

Agenda Item A5	Committee Date 4 March 2019	Application Number 18/01493/FUL
Application Site Land Off Bye Pass Road And Land Rear Of 18 To 24 Monkswell Avenue Bolton Le Sands Lancashire		Proposal Erection of three dwellinghouses (C3) and a retail unit (A1) with associated parking and access
Name of Applicant Langdale Capital		Name of Agent Miss Rosanna Cohen
Decision Target Date 17 January 2019		Reason For Delay Extension of time agreed with the applicant in order for them to facilitate amendments to the scheme
Case Officer		Clare Bland
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Wild has requested that the application be referred to the Planning Committee for a decision on the grounds of the possible impact on the existing retail units and businesses along Main Street and, concerns of flooding and water displacement.

1.0 The Site and its Surroundings

- 1.1 The site extends to approximately 0.48 hectares of undeveloped, agricultural land, situated on the western side of Bye Pass Road (A6), within the settlement of Bolton-le-Sands. It is adjacent to, but falls outside of, the Bolton-le-Sands Conservation Area and there are no statutorily or locally listed buildings either within or immediately adjacent to the site.
- 1.2 The site comprises two parcels of land which are sub-divided by a public right of way (PROW) and a brook, Mill Dam, which run adjacent to each other in a north-south direction. The eastern portion of the site is a fairly level triangular piece of land, bounded to the north by an agricultural field, to the south east by a hedgerow and Bye Pass Road, and to the south west by Mill Dam and the adjacent PROW. Further to the west, across the PROW, is the eastern boundary of 24 Monkswell Avenue. Access to the site is currently achieved via a gate at a break in the existing hedgerow on the Bye Pass Road frontage.
- 1.3 The western portion of the Site is a rectangular piece of land bounded to the east by the PROW and the adjacent Mill Dam, to the south by Monkswell Barn (dwelling and garden), to the west by the rear garden of 16 Monkswell Avenue, and to the north by the rear gardens of 18, 20, 22 and 24 Monkswell Avenue and the access road which is situated between nos. 18 and 20. Although relatively level for the most part, this area of the Site rises steeply upwards from approximately the north south line of the access road into the south west corner. Ground level in the eastern end of this portion of the site is approximately 1m above the ground level immediately surrounding Monkswell Barn, albeit the garden area of this property similarly rises towards the west.

2.0 The Proposal

- 2.1 The application proposes the erection of a convenience retail (Class A1) unit of 390 sq m (GIA) on the eastern portion of the site, and 3 4-bed detached dwellings on the western portion of the site.
- 2.2 The proposed retail element of the development includes dedicated service and vehicle turning areas, 23 car parking spaces (including 2 mobility spaces), 2 motorcycle parking spaces, and 3 covered Sheffield cycle hoops. A stepped pedestrian access is proposed from Bye Pass Road separate to the vehicular access, with footpaths provided alongside the vehicular access to facilitate level access into the site. Within the site, there is a pedestrian route to the south of the proposed building that links to the existing PROW. Enhancements to the PROW within the application site boundary are proposed, as well as the repair and retention of the existing bridge across Mill Dam and the introduction of a safety guardrail. Landscaping and drainage attenuation are proposed to the northern portion of the site outside of the parking and access areas.
- 2.3 The proposed residential element of the development comprises the erection of 3 4-bed dormer bungalows. Access to the properties would be taken from the existing road between 18 and 20 Monkswell Avenue. Each property has been designed with an integral garage of suitable size to accommodate a car, and off road parking suitable for at least 2 cars.

3.0 Site History

- 3.1 The relevant planning history to the site is noted below:

