

<b>Agenda Item</b> A11	<b>Committee Date</b> 3 June 2019	<b>Application Number</b> 18/01367/OUT
<b>Application Site</b> Land off Hadrian Road Morecambe Lancashire	<b>Proposal</b> Outline application for erection of 13 dwellings (C3)	
<b>Name of Applicant</b> Mr & Mrs P Hodgson	<b>Name of Agent</b> Mrs Nola Jackson	
<b>Decision Target Date</b> 23 January 2019	<b>Reason For Delay</b> Awaiting further information in relation to drainage	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The site relates to a roughly triangular shaped piece of land located at the end of a cul-de-sac, Hadrian Road, in Morecambe. It comprises a grassed area, which has most recently been used to graze horses, and is partly dissected by a row of trees, which follow the line of a watercourse across the site. There are also a number of other trees along the site boundaries that are covered by a group Tree Preservation Order (TPO 436(2008)), along with those within the site. A 450mm sewer pipe crosses the site and the land is also identified as being susceptible to groundwater flooding (50-74%) and also surface water flooding (predominantly 1 in 1000 but also with areas of 1 in 100 and 1 in 30 year events). The Council's Open Space Study from 2010 identifies the site as natural and semi natural green space.
- 1.2 Adjacent to the southwest boundary is a multi-use path, which forms part of the strategic cycleway and follows the line of the former railway. This is also identified as a green corridor on the Local Plan Proposals map. Beyond this, to the south west, is White Lund Industrial Estate, which is an allocated employment site. To the north of the site is Torrisholme Cemetery and to the east is an existing residential housing estate which is generally at a higher level than the site.

## **2.0 The Proposal**

- 2.1 Outline planning permission is sought for the erection of 13 dwellings. All matters are reserved, though an indicative layout plan has been provided to show how the development could be accommodated. This shows a road through the site extending from the end of Hadrian Road at the southeast corner, towards the north west corner. The dwellings have been shown to the north east side of the road with a partly landscaped and open space towards the south west boundary.

## **3.0 Site History**

- 3.1 An outline application for the erection of 17 dwellings was submitted earlier in 2018, but was withdrawn following concerns particularly relating to impacts from the adjacent industrial estate.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
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18/00671/OUT	Outline application for erection of 17 dwellings (C3)	Withdrawn
17/01252/PRETWO	Pre-application enquiry for the erection of 22 residential dwellings	

#### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	<b>Object</b> - Significant risk of contamination due to its former uses; land is poorly drained and maintained and the development could increase flooding; and the site is in close proximity to unneighbourly business activities.
<b>County Highways</b>	<b>No objection</b> subject to conditions requiring: provision for vehicles to enter and leave Hadrian Road in a forward gear; construction of means of access to base course before development takes place; and a scheme for the construction of the site's means of access.
<b>County Planning</b>	<b>No objection.</b> An education contribution is not require at this stage.
<b>Lead Local Flood Authority</b>	<b>No objection</b> subject to conditions requiring: the development to be carried out in accordance with mitigation measures relating to finished floor levels, height of banks around the culvert inlet, regrading of north boundary of the site, trash screen to the existing culvert and the restriction of surface water discharge; submission of surface water drainage scheme; and submission of a surface water lifetime management and maintenance plan.
<b>Environmental Health</b>	<b>No objection</b> subject to conditions requiring: noise mitigation in relation to the adjacent industrial uses; and condition in relation to noise; and contamination assessment and mitigation.
<b>Tree Protection Officer</b>	<b>No objection</b> subject to the submission and agreement in writing of a detailed AIA and detailed Arboriculture Method Statement (AMS) for all works proposed within the root protection areas (RPA) of retained trees and hedges.
<b>Public Realm Officer</b>	No comments received during the consultation period.
<b>Natural England</b>	<b>No comments to make.</b>
<b>Environment Agency (EA)</b>	No objection subject to a condition regarding contamination. Site close to 2 facilities operating under Environmental Permits, regulated by the EA, so noise and odour impacts to be considered.
<b>United Utilities</b>	<b>No objection</b> in relation to original drainage strategy. A public sewer crosses this site with no permit to build over it. Require an access strip of 3m either side of the centre line of the sewer.
<b>Ramblers Association</b>	No comments received during the consultation period.
<b>Lancashire Fire and Rescue Service</b>	<b>Comments</b> - It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

