

Agenda Item	A5
Application Number	21/00784/FUL
Proposal	Erection of 59 dwellings (C3) with associated vehicular and cycle/pedestrian access, parking, land regrading, landscaping, provision of open space and equipped play area and construction of an attenuation basin
Application site	Land Off Ashton Road, Lancaster
Applicant	WVC Lancaster Ltd
Agent	Mr Dan Ratcliffe
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approve subject to resolving outstanding highways issues (subject to s106 legal agreement)

(i) **Procedural Matters**

The scheme was due to be presented before Planning Committee on 31 January 2022 however given late consultation responses from the County Council with respect to highways and education it was deferred for further consideration. The issues are now suitably resolved to allow officers to make a recommendation.

1.0 Application Site and Setting

1.1 This 2.5ha site is part of the wider policy H6 Royal Albert Fields housing allocation. Therefore, the principle of development is established and the issues to consider relate to those specifically relevant to this proposal as submitted.

1.2 The site is located adjacent to and south of the Oakmere Homes' Pathfinders Drive development (also part of the H6 allocation). To the west and south is land and buildings at Canal Bank Stables with Ashford House and Ashford Avenue beyond to the south, to the east is Ashton Road with residential development off Caspian Way opposite. The site is currently green field, used for animal grazing and enclosed by boundary hedgerows and trees. The site slopes up steeply to the west and north to a sloping ridge running north to south.

1.3 The site is within a mineral safeguarding area, is subject to up to 25% chance of groundwater flooding and within Smoke Control Area 2. There are protected trees (TPO 269) on the south, east, and part of the north boundaries.

2.0 Proposal

2.1 The proposal has been amended to reduce the number of dwellings from 64 to 59. All houses are two stories although 22 are split level to deal with the slope. One semi-detached apartment building is split into lower ground and ground in one half and ground and first floor in the other half. The

proposed housing mix is:

OCCUPANCY	TYPE	NUMBER	M4(2) ADAPTABLE
1Bed 2Person	Apartments	8	No
2B 3P	Terraced	4	No
3B 4P	Semi (split level)	14	No
3B 6P	Detached	8	No
3Bed 6Person	Detached (split level)	2	No
4B 7P	Detached	6	Yes
4B 7P	Detached (split level)	6	No
4B 8P	Detached	7	Yes
5B 8P	Detached	4	Yes

2.2 The houses will be constructed from natural slate to all roofs and a mixed palette of wall materials comprising natural coursed stone, anthracite grey woodgrain finish timber/resin composite vertical cladding and white render with black fascias, barge boards, rainwater goods, windows and doors. The design and materials are similar to the same developer's site at Forrest Heights in Halton.

2.3 Vehicular access is proposed off Ashton Road via a new vehicular access north of the Ashton Road/Caspian Way roundabout. The internal road layout is to adoptable standard apart from one cul-de-sac serving 5 houses. Cycle/pedestrian links are shown through to the adjacent Pathfinders Drive development at the end of two culs-de-sac and onto Ashton Road in the southeast corner. Two areas of amenity/play space are proposed totalling 1592m². A surface water attenuation basin and additional planting areas are proposed outside the housing allocation boundary west and south of the site. No buildings are proposed in these areas.

2.4 All the dwellings are inward facing apart from a terrace of four houses fronting Ashton Road alongside the site entrance.

3.0 Site History

3.1 The following applications relate to this site:

Application Number	Proposal	Decision
21/00943/FUL	Siting of a marketing suite and construction of a car park for a temporary period of up to 5 years	Refused
21/00959/ADV	Advertisement application for the display of 2 non-illuminated freestanding signs and 4 flagpoles	Refused
15/01372/FUL	Erection of a detached dwelling and associated access	Refused

