

| Agenda Item | Committee Date | Application Number |
|-------------|----------------|--------------------|
| A5          | 20 July 2020   | 19/01158/FUL       |

| Application Site   | Proposal   |
|--|--|
| Land north of Hala Carr Farm<br>Bowerham Road<br>Lancaster<br>Lancashire | Erection of 34 dwellings with associated access and alterations to land levels |

| Name of Applicant | Name of Agent    |
|-------------------|------------------|
| Oakmere Homes     | Mr Daniel Hughes |

| Decision Target Date | Reason for Delay                              |
|----------------------|---|
| 20 December 2019     | Negotiation on proposals and officer workload |

|                           |                     |
|---------------------------|---------------------|
| Case Officer              | Mrs Jennifer Rehman |
| Departure                 | Yes                 |
| Summary of Recommendation | Approval            |

## 1.0 The Site and its Surroundings

- 1.1 The site relates to a 1.6 hectare greenfield site located off Bowerham Road, immediately north of Hala Carr Farm, and approximately 1km from Bowerham local centre. To the north of the application site lies a residential property (Woodside) and the Fox and Goose Public House beyond this. To the east of the site lies a narrow lane in connection with Hala Carr Farm and beyond this is the M6 motorway and to the south lies Hala Carr Farm. Land beyond Hala Carr Farm is currently being developed for housing. Bowerham Road (also known as Bowerham Lane, but Road is used for consistency throughout the report) forms the western boundary to the site with detached properties directly opposite the application site.
- 1.2 The site rises significantly towards the east and reaches a maximum height of approximately 88 metres AOD (Above Ordnance Datum). The lowest point is approximately 69 metres AOD adjacent to Bowerham Road. The site comprises two fields enclosed by trees and hedgerows along the northern, eastern and southern boundaries. Along the western boundary adjacent to Bowerham Lane lies a dry stone wall. A mature hedgerow which runs west-east through the centre of the site dissects it into two smaller fields.
- 1.3 The site is allocated within the saved Local Plan as a local Key Urban Landscape and a Woodland Opportunity site. This designation extends to the north and south of the site along the eastern flank of the M6 motorway. It does not form part of any national or international landscape or nature conservation designation and is not affected by any cultural heritage designations. There are trees protected by a Tree Preservation Order associated with 242 Bowerham Road, however, these are not affected by the development proposals. The site itself is not situated within a flood risk area (as defined by the Environment Agency) or affected by surface water flooding. However, there are known areas along Bowerham Road near the site that are affected by surface water flooding.

## 2.0 The Proposal

- 2.1 The application is seeking full planning permission for the erection of 34 dwellings with an associated access taken off Bowerman Road. The proposal includes the re-grading of the existing land levels to create development platforms, the formation of a 2.5m high bund along the eastern boundary, the

provision of amenity space and structural and communal landscaping. The scheme has been reduced from 37 dwellings during the consideration of the application.

- 2.2 The applicant proposes 30 market dwellings and 4 affordable dwellings. These comprise a mix of detached, semi-detached, dormer bungalows and traditional bungalows properties. The housing mix (by size) is broken down as follows:

| Market Homes     | Affordable Homes |
|------------------|------------------|
| 13 four-bedroom  | 2 two-bedroom    |
| 17 three-bedroom | 2 three-bedroom  |
| 4 two-bedroom    |                  |

- 2.3 The proposed access comprises a simple priority controlled junction with a 5.5m wide carriageway and 6m radii, including 2m wide footways to either side of the proposed junction. The proposed visibility splays measure 2.4m by 43 metres. The existing stone wall shall be recreated behind the visibility splays.

### 3.0 Site History

- 3.1 The most relevant planning history associated with the application site is referenced in the table below. The table below also summarises the relevant planning history associated with the neighbouring land.

- 3.2 Taking the application site first, in exercising a titled balance in accordance with the 'Presumption in Favour of Sustainable Development' (National Planning Policy Framework), Officers recommended approval of the earlier outline planning application. The Planning Regulatory Committee overturned this recommendation and refused the proposal on the following grounds:

- Due to the elevated land levels and the prominent position of the site adjacent to Bowerham Lane, the proposed residential development will appear overly-prominent and overbearing. This will be detrimental to the visual amenity and character of the locality; the character of this area of Key Urban Landscape; and potentially the residential amenity of future occupants, as there is no guarantee that up to 30 dwellings could be satisfactorily accommodated on the site which would achieve an appropriate form and design of development, given the challenging topography. The proposal is therefore contrary to Policies DM28, DM35 and DM41 of the Development Management Development Plan Document (DPD); Saved Policy E31 of the Lancaster District Local Plan and Paragraph 58 of the National Planning Policy Framework.*

- 3.3 The applicant appealed the Council's decision. The Planning Inspectorate allowed the appeal and granted outline planning permission for 30 dwellings and an associated access. The Inspector recognised that there was moderate harm to the character and appearance of the area but that such conflict with the Development Plan would not significantly and demonstrably outweigh the social and economic benefits of boosting housing supply and the provision of affordable dwellings. This was subject to a legal agreement (under Section 106 of the Town and Country Planning Act 1990 (as amended) securing the provision of 40% affordable housing, an open space contribution and the provision, management and maintenance of open space.

- 3.4 A very similar scenario occurred on the neighbouring site to the south. Again, the application was originally recommendation for approval by Officers but was overturned by the Planning Regulatory Committee. The grounds for refusal were similar to the above, albeit with a greater emphasis on over-development of the site. The Planning Inspectorate allowed the appeal and granted planning permission. This planning permission has subsequently been varied pursuant to Section 73 of the Town and County Planning Act 1990 (as amended).

| Application Number  | Proposal   | Decision  |
|---------------------|--|---|
| <b>16/01515/OUT</b> | Outline planning application for the erection of up to 30 dwellings and the creation of a new access | Officer recommendation of approval overturned and refused by the Planning Regulatory Committee. |

|   |  |   |
|---|--|---|
| <b>17/00030/REF</b><br>(LPA appeal reference) | Outline planning application for the erection of 30 dwellings and associated access. | Appeal Allowed<br>(PINS reference:<br>APP/A2335/W/17/3186598)   |
| <b>16/01551/FUL</b><br>(neighbouring site)    | Erection of 25 dwellings and creation of a new access and access roads               | Officer recommendation of approval overturned and refused by the Planning Regulatory Committee.<br>This planning permission has been varied (by Section 73 applications) several times, but such that are not materially relevant to the consideration of this application. |
| <b>18/00008/REF</b><br>(LPA appeal reference) | Erection of 25 dwellings and creation of a new access and access roads               | Appeal Allowed<br>(PINS reference:<br>APP/A2335/W/18/3195605)   |