#### **5.0 Neighbour Representations**

5.1 No representations have been received.

#### **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development  
 Paragraphs 59, 60, 62 – Delivering a sufficient supply of homes  
 Paragraph 68 – Identifying land for homes  
 Paragraph 108, 109 and 110 – Access and transport  
 Paragraph 117 and 118 – Making effective use of land  
 Paragraphs 124 and 127 – Achieving well-designed places  
 Paragraphs 163 and 165 – Assessing flood risk use of sustainable drainage systems  
 Paragraph 170 – Contributing to and enhancing natural and local environment

Paragraphs 170,175 and 176 – Protecting and enhancing biodiversity  
Paragraph 178 and 179 – Ground conditions and contamination  
Paragraph 180 – Pollution, noise and compatibility with existing uses

## 6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions commenced on 9 April 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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

## 6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design

## 6.4 Development Management Development Plan Document (adopted July 2014)

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM25 – Green Infrastructure  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – The Protection and Enhancement of Biodiversity  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM35 – Key Design Principles  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential Development

## **7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of residential development
- Proximity to an employment site
- Impact upon nearby residential amenity
- Layout, scale and design
- Impact upon trees and ecology
- Highway impacts including parking
- Drainage
- Open space
- Land contamination
- Affordable housing

## 7.2 Principle of residential development

- 7.2.1 The site is located within the urban area of Morecambe, adjacent to existing residential development. It is close to existing public transport links and services and is therefore a location where residential development would be supported in principle.
- 7.3 Proximity to an employment site
- 7.3.1 The site is in close proximity to the White Lund Industrial area which is allocated as an employment site for B1 (light industrial), B2 (general industrial) and B8 (storage). It therefore needs to be ensured that the amenities of the future occupiers of the dwellings on this site can be adequately protected, but also that the development does not adversely impact on the current or future operation of the businesses. This is one of the main employment sites within the District and therefore the development should not be allowed that would prejudice the use or redevelopment of part of this.
- 7.3.2 Whilst this is an outline application, and the layout and design and the development is not being sought at this stage, it still needs to be ensured that the number of dwellings proposed can be accommodated within the site. This includes ensuring that the occupiers of these dwellings would not be detrimentally impacted by the operation of the industrial site, and any impacts could be adequately mitigated. A previous outline application for the erection of 17 dwellings (18/00671/OUT) was submitted earlier in 2018 and was subsequently withdrawn, primarily due to concerns regarding impacts from the industrial estate. Despite this application including a detailed noise assessment, concerns were raised by the Environmental Health Officer. In particular there were concerns regarding the impact of the fan noise, from one of the adjacent uses, on external amenity areas to some of the plots proposed on the south west side of the new access road and it was considered that these plots were in too close a proximity to the commercial uses. At least one of these premises operate on 24-hour basis. There were also concerns in relation to noise from a nearby scrap business with associated bangs and clangs. However, it was noted that no justified complaints concerning noise from existing residents living within the vicinity had been received over a 10-year period.
- 7.3.3 The current application proposes a reduced number of dwellings, and the indicative site plan shows that these would be accommodated towards the north east of the site, and would face towards the industrial estate with gardens to the rear. Most of these have been positioned more than 30 metres from the boundary of the industrial estate. The previously submitted noise assessment has been revised in relation to the current proposal. One of the issues with measuring noise in relation to the current uses is that it only represents a point in time and uses and operators at the industrial estate could change, with no restrictions in relation to hours of operation. However, the Environmental Health Officer has advised that the revised layout would address the previous concerns with regards to potential noise impacts, particularly to external amenity areas. Considering measured sound levels obtained at monitoring locations, it is considered that internal design criteria specified within BS8233:2014 can be satisfactorily met with façade insulation treatment, acoustic glazing and ventilation that will obviate the need to open windows to achieve 'lowest observed effect levels' in respect of noise. The lowest observed adverse effect level is the level of noise exposure above which adverse effects on health and quality of life can be detected. In relation to external areas, the proposed orientation would allow the buildings to screen rear gardens and a plan within the acoustic report shows minimal areas of acoustic fencing between properties and along some of the open side boundaries. Given that this is an outline application, it would therefore be appropriate to condition a scheme of mitigation measures to be submitted.
- 7.3.4 The Environment Agency were consulted as they are involved in regulating some nearby businesses on the industrial estate. These comprise Ken Allen Autowreckers and Morecambe Metals. They advised that noise and odour impacts from these premises need to be considered, and highlighted that both sites are currently operating within their permits, so little could be done to reduce noise emissions. There therefore remains a risk that additional residential development in close proximity to these sites could result in an increase in noise-related complaints which could not be addressed. Given the nature of the current uses, odour is unlikely to be a nuisance. The relationship between the application site and the employment area is slightly uncomfortable, and there are still uncertainties about potential uses and hours of operation close to the site, in addition to more sporadic noises that may not have been fully captured by the noise assessment. Relying on windows remaining closed is also not ideal, particularly in summer months. However, as set out above, the Environmental Health Officer has advised that noise from the adjacent industrial site can be adequately mitigated in order to ensure that there would not be adverse effects on health and quality