4.0 Consultation Responses

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

Consultee	Response
United Utilities	Proposed drainage scheme is acceptable in principle – Standard conditions should be imposed
LLFA	No objection subject to conditions requiring details of drainage management and verification
CSTEP	Comments made The applicant has significantly improved the employment and skills plan and has made a commitment to the Key Performance Indicators with some methodology. From a belt and braces approach I am always sceptical about the words "endeavour to" or "will look to" which have been used for KPI 1, 2 and 3. The targets are not onerous to fully commit to and I would always question if they are to be monitored on site would they see the wording used as a get out clause to meeting

	lesser targets, particularly as they have clearly committed to “will” for the remaining KPIs
Civic Society	Objection Described in application as similar to others in the area but it should be better quality and with a more imaginative and spacious layout than this, especially on a sloping site. Increase in traffic on already dangerous road with no footpath in parts; no affordable housing.
Environmental Health Officer	No objection subject to conditions requiring electric vehicle charging points and construction in compliance with the submitted method statement
Natural England	Comments made Agrees with the submitted shadow habitat regulations assessment that homeowner packs will adequately mitigate the adverse effects caused to the protected Morecambe Bay and Lune Estuary sites.
GMEU	Comments made Agree with the overall conclusions of the habitat regulations assessment provided a survey is carried out to check for nesting birds and homeowner packs are provided to residents
Dynamo Cycle Campaign	Objection – No measures are proposed to improve cycling or walking facilities in the area which increases dangers to cyclists and pedestrians in conjunction with other nearby developments and does not address air quality or health issues; premature in advance of Bailrigg Garden Village/Lancaster South proposals;
Conservation Team	No comments to make
Lancaster Canal Trust	No comments to make
County Education	Objects unless a contribution of £138,370.50 is secured for 6 additional secondary school places to be provided at Central Lancaster High and/or Lancaster Royal Grammar. This sum is subject to future reassessment
County Highways	No objection in principle subject to securing the necessary funding contribution of £792,311 towards delivery of the wider highway/transport infrastructure. Should further information to support this request be required the application should not be referred to committee for a decision until agreement is reached on all contribution matters. The access location and internal layout are acceptable. Footpath improvements along the site frontage are restricted due to existing trees and acceptable as shown. Accident records follow no pattern and are not of a nature that will be worsened by the development. Two closest existing bus stops are not quality bus stop compliant and s278 works to upgrade are required.
Aldcliffe with Stodday Parish Council	Objection - Although the site is outside the parish, traffic will affect roads within it, especially Aldcliffe Lane which is a narrow country lane with occasional passing places, from rat-running, increased traffic, conflict with HGVs
Fire Safety	Standard advice
Policy Team	Comments made Due to lack of a 5 year supply of housing the presumption is in favour of sustainable development and the application should be considered favourably unless material considerations imply otherwise. No improvements are proposed to the local pedestrian or cycle network so the site is poorly connected to local services and contrary to policies H6, DM59 and DM60. No bungalows and over reliance on larger family houses are provided contrary to the SHMA and policies DM1 and DM3.
Arboricultural Officer	Comments made Positive amendments have been made to the layout following initial objections. However, additional roadside hedgerow will be lost and 5 plots encroach further into the root protection area of 3 trees. As part of my original objection I commented that the mature trees should not be incorporated into the gardens of homes, preventing additional pressure on the trees to be managed in the future. The revised layout has moved housing closer to important roadside trees. The canopies of retained trees are shown dominating gardens, with the trees sitting within falling distance of the houses. These trees have not been positively incorporated into the design of the new development. The landscaping has been improved with regards to the boundary features, with hedgerows to the south and west improved and planted with standard trees, creating good habitat links around the site. Internally, the planting is limited as it is influenced by the layout of the housing, rather than leading the design of the development creating a place for people and wildlife.
NHS Clinical Commissioning Group	Objection unless contribution of £19,868 is secured towards reconfiguration of Lancaster Medical Practice to increase capacity

Lancs Police	Secured By Design advice provided
Public Realm	Comments made Policy H6 requires sufficient levels of open space in accordance with up to date evidence. The development must provide 1089.2 m2 of onsite amenity space, including an equipped play area, and an offsite contribution of £95,092.20 towards outdoor sports (changing facilities at Royal Albert playing fields).

