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| Agenda Item | A8 |
| Application Number | 20/00293/FUL |
| Proposal | Change of use of former church (D1) to 13 self-contained flats (C3), erection of single storey side extension, creation of a bin and cycle store, installation of rooflights to rear and side elevations, construction of balconies to rear elevation and construction of raised decking to north east elevation with associated parking, garden and amenity space. |
| Application site | Christ Church, Broadway, Morecambe, Lancashire LA4 5BJ |
| Applicant | Mr Lambert |
| Agent | Philip Lambert |
| Case Officer | Ms Rebecca Halliwell |
| Departure | No |
| Summary of Recommendation | Approval subject to outstanding responses from statutory consultees raising no objections to the proposal |

1.0 Application Site and Setting

- 1.1 The site which forms the subject of this application comprises of 0.39 hecatres of land consisting of an existing church building with associated external hardstanding and soft landscaping. The building is the Former Broadway United Reform Church which is currently vacant. The site is located on the corner of the junction where Stuart Avenue meets Broadway (A589). The south part of the site which abuts onto Stuart Avenue is within flood zone 2, whilst the remainder of the site is within flood zone 3, though in an area benefitting from flood defenses.
- 1.2 The site is situated within an established residential area. Located circa 280m north of the site lies the European designated Morecambe Bay Special Area of Conservation, Special Protection Area, Site of Scientific Interest and Ramsar site.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of the former church to 13 self-contained flats, erection of single storey side extension, creation of a bin and cycle store, installation of rooflights to rear and side elevations, construction of balconies to rear elevation and construction of raised decking to north east elevation with associated parking, garden and amenity space.
- 2.2 The original submission sought permission for the change of use of the church to 19 units. It was considered that this would have resulted in the over-development of the site. Furthermore, a number of the units would have been solely served by rooflights. This would have resulted in a diminished outlook and light which would have resulted in an adverse impact upon amenity. Subsequently, an amended scheme has been submitted.
- 2.3 The internal layout of the scheme has been amended and the single storey extension reduced limiting the scheme to 13 units. It will consist of six-3 bedroom and seven-2 bedroom units. The single storey extension will be attached to the single storey rear element of the building. The

memorial garden will be retained and public access allowed. 13 amenity / garden spaces will be provided, along with 2 shared amenity areas. Twenty-six parking spaces are also proposed, all of which will be enclosed within the application site.

3.0 Site History

3.1 There is no relevant history for this site.

4.0 Consultation Responses

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

| Consultee | Response |
|-------------------------|---|
| Highway Authority | No objection |
| Natural England | No objection subject to the attachment of a condition requiring a homeowner pack to suitably mitigate impact |
| Lancaster Civic Society | No objection - welcome the proposal to bring the redundant church back into practical use |
| County School Team | No objection - an education contribution is not required. |
| Fire Safety | No objection – standard advice received in relation to building regulation compliance for fire appliances |
| Engineering Team | No objection |
| Waste & Recycling | No objection subject to adequate refuse provision |
| United Utilities | No objection subject to the attachment of conditions requiring the development to be carried out in accordance with the drainage details |
| Parish Council | No response received |
| Environmental Health | No response received |
| LLFA | No response received |
| Strategic Housing | No response received |
| Environment Agency | No response received |

4.2 The following responses have been received from local residents:

24 letters of representation have been received regarding this application. 7 of which object to the application, 10 of which made comment but raised no objection and 7 of which are in support of the scheme.