#### 4.0 **Consultation Responses**

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

| Consultee   | Response  |
|---|---|
| <b>Parish Council</b>   | <b>Objection.</b> A summary of the reasons for opposition are as follows: <ul style="list-style-type: none"> <li>The site is not allocated or planned to be allocated for housing in the Local Plan and should not proceed;</li> <li>Places unplanned an additional strain on existing infrastructure;</li> <li>Future residents likely to be subject to traffic and noise pollution given proximity to the motorway – noted affordable homes most affected.</li> </ul> If approved, conditions would be required to control surface water run-off, spoil and mud onto the roads. |
| <b>Local Highway Authority (LHA)<br/>(Lancashire County Council, LCC)</b> | <b>No objection</b> subject to conditions securing details of the site access, details of the off-site highway works, implementation of Construction Management Plan, construction of internal estate roads to base course before occupation, permeable driveways and parking areas, provision of cycle storage and EV charging points.   |
| <b>Highways England (HE)</b>  | <b>No objection.</b> Following the submission of amended plans and supporting information, HE has lifted their holding objection subject to the following being secured: <ul style="list-style-type: none"> <li>A 2 metre high close board timber fence to be installed to the site's eastern boundary in accordance with the proposed Boundary Treatment/fencing Layout Plan Dwg No: 066/P/02 Rev K.</li> <li>Landscaped earth bund to be provided in accordance with the Bund Detail and Section drawings and the submitted drainage exceedance details.</li> </ul>             |
| <b>Lead Local Flood Authority (LLFA)</b>                                  | <b>No objection.</b> Following the submission of amended plans and supporting information, the LLFA has removed their original objection, subject to the imposition of conditions associated with surface water drainage.   |
| <b>Environment Agency (EA)</b>  | <b>No objection.</b> Following the submission of additional supporting information and an amended drainage strategy, the EA recognises that the proposed measures are considered to reduce surface water flows from the site at a rate lower than the QBAR rate, which will result in reduced exceedance flows from the site. The EA has commented on the potential risks associated with the proposed surface water management scheme but defer consideration of this to the adopting authority/management company.  |
| <b>United Utilities (UU)</b>  | <b>No objection.</b> UU has provided two responses to the application. Their initial response raised no objections to the development and accepted a discharge rate of 9.9l/s to the public sewer.<br>A further response has been provided (to replace the earlier letter) requesting the following details: <ul style="list-style-type: none"> <li>The LLFA must determine the discharge rate in accordance with technical standards.</li> </ul>   |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>Concerns over the lack of sustainable drainage measures which offer multifunctional benefits.</li> <li>Details to ensure proposed properties on Bowerham Road are protected from overland flows.</li> <li>A major water main crosses the site – the applicant is reminded of this asset and required easements. The applicant must correctly map the location and easement of the asset.</li> <li>There must be no change in levels over the asset and no load bearing over the asset during construction without prior agreement from UU.</li> </ul> <p>United Utilities has not formally responded to the amended details. A verbal update will be provided.</p>   |
| <b>School Planning Team<br/>(Lancashire County Council, LCC)</b> | <b>No objection</b> subject to an Education Contribution towards Secondary School Places at Lancaster Central High School. This equates to 4 places totalling £96,740.64.   |
| <b>Lancaster Civic Society</b>                                   | <b>Concerns</b> raised. The Civic Society wishes to reiterate concerns (from earlier applications) regarding the size and density of the development, noting there appear to be too many properties for the space available. The Civic Society regret the loss of green space and note traffic noise from the motorway will inevitably be an issue for future householders. The Civic Society are also concerned about the lack of amenities to support the development.  |
| <b>Public Realm Team</b>   | No comments received.   |
| <b>Environmental Health Service (EHS)</b>                        | Senior Environmental Health Officer (Noise) – No comments received. A verbal update will be provided.<br>Land Contamination Officer - <b>No objection</b> subject to the development being carried out in accordance with the submitted mitigation and validation of this and any unforeseen contamination to be conditioned.<br>Air Quality Officer - Subject to securing Air Quality mitigation (EV charging points and measures within a Travel Plan), <b>no objection</b> to the development.   |
| <b>Arboricultural Officer</b>                                    | <b>No objection</b> subject to securing conditions relating to the protection of existing trees and hedgerows that have been identified for retention, implementation of amended landscaping scheme and maintenance.  |
| <b>Waste and Recycling Officer</b>                               | <b>No objection</b> following submission of amended plans.  |
| <b>Planning Policy</b>   | Sets out the local plan policy position noting that the emerging Local Plan designates the site as part of a wider Urban Setting Landscape. Whilst recognising development has been constructed to the south, the local landscape designation should still form a key consideration. Further comments are provided in relation to other policy considerations, such as design and housing. The Policy team sets out the current housing supply position confirming the Council does not have a 5 year land supply (based on the latest 5 year land supply statement November 2019). The principle of development is accepted, however, the extent to which further loss of the landscape designation is questioned especially in the context of a limited affordable housing provision. |
| <b>Strategic Housing Officer</b>                                 | No formal comments received.  |
| <b>Economic Development/CSTEP</b>                                | <b>No objection</b> to the amended Employment Skills Plan but recommends minor changes to ensure the ESP is robust.   |
| <b>Greater Manchester Ecological Unit</b>                        | <b>No objection</b> following submission of amended plans and detail. The proposal demonstrates an overall net gain in biodiversity. The long-term management and monitoring of the woodland belt must be secured by condition and/or planning obligation. Provision of bird and bat boxes to be secured by condition.  |
| <b>Lancashire Constabulary</b>                                   | <b>No objection</b> and recommends that the developer seeks to achieve Secured by Design Accreditation.   |
| <b>Lancashire Fire and Rescue Service</b>                        | <b>No objection</b> – standard advice received in relation to building regulation compliance for fire appliances.   |
| <b>Electricity North West</b>                                    | No comments received.   |
| <b>Cadent Gas</b>  | Identifies a high pressure gas pipeline within the vicinity of the site but notes the proposal will not directly affect the infrastructure.   |

|                              |  |
|------------------------------|--|
| <b>Dynamo Cycle Campaign</b> | <b>Objection</b> on the grounds that there is no provision to encourage cycling to and from the development and as such it would be contrary to the development plan. Comments note that without cycle infrastructure in place, the increase in traffic will put off cycling and cumulatively small developments will also impact on air quality in Lancaster. |
|------------------------------|--|

## 5.0 **Neighbour Representations**

5.1 At the time of compiling the report, the local planning authority has received seven letters of objection. A summary of the main reasons for opposition are set out below:

- **Flood risk** including drainage infrastructure unable to cope, concerns over the discharge rate and United Utilities position on this, discharge should be as set out in the Inspector's decision (6l/s,) concerns over the accuracy of the submitted drainage information and concerns over private management of the surface water drainage scheme.
- **Landscape and visual amenity** including unacceptable visual impacts due to the elevated nature of the site, excessive development leading to overbearing impacts, fails to protect local landscape character and adverse impacts on the appearance and openness of the area.
- **Highway safety** including increased traffic to an already congested road at peak times, risk to pedestrian/cycle safety especially given proximity to schools and impacts on air quality.
- **Residential Amenity** including loss of natural light, noise from the M6 motorway resulting in adverse amenity conditions and constant construction disruption to existing residents.