4.2 Objections from 16 members of the public have been received stating:

- **Highways and transport** The A588/Ashton Road is very dangerous with multiple accidents including fatalities, increased traffic, local road network already has standing traffic at peak times and blocked by vehicles at various points, lack of buses
- **Drainage and flooding** Increase in flooding, likely drainage problems
- **Natural Environment** Loss of green fields, effect on wildlife, loss of trees, loss of agricultural land
- **Climate change** Development is contrary to the Council's climate change emergency declaration, no commitment to Future Homes Standard
- **Landscape/design issues** Effect on view from canal, high density with insufficient open space, site steeply slopes increasing visibility of houses,
- **Amenity issues** loss of view,
- **Environmental Issues** Increased air pollution, air Quality assessment contains many inaccuracies, increased light pollution, effect on wind patterns, site was formally a tip, hospital and farm on which chemicals may have been stored
- **Affordable homes** lack of provision
- **Local Facilities** Insufficient in area
- **Other matters** Why is a loss making development going to be built? lack of detail, loss of stables' car park, loss of property value

5.0 Analysis

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

- Principle and housing land supply position
- Affordable housing and viability
- Housing Mix
- Layout, design and landscape impact
- Access and transport
- Ecology and trees
- Flood Risk and Drainage
- Other matters

5.2 **Principle and Housing Land Supply Position (NPPF sections 2, 4 & 5; SPLA Policies SP6 and H6; DMDPD Policy DM1)**

5.2.1 The site is allocated as part of the wider H6 former Royal Albert Hospital site. Paragraph 4.4 of the DMDPD states the delivery of allocated sites is a priority for this council having been assessed and concluded to be suitable for residential accommodation and deliverable within the plan period. Policy H6 identifies the whole allocation for delivery of approximately 137 dwellings and a range of infrastructure necessary to facilitate them including that required by SPLA policy SG3 in the South Lancaster Broad Location for Growth. The adjacent pathfinders Drive site has approval for 69 dwellings. The principle of development is therefore established although compliance with the wider policy requirements, including H6, are assessed below.

5.2.2 The National Planning Policy Framework (as updated in 2021) is a material consideration in the determination of planning applications. In this instance, the NPPF reiterates that there is a need to 'significantly boost' the supply of homes and chapter 5 sets out the priorities that LPAs should pursue in delivering an appropriate number of dwellings to meet their objectively assessed need. The most recent five year housing land supply position document (November 2021) confirms that the LPA is not presently able to demonstrate a 5 year supply. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

NPPF as a whole (the tilted balance).

5.3 **Affordable Housing and Viability (NPPF section 5; SPLA policy H6; DMDPD Policy DM3)**

5.3.1 SPLA policy H6 states that affordable housing requirement and viability matters will be determined in accordance with DMDPD policy DM3. DM3 expects an on-site provision of affordable homes of 30% of the total development unless compelling and detailed evidence demonstrates meeting this requirement would have a disproportionate and unwarranted negative impact on viability. Evidence must be provided through an open book financial viability appraisal.

5.3.2 The application has been submitted with a financial viability appraisal (FVA) demonstrating that no affordable housing can be provided. The FVA illustrates the significant abnormal costs to deal with the site’s slope due to a cut and fill exercise and, particularly, the need for retaining structures and split-level houses. In accordance with the emerging Financial Viability Protocol SPD independent viability experts were appointed to review the FVA and their initial conclusion was that the scheme could deliver 30% affordable homes as well as the relevant s106 contributions. This was based on costs calculated by the independent experts using data from the Build Cost Information Service (BCIS) and their experience. The applicant argued that costs specific to the site’s constraints were more relevant and submitted a cost plan as an accurate indicator. Given the significant difference in the respective positions an independent quantity surveyor was commissioned to review the cost plan and determine the appropriate costs.

5.3.3 The QS visited the site, assessed the applicant’s cost plan and compared that to their own assessment of standard and abnormal costs including rates and quantities. In addition to the costs associated with the slope, a significant price increase was identified for timber frame and insulation materials which may not be reflected yet in the BCIS data. The cost consultant identified over £400k savings in costs compared to the applicant’s latest FVA. However, the costs are considerably higher than those used in the original independent review which concluded the development could provide 30% affordable housing. The abnormal costs amount to over £450,000 per net developable acre which are a very significant constraint for a site of this size. A much larger site could more readily absorb such abnormals without affecting viability to the same degree.