Application Number	Proposal	Decision
05/00533/OUT	Outline Application for residential development	Refused
06/00723/OUT	Outline application for residential development	Refused
18/00754/PRETWO	Erection of a small-scale retail convenience store and 3 dwellings	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objection to residential element, object to retail element. Concern over: highway safety; proximity to the Cricket Club and implications for interference with play and liability insurance; timing (and by default, completeness) of ecology assessments; flood risk and drainage; impact of noise and light pollution on residential amenity; impact on existing retail within the village.
County Highways	No objection. The site is well served by frequent public transport service and benefits from pedestrian footway provision, and access to the retail unit is not restrictive in terms of an over reliance on car journeys, as such it accords with national and local policies relating to transport sustainability. Access arrangements to both elements would operate in a safe and efficient manner. Proposed junction control to be appropriate in capacity terms given traffic levels on Bye Pass Road. Parking to the retail element falls short of the Council's maximum standards (by 5 spaces) with implications for overflow parking impacting on surrounding lengths of the Site's means of access to the detriment of delivery vehicles and visitors. Conditions are recommended to secure on and off site highway works that are considered necessary for the safe operation of the development.
Environmental Health	No objection. Recommend conditions to control noise impacts associated with external plant to ensure that there will be sound of low impact to nearest noise sensitive receptors and to restrict on delivery hours.
Tree Officer	No objection. Recommend conditions relating to the submission of replacement planting and tree protection measures.
Natural England	Response received. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Public Realm Officer	Response received. Advised to consult with Sport England in respect of the potential impact on the existing cricket pitch in terms of ball strike distances.
Lead Local Flood Authority	No comments to make.
United Utilities	No objection. The proposals are acceptable in principle subject to a condition requiring drainage to be carried out in accordance with the submitted FRA, no surface water to drain directly into public sewer, and sustainable drainage to be managed and maintained.
Fire Safety Officer	The scheme would be required to meet Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'
Conservation Officer	No objection. As originally proposed the scheme, mainly the retail element, was considered to lead to a less than substantial level of harm to the setting and significance of the Conservation Area and Non-Designated Heritage Asset (Monkswell Barn). It was noted that any development of the site would cause a level of harm to the significance of these heritage assets, but development could be mitigated by an improved design which would minimise the visual impact and/or create interest that is sympathetic to the vernacular qualities of the surrounding historic environment. The Officer indicated that there needed to be alterations to the design, particularly the principal elevation of the retail unit, such as the reduction of modern K-render used and potentially more stone and/or glazing used. The scheme was revised to address comments raised. The Officer has subsequently recommended conditions be imposed to ensure suitable materials would be used in any development.
PROW County Highways	No response received.
Canal & River Trust (North West)	No comments to make.
Sport England	No objection. Recommend a condition requiring development to be undertaken in accordance with the Ball Strike Assessment, with fencing details to be agreed with Bolton-le-Sands Cricket Club.
Lancashire Constabulary	No response received.
LCC Planning Policy	No objection given the localised nature of this proposal and the scale of retail to be provided, the Sequential Test (as submitted in support of the application) is passed.

5.0 Neighbour Representations

- 5.1 38 Representations have been received to date in respect of the scheme, comprising 36 objections, 1 support, and 1 observation (neither objecting or supporting).
- 5.2 The objections have been made on the following grounds:
- there is no need for additional retail development within the village;
 - there is no need for additional housing within the village;
 - concerns regarding highway safety, parking and accessibility;
 - impact on residential amenity from overlooking, noise and light pollution;
 - impact on existing ecology and habitats;
 - concerns regarding flood risk and drainage, and the impact the development will have on the existing situation;
 - visual impact on surrounding area;
 - loss of amenity space; and
 - safety of the proposed attenuation pond.
- 5.3 Support has been submitted welcoming the proposed new retail development, commenting that it is difficult to park close to the existing retail unit on Main Street.
- 5.4 The observation has been submitted considering the scheme acceptable subject to dealing with flooding potential and control of signage.
- 5.5 County Councillor Stuart Morris objected to the application on the basis of:
- Cricket balls being hit into the supermarket car park;

- Drainage issues for the cricket ground;
- Environmental issues related to local wildlife;
- Excess street lighting;
- Noise from delivery vehicles;
- Damage to local businesses trade.

5.6 David Morris MP objected to the application on the basis of:

- Flood risk.

