

Agenda Item	A6
Application Number	21/01341/OUT
Proposal	Outline application for the development of 129 residential dwellings and creation of new access
Application site	Land East Of Fulwood Drive Morecambe Lancashire
Applicant	Oakmere Homes (Northwest) Ltd
Agent	Mr Graham Love
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval, subject to conditions and a Section 106 legal agreement

(i) **Procedural Matters**

A committee site visit was undertaken on 17 April 2022 to view the application site and its surroundings. The application was reported to the Planning Committee on 24 April 2024. It was resolved that the determination of the application be deferred to allow for the investigation of an alternative access road onto the site to mitigate the impact of construction traffic and to establish whether a footpath can be provided to the site from Hasty Brow Road/ Slyne Road.

1.0 Application Site and Setting

- 1.1 The application site relates to a roughly triangular shaped piece of agricultural land comprising two fields. It is located within the Parish of Slyne with Hest but adjacent to the existing built-up area of Morecambe, specifically Torrisholme. The western boundary of the site adjoins the gardens of residential properties on Fulwood Drive, Hamilton Road and Williams Avenue which are bungalows. The site is mostly at a lower level than these properties. The levels on the site vary between approximately 5 metres and 10 metres, with the higher points towards the eastern boundary. A railway line runs adjacent to the eastern and northern boundary forming an arc. At this point the railway splits from the West Coast Mainline, forming a separate line to Bare and Morecambe.
- 1.2 Torrisholme Barrow lies to the southwest of the site and often refers to the drumlin feature which is approximately 40 metres high and is prominent in the local area. It is also an archaeological feature at the top of the hill which is designated as a Scheduled Monument. The site is located within Flood Zone 1, however, the site is identified as being susceptible to groundwater flooding (50-75%) and there are two watercourses that cross the site. There are also some small areas on the site which are identified as being at risk of surface water flooding. Just over half of the site is located within a Mineral Safeguarding Area. The site is located approximately 900 metres, at its closest point, from Morecambe Bay which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar Site.

1.3 The site is designated as Key Urban Landscape and Open Countryside in the Local Plan. It was previously located within the North Lancashire Green Belt and was removed when the Local Plan was adopted in 2020, following the Green Belt Review. The boundary of the Green Belt now lies to the east of the adjacent railway line.

2.0 Proposal

2.1 Outline planning permission is sought for the erection of 129 dwellings. All matters are reserved, with the exception of access, which is proposed from Fulwood Drive. A secondary access is proposed from Williams Avenue towards to the north of the site, which would be used for pedestrians, cyclists and emergency vehicles. The application originally proposed 140 dwellings, however, this has been reduced to address issues that have arisen during the course of the application. An illustrative layout has been provided in addition to a parameter plan which identifies areas that would be developed and those that would be kept open, including for watercourses. These both indicate that the dwellings along the southern boundary would be roughly in line with the development to the east, although extending slightly further to the south. An area of open space would be provided in the southwest corner where the site boundary projects closer to Torrisholme Barrow.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/01359/EIR	Screening opinion for the erection of up to 140 dwellings (C3), associated infrastructure, public open space and off-site mitigation land and associated vehicular access	ES not required
21/01080/PRETWO	Erection of up to 140 dwellings	Informal advice provided

4.0 Consultation Responses

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

Consultee	Response
Slyne with Hest Parish Council	<p>Object and raise the following concerns:</p> <ul style="list-style-type: none"> Designated as Key Urban Landscape and Open Countryside, formally within the Green Belt and is not included as a Strategic Development Site in the emerging Neighbourhood Plan; It is considered not to be an area for potential development particularly due to its closeness to the historic site of the Torrisholme Barrow and because of any adverse environmental impact; The proposed development area and adjoining area is open space with natural wildlife habitats. The Council attaches great importance to maintaining the open nature of this designated area and to protect it from inappropriate development. Land is rough, wet and boggy with potential for flooding; Proximity to railway line; Would not support an access onto Hasty Brow Lane. Pending application for the addition of a public bridleway which needs to be taken into consideration Importation of land to change levels would have a potentially significant disruptive impact on Fulwood Drive and the surrounding roads
Morecambe Town Council	<p>Object and raise the following concerns:</p> <ul style="list-style-type: none"> Designated as Key Urban Landscape and Open Countryside therefore not consistent with the development strategy and designation of the site and would impact on its integrity;