5.3.4 Following the cost analysis, the viability experts have updated their appraisal using the QS’s costs but maintaining their own projected sales values. As a result, their conclusion agrees with the applicant that with nil affordable housing but s106 contributions of c. £500k the scheme returns a lower than viable level of developer profit. The applicant’s appraisal returns a 2% developer profit whereas the independent appraisal shows a 14.3% profit, albeit assuming a nil land value (which is unrealistic). With a land value included the scheme is unviable even with no affordable housing provided. Minimum viable profit levels are normally accepted as 17.5% on revenue. Therefore, it is agreed by the independent viability expert that the scheme is unable to viably support any affordable housing.

5.3.5 This lack of viability raises the question how/whether the developer can deliver the scheme in light of the potential inability to raise finance. However, this is a commercial decision for the developer who would have to accept a lower overall profit. Given the sales revenue is projected and that costs may reduce if supply and manufacturing conditions improve it is appropriate to include a review mechanism in the s106 to enable affordable housing to be recovered if the development performs better than anticipated. This is in accordance with the government’s Planning Practice Guidance on viability.

5.4 **Housing Mix (NPPF section 5; SPLA policy H6; DMDPD Policy DM1)**

5.4.1 DMDPD policy DM1 states the Council’s support for proposals which ensure land is used effectively taking into account the characteristics of locations and specific circumstances of individual sites including viability. Support is also expressed for proposals that promote balanced communities and meet evidenced housing needs as set out in the latest Strategic Housing Market Assessment. However, it is accepted there may be circumstances where it is not appropriate to provide for the full range of identified needs. Table 4.1 of the DM DPD sets out the indicative mix of properties that the LPA expects proposals to deliver. The comparison with the proposed scheme is as follows:

PROPERTY TYPE	STRATEGIC MARKET HOUSING	PROPOSED %
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	ASSESSMENT GUIDANCE %	
House (2 bed)	17.6	6.8
House (3 bed)	36.7	40.7
House (4+ bed)	20.3	39
Bungalow	7.4	0
Flat/apartment	11.8	13.5
Other	6.3	0
TOTAL	100	100

5.4.2 The proposed housing mix deviates from the identified open market housing need (based on household aspiration and expectation). The number of 2 beds is lower and 4 beds' exceed the guidance. There are no bungalows but more flats are proposed and 3 beds are broadly as expected. There is though, an overall mix of property sizes, more so than the adjacent Pathfinders Drive development which provided no 1/2 bed houses and more 4 bed and flats. Furthermore, the proposed layout has been subject to a rigorous review of the applicant's financial viability appraisal which concludes it is not viable to provide affordable housing. Therefore, further increases in cost and/or reduction in revenue by inclusion of bungalows (which will be more expensive to construct on the sloping site), reducing the number of larger and increasing the number of smaller properties is likely to worsen the financial viability position. This may prevent delivery of an allocated site. Therefore, refusal based on the proposed mix is not considered justified given the terms of the tilted balance set out in the NPPF.

5.5 **Layout, Design and Landscape Impact (NPPF sections 2, 5, 11, 12 and 15; SPLA policy H6; DMDPD Policies DM2, DM27, DM29, DM30, DM 45, DM46)**

5.5.1 The layout is heavily constrained by the site's steep slope from a high point of 54.50m AOD at the north west boundary to 35.10m AOD at the south east corner. According to the submitted design and access statement the slope necessitates the building platforms to be located to allow access roads at an adoptable standard gradient. The easiest way to achieve this is to build the rows of houses across the slope on either side of the road which cuts across the slope in two directions (turning back on itself). The resulting layout in plan form is a little uninspired having a long curved road with rows of houses on either side and two short spurs off it. Some lengths of the rows of houses are regimented with fixed building lines. However, there are 9 different house types which are spread out across the site rather than confining certain types to the same areas. There is a mix of materials of render, coursed stone and cladding, including different combinations of materials across the same house types. Most houses include a gable feature facing the road, some with a right angle ridge to the gable, which adds interest and breaks up the bulk of what could otherwise be monotonous frontages at first floor level. The slope itself ensures different ridge heights which adds interest.

5.5.2 Following negotiations to reduce the visual impact of the development and improve interface relationships within the site the finished floor levels near the top of the site have been reduced (plots 30-35) requiring less fill. To reduce the level drop to the rear of these, the floor levels of plots 54-59 have been raised which requires less cut in that part of the site. There is the need for a significant amount of cut and fill to provide suitable development levels enabling drainage and minimising external impact. The main areas of ground reduction are near the top of the slope along the western boundary and in from the north boundary to the middle of the site. Levels will be raised in from the western boundary by up to approximately 1.5m and along the Ashton Road frontage and returning up the northern and southern boundaries by up to 2m.