1 letter expressing concerns over the adequacy of the flood risk and drainage assessments despite having no objection to the principle of the development.

5.2 A further 4 letters of objection have been received in response to re-consultation of the amended proposals. A summary of the reasons for opposition are set out below:

- a reduction from 37 units to 34 unit will not overcome the significant visual impact the development will have on the area;
- it does not alter the traffic and highway safety concerns already raised;
- it does not alter concerns over increasing flood risk from surface water;
- fail to see how the proposal for 34 dwellings can overcome concerns raised when the scheme for 30 dwellings was refused;
- the proposal still conflicts with local plan policies DM25, DM26, DM28, DM 29, DM35 and DM41 and therefore should be refused; and
- concerned how the amendments overcome concerns raised by United Utilities.

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

6.1 **National Planning Policy Framework (NPPF)**

Section 2 (paragraphs 8-12) - Achieving sustainable development

Section 4 (paragraphs 47-48, 54-57) - Decision-making

Section 5 (paragraphs 59, 63-65, 73-76) - Delivering a sufficient supply of homes

Section 8 (paragraphs 91-94) - Promoting health and safe communities

Section 9 (paragraphs 102 , 108-111) - Promoting sustainable transport

Section 11 (paragraphs 120 and 122) - Making effective use of land

Section 12 (paragraphs 124, 127, 130) - Achieving well-designed places

Section 14 (paragraphs 158, 163 and 165) - Meeting the challenge of climate change flooding

Section 15 (paragraphs 170, 175, 178, 180 and 181) -Conserving and enhancing the natural environment

Paragraphs 213-214 - Annex 1: Implementation

6.2 **Lancaster District Core Strategy (2008) Policies:**

SC1 – Sustainable Development

SC4 – Meeting the Districts Housing Requirements

6.3 **Saved Policies of the Lancaster District Local Plan (2004) Policies:**

E27 – Woodland Opportunity Site  
E31 – Key urban Landscape

#### 6.4 Development Management DPD (2014) Policies:

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  
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

#### 6.5 Local Planning Policy Overview – Current Position

Following receipt of the Inspector's Report in June 2020, the policies in the emerging Local Plans for the Development Management DPD and the Strategic Planning and Land Allocations Document are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

#### Review of the Development Management DPD (Modification Version 2019) Policies:

DM1 – New Residential Development and Meeting Housing Needs  
DM2 – Housing Standards  
DM3 – Delivery of Affordable Housing  
DM27 – Open Space, Sports and Recreational Facilities  
DM28 – Employment and Skills Plans  
DM29 – Key Design Principles  
DM30 – Sustainable Design  
DM31 – Air Quality Management and Pollution  
DM32 – Contaminated Land  
DM33 – Development and Flood Risk  
DM34 – Surface water Run-Off and Sustainable Drainage  
DM43 – Green Infrastructure  
DM44 – The Protection and Enhancement of Biodiversity  
DM45 – Protection of Trees, Hedgerows and Woodland  
DM46 – Development and Landscape Impact  
DM60 – Enhancing Accessibility and Transport Linkages  
DM61 – Walking and Cycling  
DM62 – Vehicle Parking Provision  
DM63 – Transport Efficiency and Travel Plans

#### Strategic Policies and Land Allocations (Modification Version 2019)

SP2 – Lancaster District Settlement Hierarchy  
SP3 – Development Strategy for the Lancaster District  
SP6 – The Delivery of New Homes  
EN5 – Local Landscape Designations (Urban Setting Landscape)

### 7.0 Comment and Analysis

#### 7.0.1 The main considerations with the application relate to:

- Principle of development

- Landscape effects
- Highway considerations
- Noise and air quality matters
- Layout and design
- Flood risk and drainage
- Biodiversity
- Contribution to housing

## 7.1. Principle of development

7.1.1 The saved Local Plan and the emerging Local Plan (eLP) sets out a spatial strategy that continues to direct development to existing settlements within the district adopting the principle of urban concentration, thus promoting development in sustainable locations. In this case, the site falls within the urban area of the city. It is located approximately 1km from Bowerham's local centre and approximately 2.5km to the south of the city centre. The site is within easy walking distance of local primary schools and shops with good access to public transport. The principle of housing development in this area is acceptable and complies with spatial planning policies of the Development Plan and the eLP.

7.1.2 The land is currently allocated as Key Urban Landscape (KUL) (Policy E31) and a Woodland Opportunity Area (Policy E27) under the 'saved' Local Plan. Both designations remain relevant and important considerations in the determination of this planning application. The purpose of the KUL is to provide a suitable transition between the urban area and the countryside and in this case to provide a suitable buffer to the motorway. The Woodland Opportunity Area policy supports the principles and function of the KUL policy. Saved policy E27 recognises that tree planting along the M6 corridor would provide a more attractive edge to the built up area and would provide a barrier to road noise. The eLP maintains a local landscape designation but in the form of an Urban Setting Landscape Policy (EN7), which is effectively aimed at performing the same function of the KUL and Woodland Opportunities policies of the saved Local Plan. DM28 (Development and Landscape Impact) of the Development Management DPD (and DM46 of the eLP) state that identified areas will be conserved and important natural features safeguarded recognising that such landscapes make a positive contribution to the character and setting of the urban area. In this case, the locally designated landscape provides an important green wedge and landscape buffer between the M6 and the residential properties on the eastern fringes of the city. Within these landscapes, development proposals should conserve the character and appearance of the open nature of the designated landscape.

7.1.3 As set out in the planning history section of this report, there has been an outline planning permission granted for 30 dwellings on the site. This remains an extant consent. Whilst the details of the proposal are different and the material considerations will vary (as may the planning balance), this permission does provide a fallback position and clearly accepts the principle of residential development on the site is acceptable. Furthermore, there has been planning permission granted and the development implemented on land to the south of the site, also within the KUL designation.