	<ul style="list-style-type: none"> • The percentage of affordable homes required at the site is 30%; • The Land regularly suffers from floods which result from rainfall and inadequate land permeability; • Harm to the significance of the Scheduled Monument; • The site's location on the edge of the urban area is relatively remote from many services such as schools, employment areas, health facilities and walking and cycling has not been prioritised.
Environmental Health	No objections subject to conditions requiring: provision of electric vehicle charging points; measures to manage dust and disturbance to residents during construction; detailed scheme for investigation of contamination; noise mitigation measures.
Planning Policy	<p>Comments. Given the site's sensitive location and adopted open countryside and local landscape designation, the adverse impacts of developing this site, protected from development in a very recently adopted Local Plan, would significantly and demonstrably outweigh the benefits.</p> <p>Also raise the following:</p> <ul style="list-style-type: none"> • The location on the edge of the urban area is relatively remote from many services such as schools, employment areas, health facilities and the indicative layout shows that walking and cycling is not prioritised. Suggest upgrade of the existing Public Right of Way which runs from the site to Hasty Brow Road. • Identify harm to the significance of the Scheduled Monument. • The proposal does not propose energy efficiency standards beyond the minimum suggested by Government, has excluded the use of renewable energy on site, does not suggest that buildings be oriented or built to support renewable retrofitting by owners, and states that fossil fuel burning will be used to heat the homes. • 30% affordable housing should be provided on site and all dwellings should meet the Nationally Described Space Standards and 20% should meet M4(2) of Building Regulations (adaptable and accessible dwellings). • Acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing sites.
Arboricultural Officer	<p>Comments. It is positive to see that there is an intention to retain the historic hedge line incorporating it into the design of the development. However, this could go further, retaining and enhancing the whole feature, creating a wildlife corridor through the centre of the site. Where removal cannot be avoided due to the road network, planting of larger growing trees could be used to create arboreal bridges. It is essential to ensure that the landscaping drives the layout of the buildings and greater green links should be created across the site (east-west), with further opportunities for tree planting explored outside of front gardens.</p>
Conservation Team	Not providing comments.
Engineering Team	No comments received.
Public Realm Officer	<p>Comments. Based on 129 three bedroom dwellings, 2347 square metres of amenity space would be required on site in addition to a play area. All other requirements may require off site contribution. The maximum contribution would be £249,705.30, with £142,377.30 for outdoor sports and £67,080 for young persons provision.</p>
Waste and recycling Team	<p>No objection in principle. Raise following concerns about the layout:</p> <ul style="list-style-type: none"> • There are aspects of the development which have shared driveways serving multiple houses which are, in some instances, excessively long which would result in residents having to wheel bins over unreasonable distances; and • There should be collection points at the end of each shared driveway to ensure vehicular and pedestrian access is not blocked.
Economic Development	<p>Comments. The Employment and Skills Plan is acceptable save for the level of outputs offered. It has used the band 4 level of outputs for developments between £10M-15M, which seems quite light for the scale of development and would advise that this is updated to Band 5 benchmarks.</p>
County Highways	<p>No objection subject to conditions requiring:</p> <p>And a contribution of £440,379 (based on 140 dwellings) towards wider highway infrastructure.</p>