5.5.3 To maximise and address the inside curve of the road, two blocks of apartments are proposed. These are two storeys in height although one is split level. The benefit of utilising apartments is that no external amenity space standards apply so garden areas are minimal enabling a more efficient use of land on the inside of the road's curve. The apartments are designed internally not to suffer from or cause loss of outlook or light by having all principle habitable windows facing the access road.

5.5.4 The most disappointing part of the layout is that most of the properties along the Ashton Road frontage face away from the road meaning their rear elevations and back gardens are visible from the main road. Officers have sought amendments to turn these properties to face Ashton Road but

this would push the internal access road further into the site, resulting in loss of plots and a more difficult formation of the required development platforms at a higher position on the slope. To mitigate the outward effect the existing boundary hedge along Ashton Road will be retained along with the mature trees as the boundary treatment. This is much more preferable than timber fences and although stone walling was discussed this is not possible due to the foundations damaging roots of the existing trees and hedge. Furthermore, the row of 4 terraced houses has been amended to be sited facing and closer to Ashton Road with parking to the rear which improves that part of the front of the site. Officers reluctantly accept this is the best compromise for the site's frontage and of itself would not justify a reason to refuse the application.

- 5.5.5 Some on-site separation distances fall below the normally required separation distances where rows face each other across the middle and towards the west of the site. Whilst there is generally 21 to 23 metres between dwellings, given the level changes it would have been preferable to increase this up to 30 metres (which is achieved in places). The development has been amended following negotiations to improve distances resulting in additional plots with smaller house types, re-orientation and removal of some plots to provide greater space. Given the sloping nature of the site, need for effective and efficient use of land and the viability case underpinning the development it is accepted that these changes are the best that can be achieved and full separation is not possible. Indeed, the adjacent Pathfinders Drive site has similarly reduced interface distances. Perhaps more important is that adequate separation is maintained with all properties outside the site (12m is provided between proposed blank side elevations and main elevations to the nearest Pathfinders Drive housing).
- 5.5.6 Following negotiations, two areas of open space are proposed. The combined area is 1592m² which exceeds the required 1089m². The main play space will be formed of a significant slope but will contain an equipped play area. The other area is more of an amenity space being behind the Ashton Road boundary hedge and trees. Nevertheless, it will provide some value. Overall, Public Realm accepts the location and make-up of the onsite open space.
- 5.5.7 As this is a greenfield site there will inevitably be a significant change to the character and appearance of the locality. However, this is an allocated site, the remainder of which to the north is also intended to be developed. It is important however, to ensure the outward impact on local views from publicly accessible points and longer views across adjacent open land are minimised in the interests of the appearance of the landscape.
- 5.5.8 The submitted landscape and visual impact assessment (LVIA) identifies the site as being within the Morecambe Coast and Lune Estuary National Character Area. Using the Lancashire County Council local character studies, the site is within the character area called Carnforth-Galgate-Cockerham of the wider Low Coastal Drumlins type. The study finds this character type supports an extremely high proportion of built development and recent development and provides a convenient transport corridor. Buildings on top of the drumlins are particularly visible. To conserve and enhance this landscape type it is suggested existing hedgerows and woodland be retained and more planted, new ponds be created, and new development should respond to the local vernacular and provide landscaping.
- 5.5.9 The LVIA identifies 17 viewpoints of between 5m and 1.3km from the site and concludes there will be an immediate change in the site's character, but impact will reduce over time as the planting becomes established. The proposed additional boundary and on-site planting will enhance the setting. There will be some minor effects on the closest residential properties but no effect from further away on Hala Hill. Users of the public footpath network will experience minor effects to start with but this will reduce to negligible as planting matures. Where views are possible, they will be in the context of the existing settlement edge. Overall, the conclusion of the LVIA is that construction and early phase effects will reduce over time.
- 5.5.10 The LVIA assessed the original layout of 64 dwellings. The revised layout has reduced the number of houses, improving the relationship with the external boundaries and provides much more planting. There will inevitably be a major change in the character of the site and locality, but this is expected through allocation as a housing site. The landscape impact has been appropriately assessed and mitigated as much as possible. The inclusion of secured amendments, proposed range of house types, palette of materials and landscaping results in an acceptable layout design given the constraints arising from the site's topography in line with the enhancements suggested in the County wide character study.