## 7.2. Landscape and visual effects

7.2.1 The application site forms part of a wider belt of land running between the edge of the urban area and the M6 motorway. This land is designated as Key Urban Landscape (KUL) and in the eLP Urban Setting Landscape (USL). The function of the designation is to provide a district green wedge to frame the urban area and form a buffer alongside the motorway. It is recognised that these landscapes are particularly important in a local context and contribute positively to the character and appearance of the area.

7.2.2 Saved policy E31 explains that development will only be permitted which preserve the open nature of the area and the character and appearance of its surroundings. Policy EN5 of the eLP echoes this requirement and states that identified areas will be conserved and important natural features safeguarded. The eLP policy goes on to state that proposals will be expected to have due regard to all relevant policies control in the Local Plan with particular regard to the landscape policies within the DM DPD. DM28 of the DM DPD (and the corresponding policy in the eLP) specifically references the importance to preserve KUL and again referring to the need to preserve openness and the character of the area.

7.2.3 The character of the area is predominately suburban/urban fringe. The site is bound by residential development on three sides with the motorway corridor to the eastern boundary. The wedge of KUL between the motorway and Bowerham Road (once fragmented farmland likely to be associated with Hala Carr Farm) has been significantly altered with the recent development of 25 houses to the south of Hala

Carr Farm. This is a material consideration in the determination of the application. This development (also allowed on appeal) has led to development on the eastern side of Bowerham Lane where previously it was predominately open and rural in character. Nevertheless, the site itself currently remains an open parcel of farmland that distinctively slopes up towards the motorway. Its low vegetation cover with peripheral hedgerows and trees along its boundaries provides a sense of openness on the edge of the urban area. The site provides a pleasant visual outlook to nearby residential receptors with local landscape value.

- 7.2.4 Like the neighbouring development to the south, the proposed development incorporates a woodland belt along the eastern boundary, retains and bolsters planting to the northern boundary, retains trees along the southern boundary and seeks to include structural planting within the estate layout. The distinct dry stone wall will also be retained.
- 7.2.5 The application has been supported by a Landscape and Visual Assessment (LVA) that no predicated significant adverse effects on landscape character areas due to the scale and nature of the development. It recognises the effects are far more localised and concludes that development would have moderate to beneficial effects on landscape features (with mitigation in the form of the woodland bund). In terms of the effects on the KUL, the applicant contends the effects of the development would have a minor beneficial/neutral effect. The argument for beneficial effects is in relation to the increase in woodland cover and green infrastructure. In terms of visual effects, the LVA concludes major/moderate impacts but argues that effects would be no greater than what would have been expected by the approved outline planning permission.
- 7.2.6 The existing, semi-rural character and appearance of the site would change considerably by the introduction of the proposed 34 houses and associated infrastructure. Contrary to the applicant's assessment, officers consider the overall effects on the KUL and the emerging USL to be harmful. The visual effects of the development for the immediate residential receptors is also judged to be harmful. In this regard there is a degree of conflict with saved policy E31 and policies DM28 and DM35 (and the corresponding eLP policies). However, the level of harm is to a certain degree can be minimised by the proposed mitigation. This includes structural landscaping with the estate layout and the northern boundary of the site and the inclusion of a woodland bund. The woodland bund is of similar scale and aligns with the woodland bund proposed as part of the neighbouring development to the south.
- 7.2.7 KULs, but more so USLs, are intended to provide and maintain a distinction between town and country and provide a visual frame to the urban area. Some of the district's KULs and USLs perform this function better than others, such as the larger KUL besides Grab Lane and also land south of Hala Hill and towards the University. The proposed development provides significant green infrastructure between the motorway and the development and the urban area beyond. This will over time preserve the visual frame or rural backdrop to the urban area, but there is no doubt that the open character and appearance of the site will be diminished by the proposal and the adverse visual effects will be felt mostly by neighbouring residents. These landscape and visual impacts weigh heavily against the proposal.
- 7.2.8 Officers are mindful of the extant planning permission and the recently developed site to the south. Whilst the outline planning permission indicatively showed a larger woodland belt than presented in this application, the further encroachment of the KUL (towards the motorway) because of the development is not dissimilar to that of the adjoining development site. This is a material consideration in the determination of the application which will be relevant in the planning balance.

### 7.3 Highway considerations

- 7.3.1 The Development Plan, the eLP and the NPPF seek to direct development to sustainable locations where opportunities are available to maximise and promote more sustainable modes of transport. The site within 400m of the local primary schools, 800m of the local centre and still within 2km of the southern part of the city centre. This provides significant opportunities for future residents to access local amenities and services on foot. Cycling also offers a potential substitute of motorised vehicles, particularly for trips under 5km. Given the proximity of the site to the city centre, cycling will be an option for future residents. The closest in-road cycle route is located c700m from the site on Bowerham Road/Barton Road. Public transport is available close to the site with regular local services available on Bowerham Road, close to the Fox and Goose public house and on Kempton Road.