of life.

#### 7.4 Impact upon nearby residential amenity

7.4.1 There are five residential properties which share boundaries with the site, all to the east. In relation to 29a Stanhope Avenue, which lies to the north east of the site, outline consent was granted in 2018 for the demolition of the existing bungalow and the erection of four dwellings (18/00128/OUT), and included a small section of the field. There are relatively small variations in level across the site and it appears to be slightly lower than the adjacent development. There is likely to be a dwelling sited adjacent to 84 Hadrian Road. Given that the two side walls would face, it is considered that a dwelling could be accommodated in this location without having a detrimental impact on light or privacy to the existing property. Plots 7 and 8, on the indicative plan, would back onto the site for the four approved dwellings and, at present 10 metres has been shown between the dwellings and the site boundary. The final scheme for both sites will need to be carefully designed in order to ensure that there will be no mutual overlooking, however, it is considered that this could be achieved. This would probably require these to be moved further from the boundary, and possibly reduced in size to achieve this. Overall, it is considered that the number of dwellings could be accommodated on the site without a detrimental impact to the amenities of the neighbouring properties.

#### 7.5 Layout, scale and design

7.5.1 As the application is for outline consent, these matters would be considered through a reserved matters application. However, an indicative site plan has been submitted, and it is unlikely that the general layout would alter significantly. This is due to the constraints provided by the water course, which is partly culverted, the United Utilities sewer, and the proximity to the employment site. Whilst it is a slightly unusual layout, with dwellings located on only one side of the highway, this would allow for the land on the other side to be left as open space and the existing planting adjacent to the multi-use path to be bolstered. This would help to screen and soften the site from this aspect, but also provide a more attractive environment for the occupants of the new dwellings, particularly if it helps to screen views of the industrial estate.

7.5.2 It appears that the dwellings would likely be two storey, which is in keeping with the surrounding development, although there are some bungalows to the north east, mostly at a higher level. Most of the dwellings have been shown with sufficient amenity space, although a few are a little constrained by site boundaries and the drainage ditch. There does appear to be scope to adjust these to improve space to them. The current layout also does provide for some green space to the front of dwellings and would not be wholly car dominated. It is considered that a scheme could be designed which would be in keeping with the character and appearance of the area and would not have a detrimental impact on views from the multi-use path.

#### 7.6 Impact upon trees and ecology

7.6.1 There are a number of trees along the boundaries of the site, but also following the line of the watercourse/ditch which are mostly protected by a Tree Preservation Order (TPO). It is likely that the majority of these could be retained given their location at the edge of the site. However, those following the ditch and some adjacent to the existing development on Hadrian Road would also need to be removed to accommodate the development. This would be dependent on the final scheme. An Arboricultural Impact Assessment has been submitted with the application. A total of 1 individual tree (T1), 6 groups (G1-G6) and a single hedge (H1) have been identified in relation to the proposed development. Species include, hawthorn, elder, goat willow, Norway maple and Leyland cypress. Whilst there are no individual trees of moderate or high amenity value, as a collective the existing site trees provide an important element of greening and partial screening to the site. Remedial works are required to manage the hedge along the northern boundary including the management of invasive species and new planting to infill existing gaps.