County Schools Planning Team	Comments. An education contribution is not required.
Lead Local Flood Authority	No objection subject to conditions requiring: a final surface water drainage strategy; construction surface water management plan; a sustainable drainage system operation and maintenance manual; and a verification report of constructed sustainable drainage system.
County Archaeology	No objection subject to a condition requiring a programme of archaeological work, in particular in the area around an identified feature of interest (a kiln in trench 1).
Public Rights of Way Officer	Comments. The application for a Definitive Map Modification Order, which runs across the land to the east of Hamilton Avenue and Fulwood Drive, has been refused and the decision has not been appealed.
County Planning Policy (Mineral Safeguarding)	No comments received.
Greater Manchester Ecology Unit	<p>Comments. Recommend conditions requiring:</p> <ul style="list-style-type: none"> • A Landscape and Ecological Management Plan for the ongoing 30 year management of the site. • Details of the culvert design for the scheme to allow passage of mammals under the roads. • Be supported by detail of a species enhancement scheme for bat/bird boxes, but holes and ecological permeability through the new development via mammal gaps on boundary features within gardens. • A full landscape proposal to include details of locally native species planting to all new habitats including trees/shrubs, grass seed mixes and marginal aquatic vegetation to the attenuation basins. • updated protected species surveys provided (as part of any reserved matters) • No works to trees or shrubs shall occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey has been carried out • reasonable avoidance measures method statement of mammals and amphibians covering site clearance and construction • a detailed assessment of potential peat deposits including area and depth and potential for reuse elsewhere in fenland restoration • updated metric as part of reserved matters, that clearly continues to demonstrate 10% net gain for area based habitats and the ditch line and provides evidence that 10% net gain will be achieved for hedge lines.
Network Rail	No objection subject to the bridge not being used as part of the current proposed development. There is a requirement to maintain access to the structure from the south for the routine inspection and maintenance of this bridge. Asset Protection input will be required on site to review the RAMS as well as drainage, excavation/earthworks. The developer will need to supply a minimum 1.8m high trespass proof fence set back 1m from the railway boundary to prevent unauthorised access to the railway by residents of the development. A method statement will be required if piling is to occur on the site, all surface and foul waters must drain away from the direction of the railway boundary and Soakaways must be placed at least 30 metres from the railway boundary. The development should include a minimum 3 metres gap between the buildings and structures on site and the railway boundary. It should be ensured that the most appropriate measures to mitigate noise and vibration are determined.
Natural England	No objection , subject to securing the provision of homeowner packs and the production and implementation of a Construction Environmental Management Plan (CEMP).
Historic England	No comments to make.
United Utilities	Comments. the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Suggest conditions relating to surface water drainage scheme and maintenance and management.
Lancashire Constabulary	Comments. Recommend that the scheme is designed and constructed to Secured by Design security specifications. Raise concern around the green open space in

	terms of how it will be used and surveillance. Recommend the area is well lit and ideally covered with CCTV. Recommend landscaping is kept to a minimum with trees and foliage allowing for natural surveillance.
Lancashire Fire and Rescue Service	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.
Ramblers Association	No comments received.
NHS	No objection subject to a contribution of £38,587 (based on approximately 336 new patient registrations) towards extension and reconfiguration at York Bridge Surgery.

4.2 127 pieces of correspondence have been received from members of the public, to the original scheme, which raise an objection to the application. These include the following concerns:

- **Highway impacts:** increased traffic; impact on highway and pedestrian safety; Fulwood Drive and other local roads unsuitable for level of traffic; construction traffic and parking; increased congestion at road junctions; impact on condition of existing roads; negative cumulative impact on the local road network; result in longer queues on Bare Lane at the level crossing
- **Flood risk/ drainage:** site suffers from flooding from overflowing watercourses on the site; site collects water; fails to address the consequences of turning the dykes into culverts; drainage relies on culverts being maintained both inside and outside the site; increased flood risk outside the site; potential for groundwater flooding; drainage report should consider the hydrology of the whole site; increasing land levels will increase flooding; will disrupt the hydrology of the area; existing flooding in the surrounding area should be considered; flooding to Morecambe Golf Course and surrounding fields; responsibility for maintenance of drainage system
- **Heritage:** Impact on historical importance of Torrisholme Barrow; will significantly impact on the view from the Barrow; impact on views and appreciation of the Ancient Monument; comprehensive archaeological dig of the area is required
- **Landscape/ visual Impact:** Impact on view from Torrisholme Barrow across to Slyne and Lakeland hills; loss of green space/ open countryside; not in keeping with design of existing housing; loss of views; pollution to future occupants from adjacent agricultural activity; urban sprawl
- **Residential amenity:** Increased noise, including during construction; overlooking and loss of privacy; loss of visual amenity; loss of light; increased pollution from cars; mud and dust during construction; noise and air pollution from railway line to future occupants; distress and anxiety
- **Local plan designation:** Open Countryside and Key Urban Landscape; not identified for development purposes; has recreational and historical importance; clear departure from the Local Development Plan; alternative sites in Local Plan that have not been developed
- **Housing need:** need for more bungalows rather than family houses; unsuited to families being next to a large area of bungalows and retired people; land not identified as necessary by the Parish or City Council to meet housing demands; existing vacant properties in Morecambe
- **Increase in crime:** Isolated location for children and the bridge under the railway is already a focal point for graffiti.
- **Impact on/ loss of wildlife/ ecology:** potential impact on newts and frogs; deer, foxes and heron are seen on or near the site; impact on peat bog on site; loss of valuable wetland; water pollution via runoff/ watercourses; impact on a variety of birds; impact on nearby Biologically Heritage site and Morecambe Bay designations
- **Services/ facilities:** Limited/ no capacity of local health services and schools
- **Infrastructure:** capacity of existing sewerage system; poor water pressure at present
- **Ground stability:** risk of subsidence; existing sink hole in the area
- **Impact on railway line:** this includes the West Coast Main line which has high passenger numbers and carries a large amount of freight
- **Climate change:** release of CO2 from removal of peat from the site; raising site will create unnecessary CO2; lack of renewable sources of energy
- **Precedent:** Could lead to further development to the south
- **Contamination:** Question why part of the site was not included in the assessment

- **Impact on footpath:** Development will be built across a footpath; concerns about Network Rail's proposal to infill bridge under railway
- Will be in a different Parish to the development it adjoins
- Raise demand for rail services at peak times

4.3 2 pieces of correspondence have been received from members of the public, to the original scheme, neither objecting to or supporting the application and raise the following:

- Concerns that the development could take place prior to the proper archaeological investigation of the site;
- The land owner could explore the possibility of a different use for this land, for example tree planting/ carbon off setting with public access

4.4 1 piece of correspondence has been received from a member of the public, to the original scheme, in support of the application and raises the following:

- Much needed housing on poor quality land

4.5 Following the reduction in the proposed number of dwellings, the application was re-advertised and an additional 43 comments have been received raising an objection to the application. These include similar concerns to those set out above and also set out the following:

- Affordable housing provision
- Question viability due to rising costs
- Use of Hamilton Road as a main access point
- Potential seepage from the canal into surrounding ditch/ drainage network
- Amended drawing would still require culverting under properties
- Question if a TRICS traffic flow matrix has been applied
- Question why contribution towards sports funding will be used in Lancaster rather than Morecambe
- Used for grazing cattle
- Legitimacy of the proposed contributions.

4.6 An additional piece of correspondence has been received in support of the application and raises the following:

- Need for more bungalows.