- 7.3.2 Bowerham Road is subject to a 30mph speed limit serving a predominately residential area. Footway provision is limited to the west side of Bowerham Road along the site frontage. North of Kempton Road there is footway provision to both sides of Bowerham Road.
- 7.3.3 The proposed access is centrally located along the site frontage and forms a simple priority controlled junction with visibility splays measuring 2.4m by 43 metres. The access geometry comprises a 5.5m wide carriageway with a 6m radii with 2m wide footways to either side of the proposed junction. The proposed access is consistent with the approved access associated with the planning permission for 30 dwellings. The Highway Authority has no objection to the proposed access.
- 7.3.4 Notwithstanding the extant planning permission, representations to the application still echo concerns over highway safety and the effects of additional traffic on the local network. Understandably, such concerns are particularly pertinent given the proximity of the site to the local primary schools. The concerns are two-fold. Firstly, that the local network experiences quite significant peaks around school drop-off and pick-up times and secondly the effects of additional traffic, especially at peak times, on pedestrian safety. The development will lead to a modest increase in traffic using the local network but such that would not result in a severe impact on the operation and capacity of the highway network. The Highway Authority has raised no objection on traffic capacity grounds.
- 7.3.5 Turning to pedestrian safety, like the approved scheme, the applicant proposes a range of off-site highway works to mitigate the effects of increased traffic and the risk to pedestrian safety. This includes a new footway along the site frontage extending towards the footway adjacent to the Fox and Goose on the eastern side of Bowerham Lane. In addition, a pedestrian refuge is proposed on Bowerham Road to aid movements across the road towards Kempton Road. Concerns over traffic speeds on Bowerham Road are recognised. The Highway Authority has noted that the creation of the refuge facility will help address speed compliance. There has been criticism over the lack of provision and/or commitment to supporting cycle infrastructure as part of this development. The Travel Plan (as part of the air quality mitigation) does include measures to help encourage future residents to cycle. However, it is accepted that the uptake in cycling can be limited if appropriate cycle infrastructure is not available. As part of much wider, strategic ambitions set out in the eLP, the Council does hope to deliver significant cycle infrastructure within the district and in particular between South Lancaster and the city centre. Given the small scale nature of this development, the fact an approval of 30 dwellings has already been granted without making any contributions to the cycle network and no cycle improvement requests have been sought by the Highway Authority, the absence of cycle improvements is considered acceptable.
- 7.3.6 The internal highway layout has been subject to several variations to ensure the development provides a safe and suitable access for future residents and service and emergency vehicles. Estate road layouts should be designed to an adoptable standard whether they are adopted or not. The majority of the modifications to the estate layout have focused on providing sufficient turning space for service vehicles, such as the refuse wagons, protecting visibility splays on internal junctions, provision footways and/or service verges and incorporating bin collection points. The amended proposal has allayed concerns with the internal layout now considered acceptable to the Highways Authority. Overall, the level of parking provision complies with the Council's parking standards. Driveways to some of the plots are tight and rely on private service verges. This is generally discouraged and does not positively contribute to design. To mitigate against this, it is possible to control the type of garage door (roller-shutter opposed to up-and-over doors) to ensure parked vehicles do not overhang the carriageway. This can be controlled by planning condition. Garage dimensions vary between house types but range between 5 and 6.5 metres in length and 2.8 and 3 metres wide. The smaller garages serve the smaller units that still benefit from two parking spaces within the driveways. Given that parking standards are maximum standards and the site is in a sustainable location, some plots with 2 spaces rather than 3 spaces would not be unreasonable. Smaller garages will not be able to accommodate suitable cycle storage, therefore dwellings with garages less than 6 metres by 3 metres and those plots without garages will need to provide secure cycle storage. This is a matter that can be controlled by planning condition.
- 7.3.7 Based on the amended plans, the development would be considered safe, convenient and suitable for all users and would accord with policies DM20-23 and the corresponding eLP policies (DM60-DM63) together with Section 9 of the Framework.

#### 7.4 Noise and Air Quality

- 7.4.1 Due to the proximity of the site to the M6 motorway, the applicant has submitted a detailed noise survey in support of the planning application. The assessment aims to determine acoustic performance

requirements of the building envelope to meet internal ambient noise levels and to ensure external amenity areas are adequately protected from unacceptable sound sources. To achieve the ambient internal sound levels (35dB) the report concludes enhanced double glazing specification and ventilation will be required. With respect to garden areas, ambient sound levels should be between 50-55dB. The sound pressure levels surveyed and monitored were consistently around 65dB therefore exceeding the upper sound level by approximately 10dB. To achieve the ambient sound levels for outdoor living space, acoustic mitigation is required. In addition to good acoustic design (building orientation), the proposed mitigation includes an acoustic barrier (2.5m high) along the eastern boundary in the form of an earth bund. Despite reservations about building so close to the strategic road network, the evidence indicates that future residents will not be adversely affected by noise provided the proposed mitigation is secured by condition. The Council's Environmental Health Officer has not commented on the proposal. However, the mitigation reflects the principles set out in the original application that was subsequently allowed on appeal (and accepted by the Council's Environmental Health Officer) and is similar to the development site to the south. Provided a condition is imposed setting out the noise rating levels and the implementation of the mitigation, the development would not conflict with paragraph 180 of the Framework or Policy DM35 of the DM DPD (and the corresponding policy (E29) in the eLP) which requires a high standard of amenity in new development.

- 7.4.2 Planning has a role to play in minimising and protecting the public and the environment from unacceptable exposure to pollution. To achieve this the Framework (paragraph 181) requires planning policies and decisions to sustain and contribute towards compliance with the relevant limit values or objective levels for pollutants having regard to the presence of local Air Quality Management Areas (AQMAs). The Framework clearly states that planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan. Adopted Development Management policy DM37 states new development located within or adjacent to an AQMA must ensure that users are not significantly adversely affected by the air quality in the AQMA. DM31 of the emerging Local Plan requires all new development to demonstrate that they have sought to minimise the levels of air polluting emissions generated to protect new and existing users from the effects of poor air quality.
- 7.4.3 The proposed site is not located within or adjacent to the AQMA. The main source of air pollution deriving from the development will relate to dust and traffic emissions during construction and vehicle emissions once the scheme is operational. There are residential receptors close to the north, south and west boundaries of the site. The greatest impact risks to the existing residents will be during construction including the associated earthworks and dust pollution in particular. The effects of dust emissions are controlled by separate legislation. In this case, the applicant has provided a construction method statement including measures to minimise dust emissions as part of their standard practice. With such mitigation, the effects on nearby residential property would be low.
- 7.4.4 Whilst the site is not within the AQMA, development should not contribute to poor air quality. The Air Quality Assessment concludes that there would be a negligible increase in NO<sub>2</sub> and PM<sub>10</sub> with the development, but such would result in emissions levels well below the objective limit values for the pollutants. Despite the negligible increase, mitigation is proposed to minimise the impacts both at the site and to limit traffic entering the wider highway network (and AQMA). The mitigation includes the provision of electric charging facilities for each property, a Travel Plan including a range of measures to support and encourage the uptake of more sustainable travel and the installation of low emission NOx boilers. The Council's Environmental Health Officer has not raised an objection to the proposal, but has requested additional mitigation in the form of Travel Plan measures to encourage and incentivise public transport use. Given the negligible impacts on air quality, the level of mitigation proposed and the fallback position of the outline planning permission, which offers no mitigation (except the provision of EV charging points) to combat air quality, the proposal would not conflict with the Development Plan or the Framework to warrant a refusal of planning permission. Planning conditions will be required to secure the proposed mitigation.

## 7.5 Amenity, Layout and Design

- 7.5.1 Paragraph 127 of the Framework, policy DM26 and DM35 of the DM DPD and the corresponding policies in the eLP, promote development that would positively contribute to the character of the area through good design, that protects and provides a high standard of amenity for all, that is accessible and safe and that provides sufficient levels of green infrastructure, including open space and landscaping. Notwithstanding the landscape impacts already identified, the amendments to the proposed development demonstrate that a high standard of amenity will be provided for future residents of the development. Critically interface distances have been adjusted (increased) to account of the proposed site levels and

the scale of house types in certain locations. In most cases the interface distances range between 23 metres and 28 metres (habitable window to habitable window). Good practice is around 21 metres. This increased separation also allows for suitable sized private gardens (even where they are stepped). Plots 12 and 13 have had their rear garden reduced slightly to allow for an access to the northern boundary for future maintenance of the landscaping along this boundary. The living conditions for future residents is considered acceptable.