The 7 objections and 10 representations which made comment have raised the following points:

- Site is unsuitable for high density development and does not harmonise with the street scene
- Adverse impact on the pedestrian environment due to the increase in vehicular movement which will introduce an unnecessary and avoidable hazard which will add to the already exacerbated issues
- Adverse noise issues
- Overlooking / loss of privacy from the proposed window fenestrations and balconies
- Deed/covenant states that if the building was to be redeveloped it would be houses
- The flood risk report is factually incorrect as the church flooded in 1977
- The soft landscaping which will replace the existing path between the building and the memorial garden has the potential to affect and damage the lawn where the ashes are buried.
- The memorial garden contains the ashes of over 100 people, this should be preserved during the construction phase and retained thereafter.
- Insufficient provision of parking

The 6 representations of support stipulate that the retention of the church structure along with the re-use of the building will have a positive impact upon the streetscene. The confirmation that the memorial garden will be retained and public access will continue has also been well received.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- **Principle of Development** (Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities) and H1 (Residential Development in Urban Areas, Development Management DPD Policies DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (Delivery of Affordable Housing), DM13 (Residential Conversions), DM24 (The Creation and Protection of Cultural Assets), DM56 (Protection of Local Services and Community Facilities), DM60 (Enhancing Accessibility and Transport Linkages) and 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 and Section 11 (paragraphs 120 and 122) - Making effective use of land)
- **Design / Visual Appearance** (Development Management DPD Policies DM29 (Key Design Principles) and DM30 (Sustainable Design) and NPPF Section 12 (paragraphs 124, 127, 130) - Achieving well-designed places)
- **Residential Amenity Impacts** (Development Management DPD Policies DM29 (Key Design Principles) and NPPF Section 12 (paragraphs 124, 127, 130) - Achieving well-designed places)
- **Highways Considerations** (Development Management DPD Policies DM60 (Enhancing Accessibility and Transport Linkages), DM62 (Vehicle Parking Provision) and Appendix E (Car Parking Standards) and NPPF Section 9 (paragraphs 102, 108-111) - Promoting sustainable transport)
- **Noise & Air Quality Matters** (Development Management DPD Policies DM31 (Air Quality Management and Pollution)
- **Flood Risk & Drainage** (Development Management DPD Policies DM33 (Development and Flood Risk) and DM34 (Surface water Run-Off and Sustainable Drainage) and NPPF Section 14 (paragraphs 158, 163 and 165) - Meeting the challenge of climate change flooding)
- **Biodiversity** (Development Management DPD Policy DM45 (Protection of Trees, Hedgerows and Woodland) and Policy DM44 (The Protection and Enhancement of Biodiversity and NPPF Section 15: Conserving and enhancing the natural environment); and
- **Contribution to Housing** (Development Management DPD Policy DM3 (Delivery of Affordable Housing))

5.2 Principle of the development

5.2.1 The development plan requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy DM60 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport.

5.2.2 Policies DM1, DM2, DM3 and DM13 of DM DPD are also relevant. These policies seek to ensure that the proposal will provide accommodation that will address local housing needs and imbalances in the local housing market, and will not have a significant detrimental impact on the amenity of nearby residents and character and appearance of the street scene