The objection appended a letter from a local resident which was also submitted directly to the Local Planning Authority and which has been considered in the Neighbour Representations above.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 to 10 - Achieving sustainable development
 Paragraph 11 to 14 - The Presumption in favour of sustainable development
 Paragraphs 47 to 50 – Determining applications
 Paragraphs 59, 60, 62 to 64 - Delivering a sufficient supply of homes
 Paragraph 68 – Identifying land for homes
 Paragraph 73 to 76 – Maintaining supply and delivery
 Paragraphs 77 to 78 – Rural Housing
 Paragraphs 86 – 89 – Ensuring the vitality of town centres
 Paragraphs 91, 92, 94, 96 and 98 – Promoting healthy and safe communities
 Paragraphs 102 to 103, 108 to 111 – Promoting sustainable transport
 Paragraphs 117 to 118, 122 to 123 – Making effective use of land
 Paragraphs 124, 127, 129 and 130 - Achieving well-designed places
 Paragraphs 148, 155, 163 and 165 – Flood risk
 Paragraphs 170, 172 and 175 - Conserving the natural environment/habitats and biodiversity
 Paragraphs 178 to 180 and 182 - Ground Conditions and Pollution
 Paragraphs 189 to 193, 196, 197 and 200 – Conserving and enhancing the historic environment
 Paragraphs 213 to 214 – Annex 1 Implementation

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan’s preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft ‘Review’ document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the ‘Review’ will increase as the plan’s preparation progresses through the stages described above.

6.3 Development Management DPD (adopted December 2014)

DM1 – Town Centre Development
 DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM26 – Open Space, Sports and Recreational Facilities
 DM27 – The protection and Enhancement of Biodiversity
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM32 – The Setting of Heritage Assets
 DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
 DM35 – Key Design Principles
 DM38 – Development and Flood Risk
 DM39 – Surface Water Run-off and Sustainable Drainage
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

Appendix B: Car Parking Standards

6.4 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC3 – Rural Communities
 SC4 – Meeting the Districts Housing Requirements
 SC5 – Achieving Quality in Design
 SC6 – Crime and Community Safety
 SC8 – Recreation and Open Space
 ER5 – New Retail Development

7.0 Comment and Analysis

- 7.1 The main issues are:
- Principle of Residential use;
 - Principle of Retail use and Retail Impact;
 - Residential Amenity;
 - Flood Risk & Drainage;
 - Highway Safety and Parking;
 - Ecology; and
 - Public Realm and Tree Protection.

7.2 Principle of Residential Use

- 7.2.1 The site has no specific land use designation and there are no site constraints that would preclude it from being considered appropriate for residential development. Bolton-le-Sands is classified in the Local Plan as a sustainable rural settlement where new housing development can be supported in principle subject to satisfying the criteria of Policy DM42.
- 7.2.2 In terms of addressing these criteria, the site is well related to the existing built form, scale and character on the western side of Bye Pass Road which is dominated by 20th century detached and semi-detached bungalows interspersed with older residential properties and domestic conversions of a modest scale. The area to the east of Bye Pass Road also features detached dormer bungalow and modest scale residential properties in the immediate vicinity of the Site, with the style and use of buildings changing further away from the site and as the land rises towards Main Street.
- 7.2.3 The application has been supported by technical information, which demonstrates how the proposals can be accommodated within the existing infrastructure of the surrounding area, specifically in terms of aspects such as highways, drainage, flood risk and ecology. Statutory consultees have all confirmed that the information submitted in support of the proposals satisfactorily addresses these matters (considered in more detail below), with conditions recommended where appropriate.
- 7.2.4 The siting, including orientation of buildings and overall scheme layout, and the design of the three residential properties, including their height and elevational treatment, has been carefully considered so as to integrate within the surrounding area. Although the scheme would result in the loss of a greenfield site that can be viewed from the Conservation Area, it is already surrounded on three

sides by existing residential properties; it is located within (and not on the periphery of) the settlement boundary of Bolton-le-Sands; is not of such quality so as to be a protected landscape; nor does it act as providing a landscape setting in the context of the wider area. The Council's Conservation Officer has advised that the setting of Monskwel Barn has been eroded by the 20th century development of lower quality materials to the rear of the building and as such the level of harm on the setting and significance is somewhat reduced.