- 7.5.2 The site overlooks existing detached dwellings on the other side of Bowerham Road. The proposed development maintains more than 30 metres between the proposed houses and the front elevations of existing dwellings. The development also has a good set back from the boundary with Bowerham Road to account for the water main easement. This has provided an opportunity to create a pleasant landscaped frontage to the site, which is also reflected in the development to the south of the site. By virtue of this degree of separation, the living conditions of residents on Bowerham Road will not be adversely affected.
- 7.5.3 The property Woodside sits alongside the northern boundary. This former bungalow has been developed and has habitable dormer windows and ground floor windows facing towards the application site. The amended proposal now proposes two conventional bungalows along the northern boundary with a separation distance of c20 metres. As the development rises uphill the scale of development increases away from this neighbouring property. In addition to adjustments to the scale of the development in this location a landscape buffer is proposed to bolster the existing hedgerow planting along this boundary. This is to prevent any garden fences being imposing in much closer distance to the proposed dwellings. Whilst the development will result in a markedly different outlook to the current field, the development would not be significantly detriment to the living conditions of this property.
- 7.5.4 Overall, the development would provide and maintain an acceptable standard of amenity for all and does accord with the Framework and DM35 of the DM DPD and the corresponding policy in the eLP.
- 7.5.5 In terms of visual amenity and the design of the development, the scheme is reflective of existing development in the area. The development appropriately responds to the street scene with an open landscaped frontage and dwellings fronting Bowerham Road. The existing dry stone wall along the site frontage is a characteristic feature of the site that shall be retained, albeit set back behind the access sightlines and punctured with small pedestrian openings. Internally, the main estate spine road will be softened with landscaping (this also helps reduce the visual impact of retaining features and underbuilds to some properties) up towards the landscaping bund. Structural planting is also proposed to the rear of plots 29 to 34 to improve the outlook for the properties to the rear that would otherwise overlook the rear garden fences of the properties in front of them. A similar approach is adopted to the rear of plots 14 to 16. Roads off the spine road are proposed in contrasting materials and are narrowed to help reduce vehicles speeds and to complement the design of the development. The development consists of several different house types. Not only does this support different housing needs but adds variety to the scheme. Some of the proposed split-level properties have rear elevations that look out of proportion (because they have been stretched). To improve the appearance of these properties it is possible to use a combination of materials and/or use architectural features (such as strong courses) to minimise the overbearing effects of large sections of blank wall. This can be controlled by condition. The applicant has a preference to build the development out in a constituted stone under a slate roof. This is like their other sites across the district. In this case, however, officers are of the opinion that the dwellings should be predominately brick built to reflect the surrounding build form. The applicant is amenable to using a combination of stone, brick and render under slate roofs. This is acceptable subject to agreeing the brick/stone/render specification by condition.
- 7.5.6 The provision of open space within development forms an important function both in terms of the environment and the health and well-being of future residents. For a development of this scale only amenity green space is required on site. This has been incorporated predominately along the eastern boundary (landscape bund) and the western boundary (green space along the frontage and at the site entrance). The scheme falls below the threshold to provide an equipped play area on site. Whilst this formed part of the outline application, it is not something that can be insisted on. Furthermore, Highways England had grave reservations over the provision of a play area so close to the bund and the motorway beyond, despite a 2m high fence to be provided along the eastern boundary. Instead, an off-site public open space contribution has been agreed which shall be used to make improvements (or provide new) to equipped play provision and young person's provision in the Bowerham and/or Hala areas of the

district where there are known deficiencies. Unfortunately, no comments from the Public Realm Service have been received.

## 7.6 Flood Risk and Drainage

- 7.6.1 The development site is located within flood zone 1 based on the Environment Agency flood maps. Consequently, the development of the site is acceptable and fully accords with the sequential approach to developing sites at least risk of flooding. There are properties within 50m south of the site on Bowerham Road that are susceptible to surface water flooding, with flood events (Storm Eleanor) recorded in November 2017. Several of the public representations to the application raise valid concerns over the implications of connecting the surface water to the public sewer given known flooding in the area.
- 7.6.2 Burrow Beck is located approximately 350m to the north west of the site. Properties with closer proximity to Burrow Beck and at a lower elevation have been susceptible to fluvial and surface water flooding. The local planning authority is also aware of the Environment Agency's concerns associated with downstream flooding of the Burrow Beck catchment.
- 7.6.3 The application has been submitted with an initial Flood Risk Assessment and Drainage Strategy that has subsequently been amended during the course of the application following consultation with the statutory flood risk and drainage bodies (Environment Agency (EA), Lead Local Flood Authority (LLFA) and United Utilities (UU)).
- 7.6.4 In accordance with the Framework, Development Plan policies DM38 and DM39 and the corresponding policies in the eLP (DM33 and DM34) development proposals should adopt sustainable drainage systems. Schemes should be drained of surface water sustainably. However, the applicant has evidenced that soakaways would not be suitable due to impermeable ground conditions making it unsuitable for infiltration and the use of soakaways. Given there is no surface water body in the vicinity of the site, the next solution in line with the SuDS hierarchy, is connecting to the existing surface water sewer on Bowerham Road. This approach and strategy to deal with surface water from the development site was accepted by the Inspector when granting outline planning permission (albeit with a lower discharge rate).
- 7.6.5 The amended drainage strategy proposes a controlled discharge rate (9l/s) into the sewer. This is below the greenfield pre-development Qbar rate of 11.08l/s. This discharge rate (not greater than 9l/s) was initially agreed with United Utilities at the pre-planning stage and has subsequently been accepted by the Lead Local Flood Authority. Attenuation for surface water will include a combination of geocellular basket attenuation for each dwelling and oversized pipes under the carriageways. The storage requirements are based on a 100-year flood event with a 30% allowance for climate change. Each storage facility will include a vortex flow control device to limit the flows to the sewer with sediment/silt traps to provide greater certainty of the efficiency and maintenance of the of the system. The principle of the proposed drainage strategy and the discharge rates are considered acceptable to the LLFA.
- 7.6.6 Exceedance flows have also been accounted for, including to the base of the earth bund to demonstrate the development would not result in exceedance flows towards the M6 motorway. This detail has satisfied earlier concerns from Highways England. Exceedance occurs when the storm event is larger than what the development has been designed to cope with. Given known problems in the area, the EA has been keen to ensure the development would not place any additional load on Burrow Beck which could cause further flooding downstream. There are also areas not far from the site on Bowerham Road that suffer from surface water flooding. Subsequently, the scheme must demonstrate that the risk of flooding elsewhere is not increased by the development. The drainage scheme has been designed to improve surface water flows from the site (a controlled flow less than Qbar rate). Exceedance flows must also demonstrate no worsening flood risk impact off-site. In the event of a storm larger than designed for, initially manholes on the site would flood and then overland flows would occur. Due to the steep topography of the site, exceedance flows would naturally flow towards the site entrance and onto Bowerham Road. This scenario is no different to the existing situation. The proposed exceedance flows are directed both north and south of the site entrance to mimic the existing situation but also to prevent flows going in one direction. Given that the drainage scheme seeks to control discharge below the Qbar level, exceedance flows are also likely to be reduced from the site. The LLFA and the EA have raised no objection to the proposed exceedance plans. The drainage design is such that it would not cause flood risk elsewhere in compliance with planning policy and guidance.

