

<b>Agenda Item</b> A11	<b>Committee Date</b> 3 June 2019	<b>Application Number</b> 18/00472/FUL
<b>Application Site</b> Land Off Wyresdale Road Lancaster Lancashire	<b>Proposal</b> Erection of 27 dwellings (C3) with associated access	
<b>Name of Applicant</b> Mr John Matthews	<b>Name of Agent</b>	
<b>Decision Target Date</b> 1 August 2018	<b>Reason For Delay</b> Protracted viability discussions	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	Yes	
<b>Summary of Recommendation</b>	Approval (Subject to the applicant entering into a Legal Agreement to secure the planning obligations detailed within this report).	

(i) **Procedural Note**

A site visit was arranged for Councillors, and was undertaken on 25 February 2019. There has been a subsequent delay in the report being drafted due to ongoing discussions taking place with all relevant parties/consultees, namely in view of viability discussions and layout negotiations.

**1.0 The Site and its Surroundings**

- 1.1 The site lies on the eastern fringes of Lancaster located off Wyresdale Road, circa 2km to the east of Lancaster City Centre. The site totals 2.04 hectares but the net developable area is 1.06 hectares with the remainder of the site afforded to landscaping and open space. To the north of the site lies a row of mature trees and Wyresdale Road beyond this. To the west lies a private access track that once would have served Lancaster Leisure Park when it was a rare breed's farm. Beyond this is Well House Farm, and Well House. To the east some small scale business units are located with open fields to the south. The boundary treatment to the north consists of a post and wire fence followed by tree planting, to the east and west lies stockproof fencing with some landscaping, but to the south of the site the boundary is open.
- 1.2 The site is within Flood Zone 1 and therefore at the lowest risk of flooding although a small area of the site frontage is known to suffer from surface water flooding. Part of the western boundary of the site is allocated as mineral safeguarded land and all the trees the bound the site are protected by a Tree Preservation Order (no.654 (2018)). The Grade I Listed Ashton Memorial is located 650 metres to the west of the proposal, with the wider park forming part of a Registered Park and Garden, which is located 400 metres from the site. The Walton Le Dale/Slyne Distribution Pipeline runs to the east of the site though no development is proposed within any of its consultation zones. The entire site lies within Key Urban Landscape in the adopted Local Plan and proposed as Urban Setting Landscape within the emerging Strategic Land and Policies DPD (under Policy H5).

## **2.0 The Proposal**

2.1 The application proposes the erection of 27 two-storey dwellings and the provision of a new vehicular access off Wyresdale Road on the eastern fringes of Lancaster. The scheme also provides for re-grading of land to facilitate development, provision of open space across the site, landscaping and also drainage infrastructure.

The scheme initially proposed the erection of 27 residential units utilising a mix of the below (with the provision of no affordable housing);

- 5 x two bedroom houses;
- 2 x three bedroom houses; and
- 20 x four bedroom houses.

However, officers had concerns regarding the over reliance on four bedroom properties and the scheme was amended to incorporate more smaller units:

- 4 x two bedroom houses;
- 6 x three bedroom houses; and
- 17 x four bedroom houses.

2.2 The applicant is utilising their standard house types with a mixture of hipped and gabled roofs, all are two storeys in height and would be constructed under tiled roofs and utilising re-constituted stone. Many of the properties feature timber boarding on the gables of the properties. Boundary treatments will predominately consist of 1.8 metre high close boarding fencing, though certain plots require the benefit of 2.1 metre high acoustic fencing.

## **3.0 Site History**

3.1 There is limited recent site history although the applicant engaged with the Council via its pre-application advice service in 2017 on the basis of the erection of 28 dwellings (17/00920/PRETWO).

## **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>County Highways</b>	Raise concerns with the location of the site from a sustainability perspective, but raise <b>no objection</b> , despite having some concerns regarding the refuse arrangements for plots 1-6 and recommend the following planning conditions: <ul style="list-style-type: none"><li>• The provision of 2.4 x 120m visibility splays;</li><li>• The construction of a 2.0m wide pedestrian footway along the frontage of the site and extending in a westerly direction, tying into existing at the junction of Wyresdale Road / Pottery Gardens;</li><li>• Speed limit relocation changes and provision of street lighting</li></ul>
<b>Lead Local Flood Authority</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"><li>• Appropriate surface water drainage scheme to be submitted;</li><li>• No occupation of development until completion of SUDS in accordance with the agreed SUDs scheme and management and maintenance plan;</li><li>• Surface Water Lifetime Management and Maintenance Plan.</li></ul>
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> given the applicant has undertaken evaluation trenching as part of this application and no planning conditions are necessary.
<b>Public Realm Development Manager</b>	<b>No objection</b> but recommends the following contributions to Public Open Space within the area: <ul style="list-style-type: none"><li>• Outdoor Sports Facilities      £32,899</li><li>• Equipped Children's Play      £38,750</li></ul>

