheme proposes to attenuate all surface water on site (probably in underground storage containers and would be connected to Burrow Beck via a gravity discharge at the lower southernmost extent of the site). The applicant's hydrologist recommends that the discharge is controlled to the existing greenfield run off rate of 10.5 litres per second.
- 7.4.5 Officers share local resident concerns regarding the increased risk of flooding off-site and also for future residents on this site. In May 2018 Planning and LLFA Officers met with the applicant and their consultants to discuss surface water drainage matters. The purpose of the meeting was to review the amended Flood Risk Assessment submitted in May 2018 and to allow the LLFA to visit the site to understand the site characteristics. Following the meeting, the LLFA withdrew their objection to the scheme on the understanding that conditions have to be attached to any planning permission to control the final drainage details, the associated management proposals and also how surface water would be managed during the construction phase. Officers have sympathy for those residents who have experienced flooding in 2017 and the City Council is working proactively as part of a multi-agency team to try and limit any future re-occurrence of this occurring. The LLFA proposed a higher discharge rate into Burrow Beck compared to the applicant's own assessment. Whilst taking on board the comments of the LLFA, Officers feel that given the applicant's assessment to drain the site based on greenfield rates that this is the standard that should be conditioned.
- 7.4.6 A number of local residents have drawn Officers' attention to incidences of flooding both on the site and also further downstream notably in Bowerham and Hala. There is no denying that the southern portion of the site does suffer from surface water drainage issues and Officers are aware that the site did flood during the heavy rainfall event in August 2016 and again during the November 2017 flooding episode. The case officer has visited the site on a number of occasions and found the lower portion of the site to be quite saturated. The applicant has responded to this concern in part by removing a combination of leaves and general debris from the outfall.
- 7.4.7 The framework is clear in that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Fundamentally there is nothing before Officers to suggest the situation would be made worse off-site and given the statutory consultees (the LLFA, the Environment Agency and United Utilities) it would be very difficult to sustain a reason for refusal on flooding/drainage grounds. Officers have concerns that the submitted scheme does not show how the surface water will be contained on the site but notwithstanding this point it is considered that this can be controlled by means of planning condition.

7.6 Trees

- 7.6.1 The site does have a high proportion of tree cover with the bulk being located around the boundaries, and a strip that crosses the entire site. Hybrid poplar dominate the site with other trees such as oak, common alder, beech, cherry, willow and alder. The scheme proposes the loss of 80 stems with the

majority of these being of moderate value. Therefore there will be a loss of arboricultural value across the site. Many of the trees are large specimens incapable of being replaced in the short term.

7.6.2 Ideally all the trees would have been retained. However, in order to develop this site it was inevitable that there would be some loss of trees. The pre-application advice to the applicant was to retain as many trees as possible including the band which crosses the site as in the opinion of Officers this could have served to include open space and/or drainage proposals. Notwithstanding this, there has been significant improvements made to the layout to accommodate trees within the development (notably those along the western boundary of the site – adjacent to Burrow Beck most of the trees are to be retained) and it is considered that subject to planning conditions this element of the scheme can be found acceptable. A more refined landscaping proposal catering for larger native species notably within the south east and south west corner and also north west corner should be proposed. This can be controlled by means of planning condition. Overall the Tree Protection Officer raises no objection to the scheme.

7.7 Highways

7.7.1 Access to the site would be afforded utilising the existing access for Phase 1 until the new point of access to the site was reached. The scheme looks to provide a standard carriageway width with 2 metre footways on either side of the road on the majority of the carriageway. However, does contain a relatively long spine road, which lacks any chicane features or priority narrowing which could help curb excessive vehicle speeds. A condition is therefore recommended to secure some works to the spine road to ensure that vehicle speeds are curtailed. It is noted that there is concern from residents on Phase 1 that there is insufficient parking and this leading to problems. The scheme generally complies with the *maximum* (our emphasis) parking standards but with regard four of the 2-bed units only 50% of this maximum provision is provided. Nevertheless, overall this is considered acceptable. County had concerns with garage sizes but the applicant has increased the size of these to provide for a 3m by 6m internal width. The concerns of residents on phase 1 are understood. However, the scheme is within a sustainable location with the ability to use sustainable modes of transportation to access work and leisure in Lancaster and Morecambe. A condition is recommended that requires that garages remain for use for the storage of vehicles only (i.e. not converted to habitable rooms or used for business purposes) and the provision to be made for appropriate facilities to store bicycles.