7.6.2 The indicative proposal would include the loss of tree T1 (hawthorn), G1 (comprised of hawthorn, elder and goat willow), and sections of G2 & G3 (includes Leyland cypress). All other identified vegetation can be retained. There is some potential for impacts on trees along the south west boundary from the proposed drainage system. Ideally, this should be outside the root protection areas of trees. However, it is noted that this may not be possible. If this is the case, then it is likely that this would not result in a significant loss and this could be adequately mitigated. Further information would be required when the final scheme has been prepared, which would include a

detailed Arboricultural Implications Assessment and Arboriculture Method Statement (AMS) for all works proposed within the root protection areas (RPA) of retained trees and hedges. The indicative plan shows where additional planting could be accommodated, which would include in the north west corner and along the boundary with the multi-use path. Subject to the details, which can be provided with the reserved matters application, it is considered that adequate landscaping can be accommodated in order to mitigate the losses within the site and to provide greening and screening to the development. Overall, it is considered that a development of this scale can be accommodated on the site without a significant loss to trees, and any loss can be adequately mitigated.

- 7.6.3 An ecological appraisal has also been submitted with the application. This identifies that most of the site comprises poor semi-improved grassland which has a very low species diversity and ecological value. Whilst the assemblage of species is higher than improved pasture, these are all indicative of regular grazing and disturbance. The hedge along the north boundary of the site is considered to be defunct, but could easily be improved with extra planting, as discussed above. The report identifies that there are 11 records for four species of amphibian within 2km of the site, including two records of great crested newt. However, none of the great crested newt records are within 1km of the site. The drainage ditches on the site were checked for the presence of frog spawn, which was present at the time of the survey in ponds in north Lancashire, and none was recorded. There is no other standing water on the site, or within 250 metres, with the nearest pond located 400 metres to the east. As such, the report sets out that, given the distance of the site from the nearest suitable breeding site for amphibians, it is highly unlikely that any species of amphibian would ever be habitually present on the site and it has negligible value to amphibians. There is very little ground cover over much of the site and there are no features that could offer safe refuge or hibernacula.
- 7.6.4 There are no records of badgers within 2km of the site and there are no setts on the site and a lack of feeding signs or runs would suggest that they do not occur within 30 metres of site boundaries. The species is therefore considered to be absent from the site. There are 24 records of four species of bat within 2km of the site. The foraging habitat at the site is considered to be very poor for bats and there are few features that are likely to give rise to invertebrates. The cycle path to the south-west may offer foraging and commuting opportunities and therefore any habitat creation at the site should link with this. However, it is considered that the site is of low significance to bats and there are negligible opportunities for bats to roost on the site. The site could easily be improved for potential use by bats. In relation to birds, the hedge and scrub on the site boundaries do offer some potential for birds to nest, though these are very small areas and opportunities are poor. Ground nesting birds would not use the site due to the presence of foxes. The site could be improved for its potential to be utilised by foraging and nesting birds.
- 7.6.5 No indication of brown hares was recorded on the site and the site boundary has some negligible potential for brown hares to create forms as the hedges are open and exposed at the base and there is a regular human presence on the site. The site is not connected to any habitat that is likely to support this species. Numerous notable invertebrates have been recorded within 2km of the site. No deadwood or vegetation on site was recorded which would provide an important resource for invertebrates in the local area. The drainage ditches do not contain water habitually and there are negligible opportunities for aquatic invertebrates. The site offers very limited opportunities for these species being mostly devoid of ground cover and offering very few foraging opportunities. There are negligible opportunities for refuge or hibernacula for reptiles and the site is not well connected to any habitat that may be important for this species. There is a single record of a water vole within 2km of the site. There was no water in the drainage ditches on site during the May 2018 survey and negligible bankside vegetation. Therefore the report considers that the site offers negligible opportunities to this species. The report also sets out that there are foxes and occasional rabbits on the land surrounding the site. There are no statutory or non-statutory sites which are connected to the site such that site development would indirectly affect the dispersal of species between them or indirectly impact upon their integrity.
- 7.6.6 Overall it is considered that there will not be a significant loss of important habitat or detrimental impact to protected species. The development of the site would provide some opportunities to provide enhancement for bats and birds in particular and increased planting around the site boundaries. The report recommends precautionary mitigation in relation to amphibians, badger, bats, birds, brown hares, invertebrates, reptiles and water vole. Some of the other proposed mitigation relates to planting, which can be covered by a landscaping scheme rather than a condition relating to ecology mitigation. The report sets out that, if the drainage ditches are to be retained, they could be dredged, re-profiled and have the banks planted with appropriate seed mixes. It would need to be