4.7 An objection has been received from the ward councillor, Roger Dennison, for the following reasons:

- Policy grounds - the land is not designated for housing and has a protected landscape designation;
- Flood risk - has not shown appropriate methods to mitigate risk both on site, and effects on adjoining areas;
- Traffic movements - the site will require considerable infill and the site access is limited and unsuited to multiple heavy commercial vehicle movements;
- General traffic - the site has limited road access, it's not a bus, extra traffic will be considerable, and will adversely affect existing properties on the access route;
- Noise - the site is immediately adjacent to the elevated west coast main line, with overhead power lines, and the junction to Morecambe. Rail wheel interaction and power coupling surges together with acceleration and braking and diesel units on the Morecambe route, will produce an unsatisfactory residential amenity.

4.8 An objection has been received from councillor Gerry Blakie and raises concerns regarding: flooding and drainage; loss of peat bog; no unmet housing requirement Slyne-with-Hest or Morecambe; land is protected as Key Urban Landscape; increase in traffic with a rise in noise and pollution and impact on pedestrian safety; and shortage of doctors and dentists and capacity of local schools.

5.0 Analysis

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

- Principle of residential development;
- Landscape impact, layout, design and open space;
- Impact on Heritage Assets;
- Traffic impacts, access, parking and sustainable travel;
- Flood risk and drainage;
- Biodiversity and Trees;
- Residential Amenity;
- Affordable housing, housing standards and mix;
- Education and health;
- Sustainable design and renewable energy; and
- Mineral Safeguarding

5.2 **Principle of Residential Development** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); Strategic Policies and Land Allocations (SPLA) 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), EN3 (The Open Countryside) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development Outside Main Urban Areas), DM46 (Development and Landscape Impact)

5.2.1 The site is located adjacent to the existing built-up area Morecambe and is designated as Open Countryside and Key Urban Landscape in the Local Plan. The policies map does show the site within the urban boundary of Morecambe. However, the Local Plan does not contain an urban area policy and the purpose of the boundary is to help delineate the land within the district which is not subject to open countryside policy. Therefore, for the purpose of the assessment of this application, it will be considered against Policy EN3 of the Strategic Policies and Land Allocations (SPLA) DPD. The site was previously located within the North Lancashire Green Belt and was removed when the Local Plan was adopted in 2020, following the Green Belt Review. It was given a new designation as Key Urban Landscape, which also includes adjacent land to the south and west. The Green Belt boundary now lies to the east of the railway line, which abuts the site.

5.2.2 Policy EN3 states that any development proposals located within open countryside should have due regard to all relevant policies contained within the Local Plan, in particular policies within the Development Management (DM) DPD relating to development in the rural areas. Policy DM4 of the DM DPD sets out that the Council will support proposals for residential development outside main urban areas where they reflect sustainable patterns of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the SPLA DPD. Policy SP3 goes on to set out the development strategy for the District, and promotes an urban-focused approach to development, concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. It also sets out that, in addition to the main urban areas of the district, development will be supported in sustainable settlements as defined in the settlement hierarchy. The site is within the open countryside and not within a sustainable settlement. However, it is adjacent to one of the main urban areas and the wider facilities and services that it provides.

5.2.3 As set out above, the site is also located within an area designated as Key Urban Landscape, which is a local landscape designation. Policy EN5 of the SPLA DPD seeks to conserve areas designated as Key Urban Landscape and safeguard natural features. It sets out that development proposals will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. Policy DM46 of the DM DPD adds to this approach by outlining that particular regard will be made to the historic townscape and built form of the urban areas. The supporting text to the policy sets out that Key Urban Landscapes are identified as those areas within the main urban areas which are integral to the built form of the district, providing a setting for important features and/or heritage assets. It goes on to say that they play an important role in

defining the townscape of the main urban area and are inextricably linked to the experience of the wider setting of these features.