7.7.2 Whilst Officers consider that the site to be sustainably located (with a bus service, farm shop and open space and recreational facilities all within a very short walk), the applicant was asked to investigate means of providing greater linkages to Bowerham. It would be beneficial for there to be a pedestrian/cycle link to the south of the site, but due to third party land ownership this was not possible. A further option crossing Burrow Beck and the allotment was explored but given the nature of the land use here this was not considered a viable solution.

7.7.3 On Phase 1 there was a requirement for off-site highway works to occur prior to occupation of the first dwelling and Members will note from the consideration of application 17/00732/VCN that all the off-site highway works were to be completed in their entirety by no later than 24 May 2018. Clarification has been sought from the applicant and County on timescale for the implementation as at the time of consideration of planning permission 17/00732/VCN the applicant was confident all the works would have been implemented. Officers are working with the applicant to ensure that the off-site works are implemented as soon as is practicably possible and reasons for the delay will be reported to Planning Committee. Officers are recommending £45,000 is secured towards the continuation of the local bus service that serves East Lancaster from the city centre.

7.8 Noise

7.8.1 The application site is in region of 425 metres from the M6 and from the closest proposed dwelling it is 32 metres to the Lancaster Brewery (which host parties, weddings and live music). The applicant initially provided a noise survey including background monitoring from an event at the Brewery in January 2016 (where the brewery was catering for a retirement function). This was considered not to be entirely reflective and therefore a further noise survey was carried out between 1930-0000 on 19 August 2016 which was for a wedding breakfast. Given this was in the summer, the doors of the brewery were open allowing noise breakout. The overall conclusion of the noise report is that assuming double glazing and trickle ventilators are used for bedrooms in a line of sight of the brewery then this will afford background ventilation without the need to open windows.

- 7.8.2 Environmental Health did raise concerns with the original noise survey submitted in support of planning application 16/00591/FUL, which was undertaken in January 2016 and felt that there was insufficient information to determine whether the scheme could be harmful to the amenity of future residents and also could lead to actionable noise complaints. Historically, there has been a number of complaints regarding music noise emanating from the brewery, though the brewery has been proactive in dealing with issues and installed a double door system and improvements to windows and doors. Residents on the Potteries (Phase 1) and also on Colchester Avenue have complained about low frequency noise associated with a bass event (such as nightclub noise, or a live music event) which has been described as annoying but not always intrusive.
- 7.8.3 Lancaster Brewery appointed an acoustic engineer to undertake their own assessment of the scheme and noise measurements were undertaken on the evening of Saturday 18th June (the objector states this was 2015 but we are assuming it was 2016), and the event was a wedding reception with a catering operator in a marque outside. The overall findings showed that the results exceed the noise level criteria adopted by the applicant's acoustician. No response has been received from Lancaster Brewery regarding the amended noise survey (undertaken in response to the previous application) to take account of the wedding breakfast and furthermore no response has been received from Lancaster Brewery on this planning application.
- 7.8.4 The applicant's latter report fails to identify how impacts from music noise can be reduced to acceptable levels within external amenity areas. The measured LAeqs in respect of music noise levels (without motorway noise present) are broadly similar to those when the motorway noise is present. However, due to the low frequency component of the noise, at 63Hz for example, measured noise levels are 61dB, 4dB above the highest measured residual sound level. So whilst motorway noise is likely to be the most dominant noise source at this location the low frequency components of music noise will make this sound more noticeable above anything else. Acoustic boundary treatment around the site, which will have the effect of mitigating sound to more acceptable levels within external amenity areas but again detail of this has not been provided and is required so that suitable mitigation can be agreed. There is a requirement for a post and wire boundary (to ensure the site does not suffer from flooding) for plot 13. Given the location of this property (to the north of the site, and 20 metres from properties within Phase 1, where no such acoustic fencing was needed) the building would act as the main form of attenuation to the garden space and therefore can be found acceptable. Whilst music noise may remain audible, within external areas, observed effect levels are not likely to remain significant with mitigation in place. Furthermore, it should also be borne in mind that the Brewery do have obligations under the licensing regime to prevent public nuisance from their business activities and implement suitable noise management procedures to prevent this from occurring. Whilst it is considered that noise impacts can be suitably mitigated against, a condition is required to ensure that more reliable information/data is obtained to ensure that a robust mitigation scheme can be implemented and it is considered that this can be addressed by means of planning condition. The applicant has confirmed in writing they are amenable to such a planning condition.