	<ul style="list-style-type: none"> <li>• Young People's Provision £15,500</li> <li>• Parks and Gardens £9,300</li> </ul> <p>The contribution towards outdoor sports facilities will go to the re-development of the pitches at Far Moor, Lancaster. The remaining contribution will go to the ongoing enhancement work at Williamson Park, Lancaster.</p>
<b>Cadent Gas</b>	<b>No objection</b>
<b>Tree Protection Officer</b>	<b>No objection</b>
<b>United Utilities</b>	Initially raised concerns however the amended drainage scheme is the most suitable in line with the SuDS hierarchy and therefore <b>no objection</b> has been raised.
<b>Lancaster Civic Society</b>	<b>Object</b> to the proposal on the basis that the design is uninspiring.
<b>Dynamo</b>	<b>Object</b> to the proposal given there is no provision in the plans to encourage cycling to/from the development.
<b>Strategic Housing Officer</b>	Raises concerns that the scheme should provide for an appropriate dwelling mix a minimum of 8 three bedroom homes and a minimum of 5 two bedroom homes, which would mean a maximum of 14 four bedroom properties.
<b>Fire Safety Officer</b>	<b>No objection</b>
<b>Planning Policy Team</b>	<b>Object</b> to the development as the site is allocated as key urban landscape within the adopted and emerging local plan which prevents development proposals.
<b>Lancashire County Education</b>	Initially requested no contribution towards education. However, in March 2019 this was re-assessed and the provision of 3 secondary places is required as part of a financial contribution.
<b>Environmental Health (Air Quality)</b>	Recommend the application be <b>refused</b> given the concerns associated odour emanating from the abattoir and also that the development has failed to demonstrate appropriate mitigation against the impact on the Lancaster AQMA.
<b>Environmental Health (Noise)</b>	<b>No objection</b> but recommends that the development is undertaken in accordance with the submitted noise report and the provision of acoustic fencing, hours of construction and also scheme for dust control.

## **5.0 Neighbour Representations**

5.1 **Drainage** – Burrow Beck floods and applications that lead to the potential for further flooding should be resisted; there is already an existing problem and therefore the situation will become worse with further development.

**Landscape** – The site is countryside land and key urban landscape and should be protected from development proposals; the site is green belt (this is incorrect) and development should not be supported.

**Amenity** – the development would be detrimental to the amenity of those residents on the Potteries; there will be overlooking to Pottery Gardens.

**Ecology** – The scheme will be detrimental to the wildlife that the site supports.

**Highways** – The site is not suitably located as Wyresdale Road is a busy stretch of highway with no footways.

**Infrastructure** – The local schools are oversubscribed (both primary and second school provision), there is a distinct lack of community infrastructure such as shops and services;

**Housing Need** - No additional housing is required given the number of homes for sale locally.

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

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

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a

presumption in favour of sustainable development (Paragraph 11). The following sections of the NPPF are relevant to the determination of this proposal.

Section 4 – Decision making;  
Section 5 – Delivering a sufficient supply of homes;  
Section 8 – Promoting healthy and safe communities;  
Section 9 – Promoting sustainable transport;  
Section 12 – Achieving well designed places;  
Section 15 – Conserving and enhancing the natural environment;

## 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 Local Plan (saved policies)

E27 – Woodland Opportunity Areas  
E31 – Key Urban Landscape

## 6.4 Lancaster District Core Strategy

SC1 – Sustainable Development  
SC2 – Urban Concentration  
SC4 – Meeting the District's Housing Requirements

## 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
DM26 – Open Space, Sports and Recreational Facilities  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM35 – Key Design Principles  
DM36 – Sustainable Design  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential Dwellings

## 6.6 Strategic Policies and Land Allocations DPD (Emerging)

## **7.0** **Comment and Analysis**

The planning application raises the following key issues:

- Principle of Development;
- Layout and Design Considerations;
- Drainage;
- Trees and Landscaping;
- Development Viability / Affordable Housing Provision;
- Highways;
- Open Space;
- Archaeology;
- Environmental Considerations;
- Education Provision;
- Planning Balance; and
- Landscaping Matters.