- 5.6 **Access and Transport (NPPF sections 9 and 12; SPLA DPD policies T2, T4 and H6; DMDPD policies DM29, DM60, DM61, DM62, DM63, DM64)**
- 5.6.1 **Site accesses and internal road layout** - Vehicle access to the site is proposed via a single new junction on Ashton Road (A588) north of the Caspian Way/Ashton Road roundabout. In this locality Ashton Road is subject to a 30mph limit and has street lighting. A zebra crossing is located on Ashton Road immediately north of Pathfinders Drive. Bus stops in both directions are just north of the zebra crossing. To facilitate the site access junction and visibility splays one tree and a 44m length of roadside hedge will be removed (out of a total site frontage length of 170m). Localised widening of the existing pavement along the frontage will take place. County Highways requested widening of a uniform 2m for the site's frontage but the need to keep the existing roadside hedge and trees means this is possible in places but not others. The footpath will be, as a minimum, widened to 1.5m which is double the existing pavement width. This widening is acceptable to County Highways and will be controlled through the s278 works. Additional footpath and cycle links are proposed onto Ashton Road to the south (albeit not to adoptable standard) and linking with the adjacent pathfinders Drive development in two locations (at the end of both culs-de-sac to the north). The layout provides sufficient off road parking for all plots. One proposed cul-de-sac is not to adoptable standard and will remain in private ownership. County Highways has confirmed the access arrangements and internal access road are acceptable.
- 5.6.2 **Local Highway Network/Sustainable Travel** - County Highways' review of local accident data shows there have been 2 incidents in the last 5 years which followed no pattern regarding location or time and are not of a nature that would be worsened by this development. There is a range of key facilities accessible by walking, cycling and public transport including 9 primary to university level education establishments, 4 health facilities (including the hospital and a medical practice), 3 retail sites and 3 major employers. There is a network of existing public footpaths and cycle routes and a bus route with stops close by. County Highways has not yet completed its sustainability assessment which will inform whether the proposed additional non-car links are appropriate and any other local highway/sustainability improvements are justified. Any financial contributions towards transport improvements will be secured through the s106 agreement.
- 5.6.3 **Strategic Transport Matters** – Policy H6 expects development of this site to deliver infrastructure to make it acceptable in planning terms, particularly through appropriate contributions to the requirements of SPLA policy SG3 (South Lancaster). In its response County Highways refers to the fact all development will influence across the district and should contribute towards the combination of measures such as M6 J33 reconfiguration, infrastructure around Bailrigg Garden Village and connecting corridors and wider cycle superhighway, public transport and City Centre Movement strategies. County confirms in due course the level of those contributions will be shared with the LPA and agreed but in the meantime, it expects the applicant to commit to a s106 contribution towards these strategic measures. Unfortunately, as County recognises in its comments, the development of these measures is ongoing, and it will be some months before this is completed and costs known. This does not meet the standard tests of being directly, fairly and reasonably related in scale and kind to the development. Furthermore, officers consider contributing to these specific schemes is not necessary to make the development acceptable given it is an allocated site in the adopted local plan. While County's stance is understood, developments such as this on *allocated sites* (our emphasis) should not be held up pending completion of this work. Until such time as the precise details of the design and costs of these schemes are known, a request such as this does not meet the statutory tests and cannot be justified. Officers do consider this site (given it is the last remaining allocated site in South Lancaster) has to be treated differently compared to the wider garden village broad area of growth.
- 5.6.4 Officers' view is that a proportionately similar approach as taken for the adjacent Oakmere Homes development (19/01568/FUL) to improve local bus services and Pointer roundabout is appropriate and would meet the statutory tests. Given the Oakmere scheme falls within the allocation, and the decision notice was issued less than 6 months ago in officers views is fair and reasonable. Further discussions have been held with County Highways to agree a realistic and appropriate contribution towards mitigating the development's impacts on the local highway network. These have been reasonably positive and it is expected a sum will be requested which the development can deliver and which will help alleviate the highway impacts of the development. Councillors will be updated verbally on this point.