7.9 Odour and Air Quality

- 7.9.1 The site does not lie within an Air Quality Management Area but it is close to the Lancaster Abattoir which is sited 160 metres to the north of the site. There was much debate during the consideration of Phase 1 regarding the odour associated with the abattoir leading to odour complaints to the Local Planning Authority. However, it was considered that odour would not cause nuisance. Phase 2 is further removed from the abattoir and given the principle has been found acceptable previously it would be unreasonable to suggest that a detailed assessment of the abattoir is required. There is some concern of odour emanating from the brewery which may occur as a result of the brewing process which can give off a distinct yeasty smell. The applicant has supplied an odour assessment in support of the application from January 2017 which concludes that odour from the brewery is likely to have a negligible impact on housing development to which the Air Quality Officer concurs. However, it is highly likely that future residents will pass through the air quality management areas in Galgate and Lancaster and therefore it is recommended that electric vehicle charging points and secure, covered cycle storage are provided.

7.10 Open Space

- 7.10.1 The scheme does provide a generous amount of landscaped open space (in the region of 2,000m² - this is namely due to the presence of underground services which restricts the development of this

part of the site. This far exceeds the 871m² which the Public Realm Officer has suggested is required. The applicant initially sought to provide no on-site play equipment, but the latest iteration of the plan shows that an under 6 facility is to be provided, as requested by the Public Realm Officer. A request has been made towards the improvement of drainage at Farr Moor Sports pitches totalling £52,807 (and these are located circa 1km to the north of the site) and £24,880 towards Young Persons Facilities. A further off-contribution is sought towards Williamson Park of £14,928. There is a deficiency for young person's facilities in Lancaster, but given the provision of a generous area of open space coupled with the provision for an under 6s facility (both on-site) then it is considered unreasonable to require the applicant to commit to provide anything further. Also for the purposes of viability and in line with the recommendations within the Planning Advice Note on Open Space Officers have prioritised affordable housing provision over off-site open space contributions.

7.11 Other Matters

7.11.1 There has been concern locally that local school provision is at capacity and to permit further homes in South Lancaster would put further pressure on the local primary and secondary schools. The County Council has responded to the planning application that there is no requirement for an education contribution and therefore it is considered that the school provision can accommodate this development. The site lies within a mineral safeguarded zone however in reality given the proximity of the dwellings on Colchester Avenue it is unlikely it would be commercially worked for mineral. Furthermore given the results of the ground conditions which the applicant supplied in support of the viability assessment it is unlikely that the site contains any mineral deposits of note.

8.0 Planning Obligations

8.1 As part of this application the applicant has offered the following obligations, which should be secured by legal agreement:

- Provision of 12 affordable units (four 1-bed apartments and two 2-bed houses as affordable rented and three 3-bed houses and three 2-bed houses as shared ownership);
- Contribution of £45,000 towards local bus service provision;
- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and Management Company.

9.0 Conclusions

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where 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 the NPPF as a whole. The development would make a valuable contribution towards meeting the need for market and affordable homes, and given the enclosed nature of the site views into it are only going to be visible from those residents on the Potteries, Chelmsford Close and Colchester Avenue. Whilst there are concerns regarding drainage impacts, the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.

9.2 As part of the planning balance Officers conclude that the delivery of affordable (27.2%) and market homes outweighs the negatives associated with the localised landscape impact. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

Recommendation

That Planning Permission **BE GRANTED** subject to the signing and completing of a Section 106 agreement to secure the following obligations:

- Provision of 12 affordable units (four 1-bed apartments and two 2-bed houses as affordable rented and three 3-bed houses and three 2-bed houses as shared ownership);
- Contribution of £45,000 towards local bus service provision;

- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and Management Company.

and the following conditions:

1. 3 year timescale
2. Approved plans
3. Surface water drainage scheme
4. Surface water management scheme
5. Construction phase surface water management plan
6. Foul water drainage scheme
7. Submission of building materials and boundary materials
8. Garage use restriction
9. Implementation of the submitted FRA
10. Implementation of the submitted Arboricultural Implications Assessment
11. Requirement for an amended landscaping scheme (to include provision of bat and bird boxes on retained trees and full details of the wildflower grassland seed mix)
12. Provision for electric vehicle charging points
13. Contaminated land assessment
14. No vegetation clearance between 1st March and 31st August unless a detailed bird survey has been provided by an experienced ecologist concluding the site is clear of nesting birds
15. Scheme for the protection of Burrow Beck
16. Scheme for lighting (trees T78, T105 and a poplar in G8 to be protected from light spillage)
17. Finished floor and site levels (to include dwellings, garden spaces and open space)
18. Provision of proposed play area
19. Provision of open space on the site to include its maintenance and on-going management
20. Noise mitigation

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

In accordance with the above legislation, the City Council can confirm that it 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.

Background Papers

None