### **7.1** **Principle of Development;**

- 7.1.1 The site is located on the periphery of the urban core of Lancaster and is located 2km to the east of Lancaster City Centre. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District, and this was very much the intention of Policies SC1 and SC2 of the Core Strategy. It is therefore considered that the site is a sustainable location for the delivery of 27 dwellings (assuming other issues can be addressed).
- 7.1.2 The land is currently allocated as Key Urban Landscape (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. Policy DM28 (Development and Landscape Impact) of the Development Management DPD states that identified areas will be conserved and important natural features safeguarded. Key Urban Landscapes (KUL) perform an important role in defining the character of the District. The local planning authority considers that some form of buffer should be preserved and woodland planting encouraged.
- 7.1.3 Adopted Local Plan Policy E27 states that within identified areas the Council will seek to establish new areas of woodland allowing, where practical, for public access and the protection and enhancement of nature conservation interests. It is considered that tree planting would provide a more attractive edge to the built up area. It goes on to state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by Policy DM29 'Protection of Trees, Hedgerows and Woodlands' in the Development Management document which gives further support to the protection of trees and hedgerows and encourages additional planting.
- 7.1.4 As part of the emerging Strategic Policies and Land Allocations DPD the wider site including land at the Cattle Market, abattoir and Potteries development is proposed to be allocated for residential development under Policy H5. It is the case that this policy encompasses this allocation, however the text associated with the policy is clear that the eastern part of Policy H5 (including this site) should continue to be protected, and is still proposed to retain its Key Urban Landscape (or as proposed Urban Setting Landscape) designation and whilst only limited weight can be afforded to this, it continues to protect the site from development.
- 7.1.5 Given the national policy backdrop there is a clear expectation that, unless material considerations imply otherwise, opportunities for housing delivery should be considered favourably and Officers have attached significant weight to this in terms of the planning balance exercise.
- 7.1.6 It is clear that the proposal goes against the grain of the policy requirements of the Key Urban Landscape and Woodland Opportunity designations. Officers therefore consider that it has to be concluded that the development would conflict with Policies E27 and E31 of the Lancaster District

Local Plan. The issue therefore is whether, taking all other matters assessed via this report, this policy departure outweighs the need to deliver housing.

## 7.2 Layout and Design considerations

- 7.2.1 Officers had some concerns with the originally submitted layout given it was rather rigid in nature and it was considered that improvements could be made to assist in creating a sense of place. An amended scheme was submitted which had a greater standard of outlook, greater separation distances, and a key positive of the scheme is the retention of the trees along Wyresdale Road that form an important role in characterising the site as Urban Setting Landscape. Plots 1-5 are served off a private drive with all the properties fronting the highway (barring plot 5). This is considered to work well and the separation distance back from the highway at 25 metres will mean that the properties will be screened from view, albeit the access will be visible. The applicant has been amenable to some suggested changes such as the inclusion of a tree lined boulevard which will help soften the appearance when entering the site and has the potential to act as a green corridor.
- 7.2.2 With respect to the house types the use of a reconstituted stone is considered to work well, and whilst a slate roof would be preferable the use of a tile (and a thin leading edge) would work. One area of concern related to the quite dominant timber boarding to the gables of the proposed units and amended drawings have been received with this being scaled back and muted in colour. The house types are not entirely of the local vernacular but do offer something a little more animated compared to a volume house builder.
- 7.2.3 The detached properties all adopt a similar style of hipped and gabled roof systems and are considered to represent an arts and craft style. Whilst the house types are not in keeping with the local vernacular they are not of a design which would warrant a refusal and therefore, subject to agreeing details of the materials, can be considered acceptable. There are some selected parts of the development whereby timber fences have been utilised as a form of boundary treatment which are located on quite prominent viewpoints such as plots 5 and 16 which is acoustic fencing and on plots 8, 12 and 18 which are close boarded. It is considered that for the close boarded fence this would be better utilised as a stone wall and in terms of the acoustic fencing officers would like to ensure this is well screened via the use of more specimen planting in front to soften its appearance.
- 7.2.4 Concern has been raised from residents of Pottery Gardens regarding privacy and overlooking concerns, given these properties are located to the west of the site. There is circa 25 metres from the gable elevation of plot 27 to the nearest façade at Pottery Gardens. It is considered there would not be any overlooking or privacy concerns to warrant the refusal of this scheme. Internally within the site most of the gardens provide an adequate outside amenity space and overlooking distances are all acceptable.
- 7.2.5 Officers had concerns on the applicant's original iteration of the scheme when an additional four bedroom properties were being proposed, accounting for 74% of the unit types. This has been amended to 62%. Whilst this is higher than Officers would like to see, the assessed need as part of the Strategic Housing Market Assessment identifies a need for 3 and 4 bedroom properties. Ideally officers would have secured 5 x two bedroom unit, 8 x three bedroom units and 14 x four bedroom units. Whilst deviating from the 2018 housing needs evidence the scheme has been amended since the original iteration and to secure the desired mix would inevitably have a further impact on the viability of the scheme. It is recommended to Councillors that planning is about balance, and in the Case Officer's opinion, the mix of units and securing the highest quantum of affordable units is the correct balance to be applied in this instance.