5.7 **Ecology and Trees (NPPF: section 15; SPLA DPD policy H6; DMDPD policies DM44 and DM45)**

5.7.1 An ecological assessment and shadow habitats regulation assessment have been submitted in support of the application. The former found that the site is not recognised as priority habitat or for any statutory or non-statutory importance and there are no statutory sites within 1km. The nearest Biological Heritage Site is Lancaster Canal 200m to the west, but this is separated by a marked difference in ground levels and an intervening field with no direct visual, footpath or hydrological connection. The site is predominantly poor, semi-improved grassland used for grazing but is a habitat for bats, breeding birds and invertebrates. The hedgerows do not qualify as statutorily Important. There is negligible potential for trees to support bats. Birds were seen to use the site but no nests were found. There are no signs of use by badgers.

5.7.2 The site is within the lowest tier of the hierarchy of nature conservation sites for its ecological value. The development will result in the total loss of the site level habitat but this will be mitigated and compensated for by the extensive new landscaping proposals comprising of grassed garden areas, over 4000 new shrubs and trees and the SuDS scheme. Overall, a slight bio-diversity net gain will result. Conditions are proposed to address potential nesting birds, transplanting of the removed hedgerow, low impact lighting and ensure the landscaping is carried out.

5.7.3 The shadow habitat regulations appropriate assessment has been reviewed by Natural England and GMEU which both concur with its findings that increased recreational pressure on the protected Morecambe Bay and Lune Estuary sites can be mitigated by issue of homeowner packs. As competent body responsible for such an assessment the LPA has been advised by Natural England and GMEU to adopt the shadow assessment. A condition is proposed requiring homeowner packs.

5.7.4 The on-site trees are found on the borders and most are protected. The layout will result in the felling of 7 trees to facilitate the development. Four of these trees are in impaired or poor condition and not suitable for long term retention in any case. Their loss is mitigated by replacement planting within the landscaping scheme. A further 6 trees are potentially affected by development within the root protection zone. Where this occurs digging will be carried out by hand in accordance with the arboricultural impact assessment. There is a concern about future pressure to prune or remove trees which overshadow gardens and it would have been preferable to have greater space around the trees. In response the applicant's arborist considers the pressure is limited because as mature trees their canopies are not likely to increase in size so future levels of shading will not worsen. The LPA has control over pruning of protected trees.

5.8 **Flood Risk and Drainage (NPPF: section 14; SPLA DPD Policies H6 and SP8; DMDPD policies DM33, DM34, DM35; Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015)**

5.8.1 The site is within flood zone 1 and is at a low risk of all types of flooding. The site's slope and soakaway tests suggest it is not appropriate for infiltration drainage. Connection to the nearest watercourse (Lancaster Canal) is not feasible due to the distance and need to pump. Therefore, the proposed drainage strategy is for a piped network restricting flow to existing greenfield rates to enter an attenuation basin south of the site. The outfall from this will combine on site with foul water prior to connecting into the existing combined sewer network in Ashton Road. Both United utilities and the LLFA confirm acceptance of the drainage design.

5.9 **Other Matters**

5.9.1 Education and Health (DMDPD policies DM1, DM57 and DM58) - As with previous applications on the wider allocation, there has been concern raised with respect to education provision locally. The County Council has confirmed as of February 2022 there needs to be a contribution of £138,370.50 towards the delivery of 6 secondary school places. They have advised that there is currently projected to be sufficient capacity within the local primary school network in 2026. This will be reviewed before the s106 is completed.

5.9.2 The NHS request for contributions cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the

request does not meet the required CIL regulations tests.