- 5.2.3 Policy DM1 of the DM DPD states that the council will support proposals for new residential development that:
- I. ensure that available land is used effectively, taking into account the characteristics of different locations and the specific circumstances of individual sites including viability; and
 - II. are located where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development in accordance with other relevant policies, particularly Policy DM44.
- 5.2.4 The use of the application site as self-contained flats is acceptable in principle. It is situated in a sustainable location and is close to local services and facilities. It is also adjacent to good bus routes to Morecambe Town Centre, Lancaster City Centre and the Lancaster campuses of the University of Cumbria and Lancaster University.
- 5.2.5 Policy DM1 also relates to Meeting Housing Needs within the District. It states that the council will support proposals that seek to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council's latest Strategic Housing Market Assessment. Notwithstanding the above assessment, the Council has responsibility for planning for the future housing needs of the district, with the NPPF requiring local authorities to significantly boost the supply of housing especially in situations of noted undersupply. The November 2019 Housing Land Supply Statement v1.2 sets out that 4.5 years of housing supply can be demonstrated at the current time. The Council's lack of a five-year housing land supply is a material consideration in the determination of this application and also requires the application of the presumption in favour of sustainable development. Opportunity to address the undersupply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. Therefore, given the current situation, the relative small scale of the proposal and the proximity to facilities and services, it would be difficult to resist the principle of residential development in this location.
- 5.2.6 However, it should be acknowledged that the Inspector's Report was received on 20 June which found the Local Plan sound. This stated that, on the basis of the deliverability evidence provided to support the Local Plan; the application of a stepped housing requirement; a 5% NPPF buffer; and, taking account past periods of undersupply the Council could demonstrate a 5-year supply during the Examination local hearing. In reaching this conclusion the Inspector states in his report that whilst assessing the plan under the 2012 NPPF he remained satisfied that a 5-year supply could also be demonstrated under the increased scrutiny required under the new 2019 NPPF. This will be reviewed shortly to update the existing November 2019 housing land supply statement which advises that the Council does not have a 5-year supply. Therefore, the Council's current position remains that it cannot demonstrate a 5-year land supply.
- 5.2.7 DM2 of the emerging Local Plan relates to Housing Standards. The Council, in accordance with national policy and practice guidance, has taken consideration of overall need and viability across the District and has chosen to implement optional housing standards on new residential development. Proposals for residential development will be supported where the new dwelling meets the Nationally Described Space Standard (NDSS) (or any future successor). The submitted plans show that the proposed flats can accommodate adequately sized rooms and meet the NDSS.
- 5.2.8 The existing use of the building is a church, which provides a local service that would be lost as part of the proposed residential conversion. Details have been submitted with this application which demonstrates that the continuation of the existing use is no longer economically viable or feasible; and that the existing use no longer retains and economic and social value. Policy DM56 of the DM DPD sets out the criteria which must be met:
- I. that a robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price, making use of local and (if appropriate) national media sources and maintaining a log of all enquiries received;
 - II. ensure that, alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, which can reasonably be accessed by pedestrians and public transport; and

III. ensure that the existing use no longer retains an economic and social value for the community it serves.

- 5.2.9 The supporting evidence states that the applicant purchased the property in December 2019 following a period of marketing by the URC (via its commercial agent) in order to comply with its legal duties in the Charities Act 2011. In the eventuality, it was advertised in a range of appropriate formats which were both of national and local reach. The property was advertised from October 2018 until completion of the sale on 2 December 2019. Criterion I) has, therefore, been met.
- 5.2.10 Regarding criterion II), evidence has been provided in the supporting evidence which shows that there are several community centres and halls within the surrounding area; these act as a suitable replacement for community organisations. Some of the aforementioned locations mentioned above and shown on Fig. 2 of the supplementary planning policy statement are community halls combined with places of worship, an example of this is Emmanuel Church located on Marine Road East, approximately 0.6 miles from the application site. There are at least 8 other places of worship within a 1 mile of the application site that can be accessed on foot, by public transport and by a short drive. The churches are a range of denominations such that alternative religious provision is clearly available in the locality. There is more than sufficient alternative provision in the locality for both community and religious uses to satisfy criterion II).
- 5.2.11 Criterion III) seeks to ensure that the existing use of the property no longer retains an economic and social value for the community it serves. A detailed letter shown in Appendix A of the supplementary planning policy statement from Lamb & Swift, the URC states that every effort was made to secure the continuing ecclesiastical use. The backstory of the property is by no means unique, with churches across the UK consolidating due to falling attendance numbers, increasing maintenance costs and inability to identify willing parishioners to take on increasingly complex governance responsibilities. It is considered that retention of the church and its site for the attendance of such low number of people, especially where provision can be found in the surrounding area, is counter intuitive to the provisions of the NPPF.
- 5.2.12 The supporting statement goes on to state that prior to the submission of the planning application, the applicant conducted some community consultation and it was intended that further consultation would take place during the first 21 days of the planning application, but due to the government mandated lockdown this has not been possible. However, the project architect has been proactive in gathering views from the local community through informal means. This has included answering ad-hoc questions whilst site surveys were undertaken, speaking to former congregation members and the URC organisation through their representatives. It is estimated that between 10-15 people have been engaged.
- 5.2.13 The memorial gardens were perceived to have some social value, but it is noted this is not a community use insofar as it is not an active use of the building itself and that this element of the grounds has been retained as part of the proposals. Measuring social value is a matter of judgement. Taking into consideration the number of objections, comments and letters of supports which were received regarding the proposed development and the concerns raised relating mainly to the implications of vehicular movement and parking upon the area it is considered that the local community had no notable objection to the change of use of the property. In conclusion, the third criterion of the policy is satisfied, with the above factors noting that there is no residual social or economic value of the building, which will be lost by its conversion.
- 5.2.14 Taking into account all of the above, it is considered that the principle of converting the building is acceptable.