ensured that these works were acceptable to the LLFA, as consent would be required for works to the watercourse, but could be investigated as part of a condition. Bat and bird boxes could be erected on houses or garages on south-west elevations facing the cycle track and provision made for crevice dwelling bats in order to enhance the habitat for these species. Light spill to the boundaries should also be minimised. Details of bat roosting and bird nesting opportunities, in addition to potential works to drainage ditches and a lighting scheme can be covered by a condition.

## 7.7 Highway Impacts including parking

7.7.1 Access to the site would be considered by a subsequent reserved matters application. However, the indicative layout plan shows this as a continuation from Hadrian Road. Given the position of the site, it is unlikely that an alternative means of access would be sought. The Highway Authority has raised no objections to the proposal, but have provided the following advice. The site should be designed around the principles set out in "Manual for Streets" with an emphasis on shared space, change of surface finish and an indication to motorists entering the site to drive at low speeds. The access from Hadrian Road, should have a carriageway width of 5.5 metres, reducing to 5 metres within areas of the development, and a pedestrian footway width of 2 metres. There should be the implementation of 20 mph zone traffic regulation order relating to the site and the turning head should be of sufficient size to allow for the provision of refuse and emergency vehicles to turn within site and leave in a forward gear.

7.7.2 In relation to parking, two / three bed properties should provide two off street parking spaces and four or more bedroom dwellings should provide three spaces. The indicative plan shows that this is achievable, and some plots would also have garages. Cycle provision would also be required and in some cases this can be within a garage, or a separate facility, such as a shed, could be provided. The indicative plan also shows access to the multi-use path, which should encourage occupants to utilise alternative modes of transport. The Highways Officer has requested a number of conditions, but as the application is not seeking consent for access, these would be included at the reserved matters stage if necessary. Overall it is considered that a safe and suitable access can be provided to serve the scale of development proposed and sufficient parking and link to the footpath/ cycleway can be achieved.

## 7.8 Drainage

7.8.1 There are two drainage channels crossing the site which appear to be partly culverted and the site is identified as being susceptible to both ground water and surface water flooding. The indicative layout originally included utilising an attenuation pond towards the south west boundary and directing the surface water and the existing drainage ditch towards this. There were concerns regarding whether the pond would provide sufficient capacity for both the site drainage and the catchment that the drainage ditch serve, particularly as this had not been based on a detailed assessment of the site or any calculations. As a result, further information has been provided in the form of a flood risk and drainage impact assessment, and ongoing discussions have been undertaken with the Lead Local Flood Authority (LLFA) to ensure that flood risk is fully addressed and can be mitigated. An amended indicative layout plan has also been provided which removes the originally proposed attenuation pond.

7.8.2 The submitted report sets out that the surface water flood mapping suggests that the flood risk is a combination of exceedance flows from the surface water drainage system at Hadrian Road, in addition to flood flow within the small watercourse which traverses through the site, and potentially a constriction in the system presented by the 450mm diameter culvert. During high and medium risk surface water flood events, the extent of flooding is anticipated to be minimal within the development, with water depths less than 0.3 metres. The flood extent is significantly increased for a 1 in 1000 year event where flood depths are increased to maximum of 0.9 metres. This raised concerns with the LLFA and, as a result, detailed hydraulic modelling has been undertaken to assess flood risk from the combined fluvial and pluvial flood risk sources identified for the site.