- 5.9.3 Air Quality (SPLA Policy EN9; DMDPD Policy DM21) - The site is not located within any Air Quality Management Area (AQMA) but given the level of traffic anticipated from the development and the proximity to both the city centre and Galgate AQMAs, an Air Quality Assessment (AQA) has been undertaken. The AQA addresses air quality impacts during construction and the operational stages of development and concludes basic plus further mitigation measures are required including electric vehicle charging points to each property, an emissions management plan, promotion of car clubs and active travel options and use of low emission boilers. The Environmental Health Officer concurs with these findings and requires implementation of the identified measures by condition.
- 5.9.4 Reducing Carbon Emissions (DMDPD policy DM30) – the design of the houses incorporates a series of fabric and building service enhancements which will provide better than current minimum building regulation standards and will meet or exceed proposed Future Homes Standards. Main design features used to achieve this are management of solar gains through east/west alignment of most houses, use of large windows and reduction of thermal bridges. Use of air source heat pumps is being explored.
- 5.9.5 The EHO confirms no issues are anticipated relating to noise or contamination.
- 5.9.6 Cultural heritage – Although part of the wider H6 allocation, this part of the site does not directly affect the listed buildings of Derby Home, agricultural buildings associated with the former Royal Albert Hospital or Storey Home or non-designated heritage assets along Ashton Road in the way the Pathfinders Drive application had the potential to. That site separates the listed heritage assets from the current application site so it is not considered the relationship is a material consideration in this case. Reference is made here purely to inform members of the difference with the Pathfinders Drive proposal.

6.0 Conclusion and Planning Balance

- 6.1 This is part of an allocated site in the local plan, the rest of which has planning permission. A lack of viability has been demonstrated through a rigorous assessment by independent external experts so the non-provision of affordable housing has been justified in accordance with policy. The layout is heavily constrained by the steep topography of the site and while it could be improved, this would likely reduce the number of units and viability even further. At a time when the council cannot demonstrate an adequate supply of housing refusal on this basis is not justified.
- 6.2 On the whole, the development is acceptable in terms of appearance of the dwellings and wider landscape impact. Financial contributions are required to mitigate impacts on recreation and education. Contributions to improve sustainable travel and local highway conditions have been discussed with County Highways and a verbal update will be provided to Members once County's written request is received. The request from County based on wider strategic schemes which have yet to be designed or costed does not meet the tests of being directly, fairly and reasonably related in scale and kind to the development and it is not necessary to make the development acceptable given it is an *allocated site in the adopted local plan* (our emphasis).
- 6.3 There are no material considerations which alone or cumulatively outweigh the presumption in favour of granting permission for development of this allocated site as set out in the NPPF.

Recommendation

That Planning Permission BE GRANTED subject to a s106 legal agreement to secure

- **£138,370.50** for provision of 6 secondary school places;
- **£95,092.20** towards outdoor sports provision (changing facilities at Royal Albert playing fields);
- Highways/sustainable travel contribution (to be confirmed by the Highway Authority & councillors updated verbally);
- On site play area;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting;

- Viability review mechanism with ability to achieve affordable housing contributions if viability improves sufficiently.

and the following conditions:

Condition no.	Description	Type
1	Standard Timescale – 3 years	Control
2	Approved Plans	Control
3	Access/Off Site Highway Works	Pre-commencement
4	Street Management/Maintenance	Above Ground
5	Boundary Details	Above Ground
6	Estate Road Construction	Above Ground
7	Scheme for cycle provision and refuse	Above Ground
8	Lighting scheme	Above Ground
9	Electric Vehicle Charging Points	Above Ground
10	Scheme for frontage hedgerow to be transplanted and gapped up	Above Ground
11	Materials Sample Panels	Above Ground
12	Drainage Maintenance and Verification	Prior to Occupation
13	Visibility Splays	Prior to Occupation
14	Homeowner Packs	Prior to Occupation
15	Approved Landscaping Implementation	First planting season
16	Nesting Birds	Control
17	Separate Drainage Systems	Control
18	Wheel washing	Control
19	In Accordance with Ecological Mitigation Measures	Control
20	In Accordance with FRA/drainage strategy	Control
21	In Accordance with Energy Statement	Control
22	In accordance with ESP	Control
23	Hours of Construction	Control
24	In accordance with approved Construction Phase Surface Water Management Plan	Control
25	In Accordance with Approved AIA	Control
26	Retention of trees and hedgerows	Control
27	NDSS/M4(2)	Control
28	Remove boundary PD for frontage plots	Control
29	Remove PD Rights	Control
30	In Accordance with Air Quality Mitigation Details	Control
31	In accordance with Construction Method Statement	Control
32	Unforeseen Contamination	Control
33	In Accordance with Travel Plan framework	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