5.3 Design / Visual Appearance

- 5.3.1 Paragraph 127 of the NPPF, along with Policy 29 of the DM DPD promotes development that would positively contribute to the character of the area through good design and that protects and provides a high standard of amenity for all.
- 5.3.2 There are a number of interventions that are proposed to be undertaken to allow the building to be used for residential purposes, in this case 13 self-contained flats. Externally, this includes the erection of a single storey rear / side extension with large expanses of glass to the east facing elevations, the insertion of a number of window and door opening, balconies and rooflights. The

original submission included the installation of rooflights to the front elevations, but following discussions with the agent these have been removed, and the overall fenestration of the rooflights altered. The internal alterations include the addition of new floors to make use of the existing tall structure.

5.3.3 The existing building is a mix of architectural style, built in the latter part of the 1950s. The existing main entrance to the church is a major feature of the building, as such it is to be retained for use by all residents. The predominant materials of the elevational treatment is an old-style render which over time has faded and peeled away from the substructure. As part of this proposal the existing render is to be removed and the walls clad in a new K-Render system which will allow the building to keep its general appearance. Any alterations to the roof will be to replace the damaged tiles by either repairing and re-using the existing tiles or replacing with a similar new tile.

5.3.4 The majority of the windows of the church are aluminium frames, and these will be retained and repainted dark grey / black to give them a contemporary appearance. The new windows will match the existing windows.

5.3.5 The large expanses of glass to the eastern elevation of the single storey rear element will appear modern and contemporary. However, given their positioning on the property they would not be visible from the highway as they will be screened by the application building. Further to this, the proposal includes the creation of outdoor terrace / balconies to the third floor of the main church building. These will be built into the roof form and will face north. They would not be considered highly visible given the height of the application building.

5.3.6 The rooflights and balconies do change the roof form of the building quite dramatically. They will ensure adequate light for each flat. On balance whilst there is a significant change to the roof form and overall appearance of the building, it is considered that the proposal would not lead to substantial harm to the building, although inevitably there is some level of harm which is created by the proposed development. However, without this proposal, the building could fall into disrepair. The scheme has been sensitively designed and the alterations will lead to an enhancement of the building through its restorations.

5.3.7 Overall, it is considered that the re-use of this building is the most appropriate way of conserving the building. The principal façade which faces onto Stuart Avenue will be largely unaltered. The modern contemporary glazing elements and the proposed extension will be largely unseen because of it being screened by the main body of the application building, Whilst the large expanses of glazing will add a contemporary element to the eastern elevation the insertion of rooflights and balconies is considered to be a weakness of the scheme. However, the insertion of the rooflights and balconies are a necessity for the conversion to work to provide adequate light to each flat, further to this, the majority of the works to the roof form will be on the north facing and east facing slopes, which will be screened from the highway. Therefore, it is considered that the scheme complies with Policy DM29 of the DM DPD and the NPPF.

5.4 Residential Amenity Impacts

5.4.1 The conversion of larger properties to residential flats should exceed the minimum room floorspaces as set out in the NDSS. All habitable rooms, namely bedrooms, kitchens and living spaces, should have a sufficient level of outlook and natural light through existing window openings, with access to external amenity space and storage facilities for bins and bicycles. As mentioned above the proposed development meet the minimum space standards. The number of window openings which are proposed will ensure that adequate light is provided for each flat. Further to this, each flat will have a garden area, and there are also communal shared garden areas.