- 7.2.5 Policy DM41 addresses new residential development in principle, confirming proposals that represent sustainable development will be supported. The proposals address the requirements of DM41 insofar as the scheme makes effective use of the land and takes account of the characteristics of the location in terms of the style and density of development. The three additional properties will be able to integrate into the existing environment in terms of design and infrastructure, and the composition of the scheme, being 3 4-bed detached bungalows, addresses the 'need' within Bolton-le-Sands as identified in the adopted Meeting Housing Needs SPD.
- 7.2.6 Policy DM41 requires developments on greenfield land to demonstrate that the benefits of the proposal outweigh the impact on local amenity. From an amenity perspective, the site is not accessible for public use and acts therefore as a visual 'gap' between existing residential properties. The proposals would change the view from neighbouring residences, from the adjacent PROW, and the wider views from Bye Pass Road and further afield from within the Conservation Area. However, due to the small scale of the buildings, which would integrate well with the existing settlement pattern of the village, the design characteristics and materials, and the regard that has been given to meeting the Council's residential amenity requirements, they would not detrimentally impact on existing amenity. Additionally, the provision of housing of a size that meets an identified local need, would be an overall benefit, thereby satisfying this policy requirement.
- 7.2.7 Objections have been received from local residents stating that there is no need for new residential development within Bolton-le-Sands. However, adopted policy and the background papers prepared to inform the emerging Local Plan indicate that there is in fact such a need and the proposals would accord with this position.
- 7.2.8 Due to the small number of proposed dwellings there would be no requirement for affordable housing as part of the scheme.

7.3 Principle of Convenience Retail Use & Retail Impact

- 7.3.1 The site has no specific land use designation in the adopted Local Plan. The creation of a convenience retail store represents a main town centre use, as defined by Annex 2 of the NPPF and, given its out-of-centre location, the sequential test must be passed to accord with both national and local planning policy.
- 7.3.2 In accordance with NPPF Paragraph 86 and 87 and Policy DM1, the convenience retail element of the application has been supported by a sequential test assessment that addresses criteria i to v of Policy DM1. The scope of the sites considered as part of the assessment were reviewed by, and agreed with, the Council's Planning Policy team, and the results of the assessment have been critiqued by them. The Planning Policy team have concluded that given the localised nature of this proposal and the scale of retail to be provided, the Sequential Test is passed.
- 7.3.3 Objections have been received to the convenience retail element of the application, indicating that there is already sufficient local provision and concern over the impact that the development could have on existing facilities in the surrounding area. As noted above, the proposals have satisfied the tests required by both local and national planning policy and there are no other planning policy requirements applicable to the scale of development proposed that could be used to assess competition with, or impact on, existing retail operations in the village.
- 7.3.4 Therefore having regard to the above, based on the nature and the operational characteristics of the type of retail use proposed, the principle of the convenience retail element of the scheme is acceptable in this instance. This would not be the case for comparison retailing, which would need use specific assessment, and therefore a condition is recommended restricting the nature of retailing at the site.

7.4 Residential Amenity

- 7.4.1 Residential amenity has been considered both in terms of any impact of the proposals on the amenity of existing surrounding residents, and also the amenity of future occupiers of the residential element of the scheme, including impacts on privacy/overlooking, an overbearing impact, noise and light pollution.
- 7.4.2 Impact on privacy/overlooking has been addressed by the orientation and siting of the proposed development, and the location of windows within the proposed elevations. The scheme includes acceptable separation distances secured between facing and oblique habitable room windows, including having regard to the site level differences between the properties, in accordance with adopted policy guidance (Paragraph 18.4 of the adopted Local Plan). 1.8m boundary fences have been proposed that would similarly reduce the propensity for overlooking, particularly from ground floor windows, between rear garden areas, and from the adjacent PROW.
- 7.4.3 Additionally, due to the relationship between proposed Plot 3 and Monkswell Barn, the originally proposed rear dormer window has been changed to rooflight so as to further reduce the propensity for overlooking – there are no directly facing habitable room windows in this relationship, with a minimum distance of 14m at an oblique angle between elevations, and a minimum of 16m in directly facing elevations without habitable room windows. There are no windows proposed within the commercial unit facing towards any surrounding residential properties and no public or staff circulation areas that would result in any impact on privacy or overlooking of residents. It is recommended that permitted development rights be removed from the residential units in order to ensure there is no future detrimental impact on existing neighbouring residents through alterations, extensions or outbuildings, which may otherwise increase the propensity for overlooking or overshadowing.
- 7.4.4 There is a level difference of approximately 1m at the junction of the site and the dwelling of Monkswell Barn (the site being on a higher plane), with a post and rail fence currently in place along the length of the boundary with Monkswell Barn's garden. As originally proposed the scheme included a 1.8m close boarded fence directly on the southern site boundary. However, due to Officer concerns that this could potentially have an overbearing impact on the amenity of Monkswell Barn residents at the point closest to the existing house, the proposed fence has been pulled approximately 0.6m north of the boundary. This separation will reduce the perceived height of the fence from the Monkswell Barn side and will also allow a maintenance strip along the southern edge of the application site for the benefit of future residents.
- 7.4.5 An environmental noise impact assessment has been undertaken in support of the application. This has taken into account the existing background noise levels and the potential noise generating elements of the proposals, including from operational equipment and deliveries. The assessment has considered the impact on existing residential properties and those proposed. The report has been reviewed by the Council's Environmental Health team who have advised they are:
- 'satisfied that there will be 'lowest observed effect levels' in respect of noise associated with both the commercial and residential aspects of the development site'.*
- 7.4.6 Environmental Health also confirms that for the residential element, internal sound design criteria recommended within BS8233:2014 can be achieved with upgraded glazing and trickle ventilation and although there are slight exceedances to recommended sound levels within external amenity areas they are considered acceptable in the context of the site. It is also confirmed that noise arising from commercial activities (notably deliveries) is likely to be of low impact at this location and noise management procedures are not necessary in respect of this. Conditions are recommended in respect of noise impacts from external plant and hours of operation and deliveries.
- 7.4.7 Objections have been received relating to the impact of the proposals on residential amenity. However, the proposals accord with the Council's policies and nationally applicable standards and as such, having regard to the above, the proposals will not detrimentally impact on existing or future residential amenity.