7.8.3 Detailed modelling confirms that the overall fluvial flooding presents a low risk at the site, though there is a risk associated with surface water flooding. From this modelling, during the extreme 1 in 1000-year event, surface water flooding was indicated to occur within the existing site. The extent of flooding shown is less than the surface water flood maps, with depths predominantly expected to be less than 0.3 metres with some small pockets experiencing flood depths of 0.4 metres. Superimposing the development layout across the flood map indicates that flood routes will be

impacted. In order to prevent the displacement of any surface water flood volume and increase the flood risk to others outside of the site, the report recommends that the existing flood routes are diverted through the site to facilitate the proposed development. Overall, following development, the risk from this source is likely to decrease as surface water runoff within the developed part of the site will be managed using a site-specific drainage system. Undertaking a hazard analysis, due to the shallow depths and low flow velocities, during the extreme 1 in 1000-year event, the hazard to people is estimated to be very low. The modelled flood level is 5.29m AOD. In order to minimise the risk of overtopping during the 1 in 1000-year event it is recommended that the bank levels within the development site are elevated to a minimum of 5.6m AOD.

7.8.4 The development will generate an increase in surface water runoff which requires suitable management. The hierarchy for disposing of surface water runoff in accordance with the NPPF is:

- Infiltration
- Watercourse
- Sewer

A desktop assessment indicates that the area is underlain by silts and clay over mudstone, with the potential for shallow groundwater to a depth of 1.5 - 2.3 metres below surface level. Therefore, the dissipation of surface water runoff to ground via infiltration methods such as a soakaway is unlikely to be feasible. Therefore, the report proposes that surface water runoff generated by the development is directed to the watercourse. It also recommends that source control measures such as green roofs or rainwater harvesting are considered for inclusion within the final drainage design for the site. Given the limited space available within the site, it is recommended that attenuation is provided using box culvert sections or large diameter pipes within the access road. It is considered that sufficient volume can be provided to ensure that no flooding occurs during the 1 in 100 year plus 40% climate change event.

7.8.5 To mitigate the flood risk identified at the site, the following measures have been recommended:

- finished floor levels to be set at a minimum of 5.9 metres AOD;
- existing flood routes to be diverted to ensure that flood water is not displaced;
- installation of a trash screen at the culvert inlet to minimize the risk of blockage;
- elevating bank levels to a minimum of 5.6 metres AOD to reduce the risk of overtopping during the 1 in 1000-year event;

In relation to the management of the channel and culvert, the submission sets out that these are riparian owned and it is the obligation of the land owner to undertake inspections and maintenance to keep channels and culverts clear of debris. It is not therefore clear whether this would fall to the owners of the properties adjacent to this. As such, it is considered more appropriate that this is included with the management of the surface water drainage scheme to ensure that the channel is regularly maintained and kept free of debris.

7.8.6 The LLFA has provided final comments in relation to the additional information detailed above. It has advised that this raises no objections subject to the mitigation measures being implemented. A detailed surface water drainage scheme would also need to be provided, and this will depend on the final layout of the development. In terms of the management of the surface water drainage, as there would be management of the open space included within the Section 106 agreement, it also seems appropriate to include this and the highway if it is not adopted. Given that the report recommends that attenuation is provided under the road, it is possible that the Highway Authority would not adopt the road.

7.8.7 The recommendations do include raising floor levels and as such a detailed topographical plan has been provided in order to assess the implications of this. The site is currently lower than the neighbouring residential development along the eastern site boundary, so would need to be increased by around 0.8 metres to accommodate the required increase in floor level. This would take it similar to that of the existing properties on Hadrian Road, so would therefore not raise concerns regarding residential amenity. The development would be more prominent from the cycle path, though it would be seen against the existing residential properties, and there would be intervening open space and landscaping to maintain the separation from the industrial estate. Given this, the proposed mitigation does not raise concerns in other regards. However, detailed information would be required at the reserved matters stages to show the levels across the site and relationship to the neighbouring properties.



## 7.9 Open space

7.9.1 The site is identified within the Council's open space study from 2010. Policy DM26 of the DM DPD sets out that the Council will protect semi-natural private amenity space, particularly in the main urban settlements of Lancaster and Morecambe, which are not specifically designated as open space but have an economic, environmental or social value to the community they serve. The site is not publicly accessible and the submitted report sets out that it has been used as a paddock for horses in excess of 30 years. It is not strongly visible from the adjacent residential development but does have some amenity value from the footpath/cycleway, although this is limited by the existing trees along the boundary. Most of the environmental value is likely to be provided by the trees around the site, and it does not appear to have a social value, with no objections being raised by members of the public. The indicative site plan shows the creation of open space, in addition to increased planting to strengthen the boundary with the footpath/cycleway and a larger group in the north west corner. Given this, it is considered that there would be adequate mitigation for the development of the land, and the proposal should increase wildlife habitats, particularly along the boundary. The provision of the open space can be covered by a condition, with the management of this and the landscaping within the public areas covered by a S106 legal agreement to ensure that this is managed in perpetuity.