## 7.3 Drainage

- 7.3.1 Whilst the site falls within Flood Zone 1, a flood risk assessment accompanies the planning application given the area of the site is in excess of 1 hectare. It was originally proposed to direct the surface water to the combined sewer, but this was neither acceptable to Officers nor United Utilities. Therefore the proposal has been amended to direct surface water towards Burrow Beck. The applicant is detailing a new straddle connection into the culvert within the existing highway to cater for this. The Lead Local Flood Authority (LLFA) raises no objection to the scheme on the provision that surface water is restricted to greenfield run off rate which is 7 litres per second. Many of those raising concern with the application have raised drainage as a fundamental issue and officers are mindful of the flooding in South Lancaster in November 2017. Assuming the run-off rate

is restricted by condition and given no objection to the scheme from the LLFA it is considered that the site can be sustainably drained and there is nothing before officers to suggest that approval of this scheme would increase the likelihood of flooding elsewhere. United Utilities has raised no objection to the development on the revised scheme but officers are recommending planning conditions associated with a detailed drainage scheme and its ongoing management and maintenance and this view is echoed by the LLFA.

#### 7.4 Trees and Landscaping

7.4.1 The scheme is accompanied by an Arboricultural Implications Assessment. There will be a requirement for tree removal to facilitate the access, but the majority of the mature landscaping along the sites frontage will be retained. However, to enable the visibility splays to be achieved there will be a need to prune the canopies of the trees within this group of trees. It is critical that the trees alongside the site frontage are retained as these trees contribute to the visual amenity of the area. Whilst there would be some minimal tree removal this will be compensated by the provision of the shrub and native planting along the southern boundary of the site and also the wildflower grassland all of which are supported and add to the biodiversity interest in the site.

#### 7.5 Development Viability / Affordable Housing Provision

7.5.1 The scheme initially proposed no affordable dwellings, and a viability assessment was submitted by the applicant to demonstrate why this was the case. There is general agreement that to develop the site there are some abnormal costs associated with foundations given the ground conditions. It has taken over 12 months to resolve the viability issue, with Officers not only engaging a Chartered Surveyor but also an engineering consultant to establish whether the costs of the development that had been proposed by the applicant are fair and reasonable. After protracted negotiations a position has been reached which is agreed by all parties, for the applicant to provide 4 two bedroom properties as affordable rent and 2 three bedroom properties as shared ownership.

7.5.2 It has been established that based on an education contribution to the County Council of £71,211.84, provision of £30,000 towards the local bus service that the scheme can provide for 6 affordable homes which equates to 22% affordable housing. Officers would have wished for more affordable dwellings, but based on the certified costs of developing the scheme Officers are supportive of the development.