- 5.2.4 The originally submitted scheme proposed the development of 140 dwellings, which has now been reduced to 129 dwellings. The application seeks outline planning consent, including details of the access; all other matters are reserved, and although it does not seek permission for the layout or scale, an indication of this has been given with the submission to demonstrate that the principle of development is acceptable. Even though the number of units has decreased slightly, the proposed residential development would fail to preserve the open nature of the area as it would result in an amount of built development and associated infrastructure on an area of land which is currently open fields. The impact of the development on the surrounding area, including the historic landscape and built form is considered within the sections below. However, it is clear that the proposal technically conflicts with policies EN5 and DM46 of the Local Plan.
- 5.2.5 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 5.2.6 As set out above, the proposal will conflict with the aims and objectives of policies EN5 and DM46 which seek to conserve areas designated as Urban Setting landscape. However, the local planning authority currently has a significant undersupply of deliverable housing sites. In addition, the development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focused approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Whilst the site is within the open countryside, it does lie immediately adjacent to the existing built-up area of Morecambe and the services and facilities that it contains. Therefore, this proposal of 129 dwellings is considered to be sited in a sustainable location, adjacent to the existing built-up area, and great weight is afforded to this factor in the planning balance. However, as this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of the report.
- 5.3 **Landscape Impact, Layout, Design and Open Space** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), 174 (Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN3 (The Open Countryside) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM43 (Green Infrastructure), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being)
- 5.3.1 The site is located to the east of Fulwood Drive, between existing housing and the railway line. The land is predominantly rough grazing, subdivided by a mature hedgerow and hedge bank. It is bordered by mature trees and shrubs to the west, between the fields and the railway line. The land is relatively low lying and is mostly lower than the adjacent residential development, and is highest towards the east and south of the site. To the south east of the site, outside its boundary, the land rises considerably, forming a prominent local landscape feature, Torrisholme Barrow.
- 5.3.2 The site lies adjacent to the urban area within the Low Coastal Drumlins landscape character type, sub-type Carnforth-Galgate-Cockerham (12a), as identified in the Lancashire County Council Landscape Strategy for Lancashire (December 2000). This character type is characterised by areas of low, whaleback hills around 40 metres high, with broad rounded tops towards the north west coast of the study area. The landscape is characteristically gentler and of lower altitude than that of the drumlin field and individual drumlins are more isolated. There are often areas of poorly drained pasture, standing water and occasionally mosses, fens and fen meadows between the drumlins and the alignment of drumlins gives the landform a distinctive grain. The strong pattern of pastures

emphasises the undulating topography, with neat, low cut thorn hedges traversing the drumlins. Trees and shrubs are limited in this agricultural landscape, although small copses occur on the tops and sides of the drumlins. Scattered large farmsteads are reached by a network of winding hedged lanes and tracks, but large housing estates and industrial development are also features of the landscape today. This particular sub-type supports an extremely high proportion of built development including the large settlements of Lancaster and Morecambe and transport corridors.