7.5 Flood Risk and Drainage

- 7.5.1 The application is supported by a Flood Risk Assessment and Drainage Proposals document. Although not in a flood risk zone, a small area of the eastern portion of the Site is susceptible to 1

in 100 year Surface Water Flooding, and more of this area is susceptible to a 1 in 1000 year event. The whole site also falls within an area of less than 25% susceptibility to groundwater flooding.

- 7.5.2 The assessment has robustly analysed the effect the proposed development on the existing baseline situation, the findings of which have been critiqued by United Utilities. Due to the size of the site and scale of development proposed, the Lead Local Flood Authority (LLFA) have not commented on the application.
- 7.5.3 The assessment proposes that the surface water drainage system will follow SuDS guidelines and will incorporate individual controlled discharge points for the residential and retail elements, these being below ground tank water storage for the residential area and open pond feature to the commercial development to make 'space for water'. The final discharge from the development will be attenuated to the calculated discharge rate of below 5.0 l/sec aggregated across the two storage systems, which individually would have discharge rates of 1.75 litre per second for residential and 3.25 litre per second for retail. The storage facilities proposed as part of the scheme have been designed to accommodate a +40% climate change allowance factor, which represents an anticipated 100 year lifetime for the development. This is substantially above the Council's baseline requirement of +30% and represents a robust proposal.
- 7.5.4 Foul water disposal for both sites is proposed via gravity pipework into the existing public combined water sewers. For the residential element this would be connected into the Monkswell Avenue infrastructure, and for the retail it would be the Bye Pass Road infrastructure.
- 7.5.5 United Utilities stated that from a drainage perspective, the proposals are acceptable in principle and have requested that any development be carried out in accordance with the principles set out in the FRA prepared by Rutter Johnson (ref 18008-FRA_Rev A dated November 2018), the reason being to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.
- 7.5.6 In the absence of LLFA comments, the Case Officer has liaised with the Council's Engineers and Building Control Officers, who have confirmed that the surface water drainage proposals appear comprehensive and they have no objection to the scheme, and that the assessment undertaken for the development accords with Council's required standards.
- 7.5.7 Objections have been received from residents in respect of flood risk, surface water flooding and drainage. However, having regard to the above, the proposals are not considered to have detrimental implications for the existing baseline flood risk or drainage at the site or surrounding area subject to the implementation of proposed engineering works. As proposed, the works are likely to have a positive effect on the existing baseline propensity for localised flooding experienced at the neighbouring property of Monkswell Barn. Relevant drainage conditions have been proposed to secure these details.
- 7.5.9 Concern has been raised as to the safety of the attenuation pond area. Whilst understandable concerns, this is a health and safety issue that the retail occupier will need to attend to, and not a planning issue.