#### 7.6 Highways

7.6.1 The application proposes the creation of a new access off Wyresdale Road, and the main access road would be 5.5 metres in width with 2 metre footways on either side of the road. The applicant has provided for visibility splays in the region of 2.4m x 120m. Officers, in pre-application discussions with the applicant, advocated the need to ensure that from a pedestrian perspective a safe means of access could be facilitated along Wyresdale Road. The County had advocated that there needed to be a 2 metre wide pedestrian footway constructed along the site frontage, which would tie into the junction of Wyresdale Road/Pottery Gardens. The applicant had stated that given the access into the Leisure Park (and also the Potteries) is not adopted highway it is not within their concern to tighten up the junction of the Wyresdale Road/Pottery Gardens junction. The applicant did propose an alternative arrangement whereby a new footway would be put in place from the site entrance for a distance of 45 metres where there would be a dropped kerb and also tactile paving put in place to allow for the crossing of Wyresdale Road. This failed to work, and the applicant has now agreed to the County's original suggestion to tie in with the Miller Homes entrance (where it is within the confines of the adopted highway). This element can be controlled by means of planning condition. Concern has been raised with regards the private drive towards the front of the site and how servicing for refuse can be achieved. A logical solution would be a dedicated refuse storage location and this being enclosed. Discussions are ongoing and Councillors will be verbally updated accordingly at the Committee meeting.

7.6.2 Whilst not requested by the County Council as the Highway Authority the City Council has historically sought monies from schemes in East Lancaster for the ongoing provision of the Number 18 bus. This in essence does a loop from the bus station and takes into account development along Quernmore Road down Grab Lane and then via Wyresdale Road. This has been examined in light

of the viability of the scheme and it is still considered it would be required in the context of what has been applied for and should still be sought

## 7.7 Open Space

7.7.1 The application proposes a healthy quantum of open space, notably across the north west of the spine road into the site, and to the southern edge of the site. The case officer was keen to ensure that the site was as green as possible, and was keen to support the principle of a tree lined spine road into the site. The open space that has been provided on site exceeds that would be required under the Planning Advice Note and whilst it may have been desirable for some play equipment to be included, it falls under the threshold for one to be provided on site. Whilst the Public Realm Officer has sought a contribution towards open space within the wider locality, given viability it is not reasonable to ask for monies.

## 7.8 Archaeology

7.8.1 The site had the capability to impact on below ground archaeology, and the comments of the Lancashire Archaeological Advisory Service (LAAS, which has now reverted back to County Archaeology) were sought on this planning application. They noted that the area of the proposal was considered to have a significant archaeological potential and should therefore be subject to a phased scheme of archaeological investigation. The applicant was amenable to undertaking these works and the first phase comprised a scheme of geophysical survey and trial trenching. Trial trenching was undertaken which revealed nothing of archaeological merit and this is a view shared by LAAS and therefore no condition is recommended.

7.8.2 The Ashton Memorial is a Grade I listed building and located circa 650 metres from the development proposal. Given the presence of screening around the site it is considered that views of the memorial when seen from Wyresdale Road or further to the east would be not harmed. Well House and Well House Farm are both non designated heritage assets and whilst there will be a change to the environs of both of these given the landscaping around the site and the separation between the NDHAs and the proposed development, it is considered that the development would not have an impact other than of minor one. Whilst the views of the Conservation Officer have not been sought, the Heritage Impact Assessment undertaken as part of the local plan revealed little impact.

## 7.9 Environmental Considerations

7.9.1 Given the greenfield nature of the site it is considered reasonable to include a planning condition associated with unforeseen land contamination on the site. The site is close to the M6 motorway and a detailed noise report accompanies this planning application which recommends that with mitigation there should be no loss of amenity for future occupiers assuming the use of ventilation is utilised (plots 1-6 and 11-18). Acoustic fencing has been recommended for plot 6 along the north eastern and south eastern boundaries. No objection has been received from the Council's Senior Environmental Health Officer and with this it is suggested that conditions can control noise mitigation.

7.9.2 The Council's Air Quality Officer has objected to the development by virtue of additional private car movements passing through the Lancaster Air Quality Management Area. Whilst this is noted, to some degree the impacts associated with this can be mitigated in part via funding towards the bus service, the provision of electric vehicle charging points, ensuring there is sufficient safe storage for bicycles and ensuring the offsite highway measures are included. Concern has also been raised that no assessment of odour has been included given the nearby abattoir on Wyresdale Road. Whilst there is some merit in this, the Pottery Gardens scheme is located circa 70 metres from the abattoir, whereas the application site is over 220 metres. Surveys can only be requested where it is reasonable and given the site is separated by the 71 dwellings of Pottery Gardens it is not considered reasonable to ask for a survey, nor refuse the application on the basis that one has not been submitted. Whilst there is some merit in the Air Quality Officer's objection, Officers feel that such an objection could not be robustly defended at planning appeal.