5.4.2 The large expanses of glass to the single storey rear / side element will face towards the rear of the properties sited on Pembroke Avenue. They will have an off-set distance of circa 13m to the shared boundary and circa 35m to the rear of the aforementioned properties. To protect the privacy of the occupiers of the proposed flats and the abovementioned neighbouring properties a condition will be attached regarding the submission of boundary details to be agreed in writing by the Council prior to occupation of any of the proposed development.

5.4.3 The terrace / balconies are proposed in the north facing roof plane of the main existing building, these will face into the site and have an off-set distance of circa 50m to the gable end of the nearest

neighbouring residential dwelling, No 30 Broadway. The terrace / balcony of Flat 12 will be the closest to the shared eastern boundary at a distance of circa 19m. All of the terraces / balconies will offer oblique views into the rear garden areas of the properties sited along Pembroke Avenue. However, the separation distance proposed is considered to be adequate to ensure that the proposed development does not have an adverse impact upon the privacy of the occupiers of the aforesaid properties.

5.4.4 No. 6 Stuart Avenue has a current off-set distance of circa 9m with the existing gable elevation of the main church building. There are windows present within the side elevation of no.6 Stuart Avenue that face the church, though they appear to be either secondary windows or windows which serve non-habitable rooms. As such, it is considered that whilst the development is in close proximity to the neighbouring property it will not result in a loss of amenity to it. The outlook from 2 of the flats that will have living rooms and 1 bedroom facing towards the side elevation of no.6 Stuart Avenue, is slightly compromised as the council's policy requires 12m separation distance between windows serving habitable rooms and a facing blank gable. Given only a few rooms in only a few flats are compromised, it would be difficult to sustain a reason of refusal on this basis.

5.4.5 The proposed development will have a negligible impact upon the properties sited on the opposite side of Stuart Avenue which face towards the application site, as the relationship will mirror that already present on the street.

5.4.6 The development includes the installation of balconies and rooflights to a three of the flats which will be their only source of light. It is acknowledged that if the rooflight were the only source of light it would have prevented any reasonable outlook, but given that all three units will be served by balconies / terraces containing large expanses of glass it is considered that they will allow for sufficient natural light and outlook.

5.4.7 Overall, the development would provide and maintain an acceptable standard of amenity for all and therefore accords with the NPPF and DM29 of the DM DPD.

5.5 Highways Considerations

5.5.1 The NPPF along with the Development Plan seek to direct development to sustainable locations where opportunities are available to maximise and promote more sustainable modes of transport. The site is within 350m of the nearest local primary school St Mary's Catholic Primary School, 150m of the nearest secondary school Morecambe Bay Academy, 600m of the local centre Bare Village and still within 1km of the eastern part of Morecambe Town centre. This provides significant opportunities for future residents to access local amenities and services on foot. Cycling also offers a potential substitute to motorised vehicles, particularly for trips under 5km. Public transport is available close to the site with regular local services available into Morecambe Town Centre and Lancaster City Centre.

5.5.2 Fourteen parking spaces will abut the front of the application building and Stuart Avenue. However, the site will be accessed via one access point which will be the south eastern corner of the site. A further 12 parking spaces will be provided within the site, as well as the provision of cycle storage. Appendix E of the DM DPD sets out the car parking standards for all new development, which states that for all 2/3 bed dwellings 2 spaces should be provided. The proposed development comprises of 7 2-bed and 6 3-bed flats and would, therefore, require the provision of 26 parking spaces. Adequate parking is, therefore, proposed.

5.5.3 The scheme has been assessed by the County Highways Officer. The original scheme provided inadequate parking spaces, but following receipt of the officer's initial comments the scheme was amended to provided sufficient parking. As such the highway officer has confirmed that they raise no objection to the scheme.