7.6 Highway Safety and Parking

- 7.6.1 Vehicular and pedestrian access to the convenience retail element of the proposed development is to be taken from Bye Pass Road, slightly south of the existing access point. An additional stepped pedestrian access point is proposed to the south of this and access will also be possible from the PROW via the existing bridge over Mill Dam, enhancements to which are proposed as part of the application. Vehicular and pedestrian access to the residential element of the scheme is proposed to be taken from Monkswell Avenue via the existing site entry point. There will be no direct access from the residential element of the scheme to the PROW.
- 7.6.2 County Highways has been consulted on the scheme proposals and have advised that the site is well served by frequent public transport services and benefits from pedestrian footway provision. Access to the retail unit is not restrictive in terms of an over reliance on car journeys and as such it accords with national and local policies relating to transport sustainability. Parking to the retail element falls short of the Council's maximum standards by 5 spaces (though given the site's accessibility to pedestrian and public transport networks, this is deemed acceptable) with implications for overflow parking impacting on surrounding lengths of the site's means of access to

the detriment of delivery vehicles and visitors. As such, they have recommended double yellow lines be introduced around the entrance to the site in order to address this. County Highways has confirmed that access arrangements generally to both elements would operate in a safe and efficient manner and the proposed junction control is appropriate in capacity terms given traffic levels on Bye Pass Road. Overall they have no objections and have recommended conditions relating to on and off site highway works to control the appropriate implementation of the development.

7.6.3 County Highways had requested a contribution towards the enhancement of the entire PROW (including land outside of the site). However, such works would not meet the tests of NPPF. Discussions are ongoing between the applicant and County Highways to agree an appropriate level of enhancement works to the length of the PROW within the site and a condition can reasonably be imposed to ensure these works are undertaken prior to the retail unit being brought into use.

7.6.4 Residents have objected to the proposals on grounds of highway safety, but County Highways has thoroughly reviewed the proposals and have confirmed that, subject to the on and off site works proposed, the scheme will be acceptable and can operate safely.

7.7 Ecology

7.7.1 The application is supported by two Ecological Appraisals, one undertaken by Penny Anderson Associates Ltd in November 2017 in respect of the retail portion of the site, and one undertaken by Simply Ecology Limited in November 2018 in respect of the residential portion of the site. The timing of the surveys has been questioned by objectors, but there is no evidence to suggest that they were incomplete or that the results were constrained. The 2017 report confirmed that *'The survey was undertaken at a suitable time of year for the habitat and protected species scoping assessments, during good weather conditions'*, and the 2018 report advises that although *'not the most optimal time to record habitats ... given the habitats present on site and the ability to recognise pertinent vegetative indicator species at any time of the year, the timing was not considered to represent a constraint'*.

7.7.2 The surveys did not identify any invasive plant species at the site.

7.7.3 The assessments included desk studies of protected species, statutory and non-statutory designations and species of conservation concern within 2km of the site. A Phase 1 habitat survey and hedgerow assessment has also been undertaken. The sites were assessed for potential habitats to support protected species and those of conservation concern. It was confirmed that, due to the characteristics of the site and the surrounding area, there were little or no features that would support great crested newts. The hedgerows provided some nesting opportunities for birds, along with a small potential hunting habitat for species, such as barn owls and kestrel albeit no nesting opportunities for these.

7.7.4 The report that assessed the retail portion of the site identified a number of habitat types containing common and widespread plant species albeit none of the findings would preclude the potential for development of the site. The trees and hedgerows could be used by nesting birds and hedgehogs and as such there would be implications for scheduling of site clearance and care would need to be taken to carefully relocate hedgehogs if found. There is moderate potential for bats to day roost in one of the trees adjacent to Mill Dam but it is unlikely to provide sufficient shelter for a maternity roost or hibernation. This tree falls outside the area for development and as such no works are proposed to the tree. The assessment indicated that hedgehogs could be present in the base of hedgerows and as such the clearance of such areas would need to be undertaken with care and any hedgehogs carefully relocated.

7.7.5 The report that assessed the residential portion of the site confirmed that there were no habitats or features of nature conservation value albeit that there may be hedgehogs under the sheds/hedge and as such site clearance should be undertaken with care and any hedgehogs found should be carefully relocated. The report concludes that although the impact of the proposals on the existing habitat is noted as being 'major', the habitat itself is of negligible value and therefore proposed landscaping scheme will suitably mitigate the impact.