## 7.10 Land Contamination

7.10.1 A preliminary risk assessment in relation to contamination has been submitted with the application. There was previously a munitions factory to the south west of the site, which now forms the industrial estate. The munitions factory was subject to two large explosions in 1917 and munitions have been reported to be found in the surrounding area. Their presence on-site cannot be ruled out, bearing in mind the short distance. The footpath/cycleway adjacent to the site follows the line of the former railway. The report sets out that these can be a source of contaminants, but would not be expected at very high levels, although they may exceed stringent residential thresholds, especially close to the railway. Contaminants, if present, are likely to be concentrated on the southwest of the site, dwindling moving northeast. A low risk is considered possible at the southwest lessening to very low at the northeast.

7.10.2 The report recommends that further research may be useful from an Unexploded Ordnance Exploded Bombs (UXB) specialist which should be carried out prior to any investigations or other physical investigation/development on site. In relation to contamination, an intrusive investigation is required, consisting of boreholes/trial holes and tests to confirm the presence/absence and extent of contamination on the site. It is considered that this could be adequately covered by a planning condition and is not required prior to the determination of the application, given the relatively low risk identified. The Contaminated Land Officer is in agreement with the proposed contamination investigation.

## 7.11 Affordable Housing

7.11.1 Policy DM41 sets out that developments of this scale, within an urban area, should provide 20% affordable housing and this should be on the site. The submission sets out that this can be provided and it would be covered by a S106 legal agreement. On the basis of the current scheme, which proposes 13 dwellings, this would equate to 2.6 dwellings. There is therefore the option to round this up to 3 dwellings or for 2 to be provided on site and a contribution made towards the remainder.

## **8.0 Planning Obligations**

8.1 A Section 106 Agreement is required in relation to the on-site provision of affordable housing in addition to the management of the open/shared space (including associated landscaping), the surface water drainage (including the watercourse and culvert) and any unadopted highway.

## **9.0 Conclusions**

9.1 The site is located within the urban area of Morecambe adjacent to residential development, in an accessible and sustainable location. Whilst there are concerns regarding the proximity to the employment site, it is considered that adequate mitigation can be put in place to ensure that there will not be a significant detrimental impact on the amenities of future occupants, including siting the

dwellings away from the south west. It is acknowledged that this does not result in the most efficient use of the site, and more dwellings could be accommodated. However Paragraph 117 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and living conditions. Paragraph 118 goes on to say that decisions should recognise that some undeveloped land can perform many functions such as for wildlife and recreation. In this case, the undeveloped land will be used to provide amenity space, as well as enhancements to biodiversity and the amenity of the area.

- 9.2 Whilst all matters are reserved, it is considered that a safe and suitable means of access can be provided, the development can be accommodated without a significant impact on neighbouring residential amenity and biodiversity, any contamination can be adequately remediated, and that any risk from the existing watercourse can be mitigated and surface water disposal can be accommodated. The principle of residential development on this site, comprising 13 dwellings, is therefore considered to be acceptable.

### **Recommendation**

That subject to the applicant entering into a Section 106 Legal Agreement to secure the following contributions:

- either provision of 3 on-site affordable housing units, or 2 on site and a financial contribution (based on the equivalent of 0.6 of an affordable housing unit) towards provision of affordable housing within the District; and
- Management of the public, unadopted space, including open space/landscaping, drainage and roads

that Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved location plan
3. Assessment and remediation of contamination
4. Surface water drainage scheme
6. Scheme of noise mitigation measures
7. Details of the open space provision
8. Arboricultural Implications assessment, including Arboricultural Method Statement and Tree Works Schedule
9. Ecology mitigation – precautionary measures and bat roosting, bird nesting opportunities, lighting and possible works to ditches
10. Development in accordance with the flood mitigation measures

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the 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