## 7.10 Education Provision

7.10.1 A concern that has been raised is whether there is sufficient capacity in the local schools, initially as part of the application proposal, there was no requirement for any financial contribution towards



school spaces. However, given the protracted discussions regarding viability on the site, County has now considered that provision is required. It is proposed in the event that the education contribution is not utilised by the County Council the monies are transferred back to the City Council as a commuted sum for affordable housing provision within the District.

## **7.11 Planning Balance**

7.11.1 The site has a semi-rural character due to its use for grazing livestock and this appearance would be considerably changed by the introduction of 27 residential dwellings. Whilst there are dwellings to the west, the character would undoubtedly be changed as by the applicants own admission there would be a marked change from rural to suburban housing. There remains to be concerns regarding the over-reliance of four bedroom unit types but there has been concessions made by the developer and a reasonable quantum of affordable housing at 22% is being achieved.

7.11.2 It is suggested that the scheme would be contrary to saved Local Plan Policy E31 and Development Management Policies DM28, DM35 and DM41 as there would be some moderate harm caused to the character and appearance of the area including to the Key Urban Landscape. Weight is attached to the contribution to the supply of housing and the provision of affordable houses to which significant weight is attached. The balancing exercise in the Framework is a 'titled balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as taken as a whole. Officers consider that the adverse impacts associated with this development do not significantly and demonstrably outweigh the benefits and therefore it is recommended that planning permission should be granted and the proposal would represent sustainable development.

## **8.0 Planning Obligations**

8.1 The applicant is amenable to securing the following requirements by way of legal agreement:

- Provision of six affordable housing units (four x 2 bedroom - affordable rent and two x 3 bedroom units shared ownership);
- Contribution of £30,000 towards the running of the local bus service (Number 18 - Lancaster - Lancaster via Williamson Park, Leisure Park, Lancaster Farms);
- Securing the provision of £71,212 towards secondary education spaces for three secondary school places at Central Lancaster High School;
- Long term maintenance of non-adopted open space, landscaping and non-adopted highways and drainage.

## **9.0 Conclusions**

9.1 The recommendation here is finely balanced, as the proposal is a departure from the Development Plan, and ordinarily developments of this nature would not be supported in Key Urban Landscape and Woodland Opportunity designations. However, Councillors have to be mindful that the local authority does not have an up-to-date deliverable five year housing land supply. Officers do consider that the proposed site is a sustainable location for the delivery of 27 dwellings, and whilst the undeveloped nature of the site would be lost, some structural landscaping would be included. It is considered that there would not be a complete removal of the Key Urban Landscape in this location, although would be eroded to a degree whereby it could not fulfil its role going forward. In addition to this, it is a site that is adjacent to the built form to the west. Given the inability of the local authority to demonstrate a deliverable 5-year housing land supply, together with the lack of any technical objection from any statutory consultees, that on balance the material considerations weigh in support of the scheme to allow Officers to make a positive recommendation for this development.

9.2 Whilst there has been some concern raised with respect to highways, drainage, environmental health considerations, education provision and nature conservation, none of the relevant consultees raise an objection to the scheme, or raise a concern which cannot be addressed by condition. Officers have sought to secure modifications to the scheme in the form of a shift in layout and providing for some smaller units. It is recommended to Councillors to support the scheme subject to the applicant entering into a Section 106 Legal Agreement to control the obligations noted within Section 8.1 of this report and the conditions listed below.

## **Recommendation**

That, subject to the applicant entering into a Section 106 Legal Agreement to secure the contributions as set out in Section 8.1, that Planning Permission **BE GRANTED** subject to the following conditions:

1. 3 year timescales;
2. Development in accordance with approved plans;
3. Access details;
4. Detail for off-site highways works and subsequent implementation;
5. Detail for surface water drainage;
6. Detail for foul drainage;
7. Surface water management and maintenance;
8. Finished floor level details;
9. Noise mitigation in accordance with submitted noise report;
10. Building Materials to be agreed on external facing elevations;
11. Hard and soft landscaping;
12. Boundary treatment detail;
13. Development in accordance with the submitted Arboricultural Implications Assessment;
14. Protection of visibility splays;
15. Car parking to be provided for;
16. Garage use control;
17. Provision of cycle storage and electric vehicle charging points;
18. Implementation of the mitigation and enhancement measures outlined in the ecological appraisal.

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

## **Background Papers**

None.