7.7.6 The assessments recommend retention of existing trees and hedgerows where possible; clearance workings being undertaken from October to February to avoid the main bird nesting season (with a review by a suitably qualified ecologist 48 hours prior to clearance to ensure no active nests are present), and the installation of a 'hawk kite' before the end of February of the year development

commences to deter ground nesting species; and careful checks for, and relocation of, any hedgehogs.

- 7.7.7 The reports recommend consideration of providing ecological enhancement, suggesting measures such as bat roosts, nesting boxes and soft landscaping. The development includes landscaping works and tree/hedgerow replacement which are considered suitable enhancement pursuant to the objectives of NPPF and which are proposed to be conditioned accordingly.

7.8 Public Realm

- 7.8.1 The site is in close proximity to Bolton-le-Sands Cricket Club and as such has been assessed in terms of impact on the functionality of the existing facility. A Boundary Risk Assessment has been undertaken, the findings of which were incorporated into the scheme layout to ensure suitable distance is retained between the crease and the car park/servicing area. The Assessment recommends the erection of a suitable fence at the northern boundary of the site, the location and principle of which has been supported by the Council's Public Realm Officer and Sport England. The specific details of the fence need to be proposed by the applicant and agreed by the Local Planning Authority in conjunction with Bolton-le-Sands Cricket Club. Given the height and design of the fence is currently unknown, it might be that the fence needs planning permission and therefore will need to be included in the description of development. If this is the case, then the description will need agreeing with the applicant, the application will need to be re-consulted upon, and the recommendation will need to reflect that the application needs to be delegated back to the Planning Manager for the re-consultation period to expire.

7.9 Tree Protection

- 7.9.1 The proposed development would result in the loss of one existing tree, a length of existing on-site hedgerow and partial removal of another hedgerow, all within the eastern portion of the site. The Council's Tree Officer has been consulted on the proposals and has made recommendations that have been taken on board by the applicant. As mitigation for the loss, the proposals include for planting of new trees, shrubs and hedgerow, details of which are required to be controlled by condition along with general on site tree works/protection measures.
- 7.9.2 As originally submitted the proposals would have impacted on the protection zone for other tree roots. However, amendments were made to the site layout to address this impact, to the satisfaction of the Council's Tree Officer.

8.0 Planning Obligations

- 8.1 There are no planning obligations associated with this development.

9.0 Planning Balance and Conclusions

- 9.1 The thrust of planning policy is about achieving sustainable development, recognising that in doing so there is a balance to be achieved between environmental, economic and social dimensions. Pursuing sustainable development is about place making and ensuring new development can integrate with the existing built, social, natural and historic environment.
- 9.2 Central to our consideration of this application is the presumption in favour of sustainable development and the need to ensure the proposals would not have a detrimental impact on any of the above factors.
- 9.3 There are adopted policies relevant to the consideration of this application that accord with the thrust of the National Planning Policy Framework and it is important that the decision is made having due regard to these.
- 9.4 In this instance, the principle considerations have been the appropriateness of the development, with specific regard to the location within which it has been proposed and surrounding uses, and associated factors of impact on residential amenity; potential for impact on the existing drainage and flood risk; impact on ecology; impact on the safety of the existing highway network; and impact on heritage assets within the proximity of the site.

- 9.5 The applicant has demonstrated, through empirical analysis and technical assessments, that the proposed development accords with adopted planning policies and would not have a detrimental impact on the above. The applicant has amended the appearance of the scheme from that originally submitted in order to address material planning concerns raised by statutory and non-statutory consultees, and local residents. There remain no aspects of the proposals that conflict with adopted planning policy.

Recommendation

Depending on the details of the fencing, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Materials
4. Refuse storage
5. Landscaping (including tree planting and ecology mitigation) and maintenance plan
6. In accordance with Arboricultural Impact Assessment
7. External lighting
8. Construction Method Statement
9. Access road details
10. Visibility splays
11. Car parking areas and cycle parking
12. Off-site highway works, including public right of way enhancements to the sections within the application site and works required to Bye Pass Road to accommodate the new access
13. In accordance with Flood Risk Assessment
14. Surface water system and maintenance plan
15. Foul water systems (on different system to surface water)
16. Removal of residential Permitted Development rights
17. Convenience retailing only
18. Delivery hours
19. Construction hours
20. Hours of operation (retail)
21. Noise mitigation from plant

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 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.

Background Papers

None