5.5.4 Overall, in highway terms the scheme is acceptable subject to relevant conditions being imposed.

5.6 Noise & Air Quality Matters

5.6.1 Paragraph 188 of the NPPF states that planning has a role to play in minimising and protecting the public and the environment from unacceptable exposure to pollution. To achieve this 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 NPPF clearly states that planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan. Policy DM31 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 and 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.

5.6.2 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 east boundaries of the site. The level of works proposed would not result in an excessive amount of dust pollution and these are controlled by separate legislation regardless.

5.6.3 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 NO₂ and PM₁₀ 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 the AQMAs (the nearest being in Lancaster and Carnforth). The mitigation includes the provision of electric vehicle charging facilities. It is considered that the provision of charging facilities will sufficiently mitigate air quality impacts arising from the development, protect the health of residents and be in the interest of sustainable development.

5.6.4 To mitigate the noise impacts of the proposed development a condition will be attached restricting the hours of construction to ensure appropriate hours of site work to minimise noise during the construction phase to prevent noise disturbance and loss of amenity at the nearby residential properties.

5.7 Flood Risk & Drainage

5.7.1 The site is located within Flood Zone 2 and partially within Flood Zone 3. Flood Zone 3 is defined as having a high probability of flooding and Flood Zone 2 is defined as having a medium probability of flooding in the National Planning Practice Guidance. Buildings used for dwellinghouses are defined as a more vulnerable use.

5.7.2 Paragraphs 158 and 159 of the NPPF go on to state that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.7.3 A Flood Risk Assessment has been submitted in support of the application. The submitted FRA has sufficiently evidenced that the development would be safe from flood risk and would not increase the risk elsewhere. It sets out that given the proposal seeks to convert an existing vacant building it would be considered infeasible to locate the development elsewhere. The proposed development will relate to the existing site and seeks to convert the site to residential in an existing residential area. Whilst there could be alternative sites for residential development elsewhere in the District, due regard has been given to the characteristics, public value and location of the site. The site is vacant, it is previously developed land situated on a main route to Morecambe Bay sea front. Furthermore, mitigation measures such as the finished floor levels of the building will be set at a minimum of 0.6m above recorded flood levels for 1 in 100 year storm event and the elevation of electrical sockets and valuable machinery/plant. The report identified that fluvial flooding is the most

likely from Morecambe Bay if the flood defences are breached. To ensure that all occupants have safe egress away from the site in the event of flooding a condition will be attached ensuring the submission of a flood risk management / evacuation plan shall be submitted to and agreed in writing prior to the occupation of the flats. The site also falls within an EA Flood Warning area, so the warning will help to make residents of the site aware of potential breach scenarios, and the need to make appropriate preparations to leave the site prior to a breach occurring, or move to a place of safety in the event of a breach occurring.