7.6.7 United Utilities (UU) has accepted the principle of connecting surface water to the sewer and the proposed discharge rate, subject to the LLFA being satisfied over the SuDS hierarchy. UU has also raised queries with officers and the developer that remain outstanding in respect of exceedance flows (a matter that the LLFA has previously accepted). Dialogue also continues with UU in respect of the impact of the proposed development on an existing on-site water main. This includes the proximity of proposed drainage infrastructure to the water main and proposed changes in site levels on top of the water main. Confirmation of UU's position remains outstanding although meaningful dialogue is ongoing between the applicant and United Utilities. If the outstanding details cannot be addressed ahead of the Planning Regulatory Committee, such are capable of being addressed by condition.

7.6.8 Despite concerns to the contrary, the development would be safe from flooding and would not lead to an increase in flood risk elsewhere. Subject to the detailed drainage scheme being finalised and agreed with the relevant statutory consultees (by condition), the development accords with the relevant flood risk policies contained within the Development Plan, eLP and the Framework.

## 7.7 Biodiversity

7.7.1 The proposed site is not directly affected by any national or international nature conservation site. It will not result in any land take of a designated site nor is the site considered to be functionally linked (due to the site's suburban location, intervening built development and the distance from the designated sites (approximately 2.8km). However, the site is within 3.5km of the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAR), Site of Special Scientific Interest (SSSI) and RAMSAR, which may result in indirect impacts.

7.7.2 The proposal does have potential for indirect impacts to the designated areas from recreational disturbance and construction activities. The former would be limited given the relatively small-scale nature of the development and the site's disconnection to the designated site. The latter is unlikely to have any effect and can be ruled out given the distance between the site and the designated area. There is no direct access to the designated site (via public rights of ways or other recreational routes). Furthermore, the site is much closer to other areas of open space and recreational corridors, such as Lancaster Canal, the Forest of Bowland AONB and Williamson's Park, therefore offering reasonable alternatives for recreational activities. However, it would not be possible to conclude the development would not lead to any recreational pressure on the bay. To mitigate against any potential increase in recreational pressures caused by the development, homeowner packs can be provided to each dwelling, as identified within the HRA for the Local Plan. The homeowner packs would be expected to include details of the affected designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. In conclusion, it is considered that proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects. The mitigation measures can be adequately covered by condition attached to any planning consent.

7.7.3 The site is currently an unused greenfield site but has historically been used for grazing and is considered to be of low ecological value. The applicant has submitted a Landscape and Biodiversity Report, Arboricultural Report and an Ecology Appraisal for the site. The proposal (in its amended form) adequately demonstrates that the trees and hedgerows around the site (north, east and south boundaries) can be protected and retained. The proposed landscaping scheme seeks to significantly bolster planting along the north and east boundaries and includes a landscaping bund of equivalent width to the landscaping bund permitted as part of the scheme to the south of the site. This shall be planted with native species and will deliver net gains in biodiversity and shall enhance the ecological value of the site. In addition, the estate layout has also incorporated areas of amenity green space (along the site frontage) and tree/hedgerow planting along estate roads. This internal landscaping will support biodiversity but fundamentally is about design and landscape mitigation. A scheme to incorporate bird and bat boxes within the development is also proposed and provides for biodiversity enhancements. Overall, the applicant has demonstrated that the loss of the field and central hedgerow can be mitigated and compensated for through the proposed landscaping scheme and that there will be biodiversity net gains arising from the development in the long term. It is imperative long-term maintenance and management of the landscaping will be provided. Officers are satisfied that the proposal accords with Section 15 (insofar as it is concerned with biodiversity) of the Framework, policies DM27 and DM29 of the DM DPD and the corresponding policies (DM44 and DM45) of the eLP, subject to the imposition of

conditions controlling tree protection, landscape implications and phasing, landscape maintenance and management and the provision of bird and bat boxes.

7.8 Contribution to Housing (viability)

7.8.1 Policy DM41 of the DM DPD requires proposals for new residential development is ensure land is used effectively (echoing the requirements of paragraph 122 of the Framework); be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion and provide an appropriate mix of housing to meet local housing needs.

7.8.2 The scheme has been amended to secure a housing mix that better reflects local housing needs. This has led to a reduction in detached 4-bed homes to more 2 or 3-bed homes, including 2 dormer bungalows and 2 conventional bungalows on the site. This aligns with the Framework and Development Plan policies to ensure housing developments meet the housing needs of different groups in the community. There are no objections to the overall mix of housing on the proposed site.

7.8.3 The outline planning permission was granted with a s106 agreement securing a range of obligations including the provision of policy compliant affordable housing. Policy DM41 has an expectation of achieving 40% affordable housing on greenfield sites. This expectation has been reduced in the eLP (based on supporting evidence) to 30% in this part of the district, subject to viability.

7.8.4 The application has been submitted with viability evidence to demonstrate that the site is not capable of achieving policy compliant affordable housing due to the level of abnormal costs associated with developing the site. The proposal includes the provision of 2 2-bed dwellings and 2 3-bed dwellings for shared ownership (12% provision). Officers are satisfied that the viability case advanced by the applicant robustly evidences that the site could not provide any more affordable housing units. Changes to the housing mix has also impacted on viability, but such is deemed necessary to ensure the development meets the needs or a wider sector of the community. Whilst the level of affordable housing is below the policy expectation for the site, it is not necessarily contrary to policy, as the policy permits consideration of development viability. The degree to which the proposal deviates from full policy compliant affordable housing will need to be weighed against the benefits of the proposal. However, it is fair to say that that the development has maximised numbers on the site to the detriment of other considerations. Fewer dwelling houses would not result in any more affordable houses.

7.8.5 Overall, the development of 34 dwellings houses including 4 affordable homes will make a positive contribution to the supply of housing in the district. This carries significant weight in the determination of the application and would support the Government's objective to significantly boost the supply of homes.

7.8.6 Turning to the matter of the Council's housing supply position. The formal five year housing land supply position is set out in the November 2019 Statement which concludes that the Council can demonstrate a 4.5 year supply. The Framework (paragraphs 73 and 74) requires local planning authorities to identify a supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against the Council's housing requirements. The extent of under supply has markedly improved compared to when the earlier outline planning application was granted (at that point the Council could only demonstrate a 2.2 years' supply). Nevertheless, as a result, the relevant policies for the supply of housing are considered out-of-date by virtue of paragraph 11 and the presumption in favour of sustainable development applies (the tilted balance). The council's five year housing land supply position is being kept under review, especially in light of the potential forthcoming adoption of the emerging Local Plan, but this is how things currently stand.

7.8.7 In these circumstances, the Framework states that where there are no relevant development planning policies, or the policies which are most important for determining the application 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 Framework taken as a whole.

7.9 Other considerations

7.9.1 Paragraph 94 of the Framework and policy DM48 of the DM DPD requires local planning authorities and developments to take a positive and collaborative approach to ensuring future residents of new development have access to school places. In this case the County's School Planning Team has confirmed that there would be a shortfall in secondary school places and that a contribution of the full

pupil yield for this development would be required. An education contribution of £96,740.64 is recommended as part of the package of planning obligations should the application be approved.

7.9.2 In line with policy DM48 of the DM DPD, the applicant has committed to the provision and implementation of an Employment Skills Plan to provide opportunities for, and to enable access to, employment and up-skilling of local people through the construction phases of the development. This will provide economic and social benefits to the wider community.

7.9.3 Matters relating to site contamination have been addressed in the application with mitigation required across the site due to its existing greenfield/agricultural use. A planning condition is recommended to ensure the development is carried out in accordance with the submitted details, including measures for any unforeseen contamination and validation of the remediation (if required).

## **8.0 Planning Obligations**

8.1 Should the application be positively determined, a planning obligation is required and shall include the provision of affordable housing (4 Shared ownership units), a secondary school Education Contribution to the sum of £96,740.64 to be used at Lancaster Central High School, an off-site public open space contribution to the sum of £65,380 to be used towards improvements and/or provision of equipped play provision and/or young persons provision in the area where there are recognised deficiencies, together with the setting up of an estate management company. These obligations are required to accord with planning policy and to ensure existing infrastructure (such as schools and open space) can cope with the impacts of additional development in the area. The requirements of the legal agreement would meet the tests of the Framework and Regulation 122 of the Community Infrastructure (CIL) Regulations, namely that it is necessary to make the development acceptable in planning terms; it is directly related to the development; and fairly and reasonably related in scale and kind to the development.

## **9.0 Planning Balance and Conclusion**

9.1 The proposal will make a positive contribution towards the support of market housing (and to a lesser extent affordable housing). At this time the local authority cannot demonstrate a 5 year housing land supply. Furthermore, officers are satisfied that the application site is sustainably located with good access to public transport provision and local services and facilities. Despite the landscape and visual harm identified, the green infrastructure proposed will deliver biodiversity gain and increase the ecological value of the site. It will also offer on-site open space and amenity green space that positively contributes to the design quality of the scheme. The inclusion of an Employment Skills Plan also provides localised social and economic benefits during the construction phases of the scheme. These benefits weigh heavily in the planning balance.

9.2 The access, internal road arrangements, parking provision and off-site highway works are matters necessary to make the development acceptable. The impacts on air quality is capable of being mitigated and the design and standard of amenity of the development accords with the development plan. The site is not at risk of flooding and despite concerns to the contrary, the development can drain in a sustainable manner without leading to a risk of flooding. There are a number of conditions required to ensure the standard of development meets the aims and objectives of planning policy. Neutral weight is given to these considerations.

9.3 Weighing heavily against the proposal is the localised visual impacts resulting from the development and the harm to the KUL and USL. The level of harm was identified as moderate harm by the Inspector determining the early outline planning permission. Despite the encroachment further into this designated landscape, the level of harm is not considered any worse than that identified by the Inspector. The proposed woodland bund will form a continuation of the woodland bund on the adjoining development site which will maintain a distinct visual buffer between what will be an extended urban edge and the motorway corridor.

9.4 The balancing exercise in this case remains a 'tilted balance' which means planning permission must be granted unless the adverse impacts would significantly and demonstrably outweigh the benefit when assessed against the Framework as a whole. The recommendation is finely balanced. Officers are also mindful of the changes since the previous outline planning was allowed, including the progress of the eLP and that the shortfall of housing is not as significant when compared to the Council's early figures when the outline application was determined. Nevertheless, the extant planning permission together with the development to the south of this site and the inclusion of significant green infrastructure as part of the proposal, means the adverse impacts identified to the local landscape designation would not

significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. On this basis, planning permission can be supported.

### **Recommendation**

That, subject to the completion of a S106 securing the provision of four affordable housing units, the education contribution of £96,740.64 to be used at Lancaster Central High School, an off-site POS contribution of £65,380 to be used locally, on-site amenity space and structural landscaping and the provision of an estate management company, Planning Permission **BE GRANTED** subject to the following conditions:

1. Time limit (2 yrs)
2. Approved plans

### **Pre-commencement**

3. Development to be carried out in accordance with the Drainage Strategy and SW drainage scheme to be agreed.

### **Pre-commencement (above slab level)**

4. Phasing of landscaping and infrastructure to be agreed.
5. Notwithstanding details submitted, external materials and samples to be agreed including external finishes to split-level housetypes
6. Scheme for cycle storage provision and EV charging points

### **Pre-occupation**

7. Development in accordance with Air Quality mitigation / Travel Plan
8. Ecology Mitigation including submission of homeowner pack
9. Employment Skills Plan (verification stages to be submitted)

### **Control**

10. AIA and tree protection measures to be implemented
11. Construction Method Statement
12. Drainage maintenance
13. Development to be carried out in accordance with the site investigation with unforeseen contamination condition
14. Provision of access and turning areas
15. Provision of off-site highway works
16. Protection of visibility splays
17. Development in accordance with Acoustic Report and implementation of mitigation
18. Landscaping implementation and maintenance
19. Boundary treatments to be implemented and maintained – existing dry stone wall to be re-built.
20. Provision and protection of car parking and turning areas
21. Removal of Permitted Development Parts 1 and 2

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

In accordance with the above legislation, 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 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