- 5.7.4 It is known that there are flood defences present comprising the wave reflection wall which reduces flood risk to over 10,000 homes and has a design life of 100 years, taking into account climate change and sea level rise. It is, therefore, considered that due to the presence of the wave reflection wall the application site will be protected throughout the duration of its life.
- 5.7.5 The submitted design and access statement outlines several benefits provided by the development such as the development will provide new residential housing for a variety of individuals, it will help business thrive in the local area by providing high quality living accommodation, assisting in the regeneration of the local area, improve the look and feel of the town, actively market the town to investors and actively market the town to visitors.
- 5.7.6 Table 3 of the NPPG indicates that 'More Vulnerable' uses would be considered appropriate development in Flood Zone 2 and development in Flood Zone 2 would be subject to the exception test. With this in mind along with the above assessment, it is accepted that the site's redevelopment is important to the wider public amenity of the area, it is also clear that the development has been designed to be safe from flood risk and not increase flood risk elsewhere. Therefore, on balance, there are no statutory grounds for refusal on flood risk matters.
- 5.7.7 Regarding drainage, a drainage strategy report and a drainage schematic plan have been submitted in support of the application. This has been assessed by United Utilities who have confirmed that the submitted detail is acceptable. Conditions should be attached ensuring the development is carried out in accordance with the submitted details and that foul and surface water are drained separately.
- 5.8 Biodiversity
- 5.8.1 The site is located approximately 280 metres from Morecambe Bay Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.
- 5.8.2 The site is separated from the designated area by intervening existing residential development and roads. As such, it is considered that there would be no direct impacts on the aforementioned designations. However, there is the potential for increased recreational pressure post development, although this is unlikely to be significant given the scale of the development. It is considered that this relatively small impact could be adequately mitigated through a requirement to produce and distribute a homeowner pack to future occupants, which could be controlled by a condition. As mitigation would be required, the Local Planning Authority is required to undertake an Appropriate Assessment, and this is contained in a separate document. This concludes that, with mitigation, it is considered that proposed development will have no adverse effects on the integrity of the designated site, its designation features or its conservation objectives, through either direct or indirect impacts either alone or in-combination with other plans and projects.
- 5.8.3 An Ecological Statement has also been submitted. It concludes that the application site has a low likelihood of the presence of protected species. It recommends a number of enhancements such as the installation of a minimum of two bat boxes and three bird boxes will mitigate any impact the development may have. A condition will be attached ensuring that the development is carried out in accordance with the recommended mitigation set out within the statement.
- 5.8.4 Regarding trees, an Arboricultural Impact Assessment has been submitted which concludes that the development will result in the loss of no trees on the site. All trees and planting present within the site will be retained and protected during the construction phase. There is no development encroachment into the canopy areas of the retained trees, therefore, no conflict with above ground constraints are foreseen. A method statement is included within the report which states that protective fencing will be erected to protect the retained trees and that no construction of foundations or installations of services will take place within the Root Protection Area (RPA) of any of the retained

trees. A condition will be attached ensuring that the development is carried out in accordance with the Arboricultural Impact Assessment.

5.9 Contribution to Affordable Housing

5.9.1 Policy DM3 relates to the delivery of affordable housing. It states that the Council will continue to support and promote the delivery of new affordable housing within the District through a variety of differing tenures. As a result of marginal viability, affordable housing will not be sought on schemes which are for apartments only or schemes which are located on brownfield sites located in Morecambe, Heysham and Overton Wards. Therefore, as the application site is a brownfield site located within Morecambe and is an apartment led development no contribution is required.

6.0 Conclusion and Planning Balance

6.1 At the heart of the NPPF is the presumption in favour of sustainable development. Overall, the proposed development positively contributes to meeting the District's housing need by providing 13 open market residential units; it involves the redevelopment of a previously developed site in a prominent location; it is a scheme which represents high quality design; it is sustainably located with good access to public transport; it satisfactorily addresses the risk of flooding; and will not adversely impact the special features of the SPA subject to mitigation. There will be social and economic benefits brought about through the redevelopment of this site both during construction and operational stages of the development. The proposed development is considered a sustainable form of development that accords with the Development Plan.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

| Condition no. | Description | Type |
|---------------|---|---------------------|
| 1 | Standard 3 Year Timescale | Control |
| 2 | Approved plans | Control |
| 3 | Materials as per submitted details | Control |
| 4 | Drainage maintenance scheme | Prior to Occupation |
| 5 | Flood Risk Management / Evacuation Plan | Prior to Occupation |
| 6 | Landscaping and management plan | Prior to Occupation |
| 7 | Boundary treatments | Prior to Occupation |
| 8 | Cycle and refuse storage provision | Prior to Occupation |
| 9 | Electric vehicle charging points | Prior to Occupation |
| 10 | Ecology mitigation including submission of homeowner pack | Prior to Occupation |
| 11 | Arboricultural Impact Assessment | Control |
| 12 | Parking | Control |
| 13 | Drainage scheme | Control |
| 14 | Visibility splays | Control |
| 15 | Construction hours | Control |

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