- 5.3.3 As discussed in the section above, the site is allocated as Key Urban Landscape and the proposed residential development of much of the land will conflict with the purpose of policies EN5 and DM6 to preserve the open nature of the area. This site is within an area that was identified as one of 10 new local landscape designations by landscape consultants Arcadis in their 'Key Urban Landscapes Review' document (May 2018). The boundaries of the landscape designation in this area (AS-03 – Torrisholme Barrow) are formed by the railway line to the north and east of the site, the existing residential development to the north and west of the site and the Bay Gateway, which is approximately 750 metres to the south of the southern site boundary. The area encompasses land to the north and south of Slyne Road/ Hasty Brow Road, including Torrisholme Barrow. The report concluded that this area contained strong cultural heritage with distinctive landform and mature well-managed landscape features and that it was a landscape which has significant qualities and is distinct in appearance, providing a setting for the adjacent areas. It was scored the highest from the new areas assessed and was recommended as Key Urban Landscape.
- 5.3.4 The site is relatively low lying and forms the northern portion of the designation where it is narrowest, constrained by the existing residential development and the railway line. Given the sites characteristics and location, it is considered that it provides a lower contribution to the wider designation than other areas of the land, particularly in relation to the quality and appearance of the landscape and the setting of Torrisholme Barrow, which will be discussed in more detail in the section below. An illustrative layout plan was submitted with the application and was subsequently amended to address issues of drainage, and the number of units was reduced from 140 to 129. Approval of the layout is not being sought as part of the application; however, the illustrative plan shows how the site could be developed, and has informed a parameters plan which indicates areas to be developed and those to be left open. This could be conditioned at this stage to give a level of certainty over the areas to be developed. The plan shows the southwest corner and land along the eastern and southern boundaries as open space which is broadly the higher parts of the site and the part closest to Torrisholme Barrow. The area shown for housing extends slightly to the south of the adjacent residential development to the west.
- 5.3.5 The development of the site will require some of the levels to be raised quite significantly as the land is much lower than the adjacent properties in some places. An indication of this has been given within the submitted drainage strategy, which has been amended during the course of the application. The levels would be agreed at a layout stage when the layout is determined, however it is considered that the increase in levels would not result in a development that will be unduly prominent in the landscape. Whilst the development will encroach into an open area of land, it will be seen within the context of the existing development and the railway line. It is quite enclosed at this point and does not have the same open character or distinctive landform as other parts of the local landscape designation. It is proposed further south than the adjacent houses, however this is not significant and should not give the impression of wrapping around Torrisholme Barrow, with most of the land to the east of this still left open. There is some planting proposed both within and outside the application site, however this would not be out of keeping with the character and appearance of the landscape in this location, as there are existing groups of trees in the locality.
- 5.3.6 Much of the existing housing development immediately to the east comprises bungalows, and the dwellings adjoining the site all appear to be true bungalows with low eaves and ridge heights. The application does not seek approval for the scale or appearance of the dwellings, however the design and access statement sets out that there would be a mix of sizes and these would all be two storey. It would be expected that some bungalows would be provided on the site to ensure that an appropriate mix to meet different needs is provided. It may also be appropriate that dwellings adjacent to the existing houses are kept quite low in terms of both visual and residential amenity. At this stage the layout is only indicative, therefore full consideration of this would be given at reserved matters stage. However, given the low heights of the adjacent development, it is considered appropriate to restrict the heights of the proposed dwellings on this site to no more than 2 storey.

- 5.3.7 In terms of the layout, the indicative plan shows that the number of dwellings can be accommodated and open space provided. Whilst it would probably be preferable for a larger central area, the location of the open space is likely to be similar to the indicative plan as it occupies the higher land and that projecting closer to the Torrisholme Barrow, in addition to smaller elements within the housing. It would need to be ensured that this has sufficient natural surveillance, however the layout does currently show most of this to be overlooked. The plans were amended and the number of dwellings reduced to accommodate the open watercourses as much as possible which should improve the overall design, environment and sense of place. The Public Realm Officer has advised that 2347 square metres of amenity space would be required on site in addition to a play area. The amount shown does significantly exceed this, although some is on the periphery of the site, as discussed above. This would be considered as part of the overall layout at reserved matters stage. All other requirements may require off site contribution.
- 5.3.8 Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. In terms of off-site provision, as this is an outline application, the calculation has been based on 129 three bedroom dwellings and can be recalculated once the housing mix is known at reserved matters stage. The total figure has been calculated at £249,705.30, with £142,377.30 for outdoor sports, £67,080 for young persons provision and £40,248 for parks and gardens. In relation to young persons provision, the contributions would be used to enhance and improve the multi use games area and pavilion at Happy Mount Park. For parks and gardens, it would be used to enhance public open space within Morecambe and/ or contribute to the nearest park, which is Happy Mount Park. For outdoor sports, the Public Realm Officer has advised that this can be used to enhance changing facilities for football at both Rylands Park and King Georges football fields. Whilst these are both within Lancaster, rather than Morecambe, the site's location means that both these parks are within an appropriate distance of the site for contributions, where occupants on the development could reasonably travel, at around 6 and 8 minutes driving time respectively.
- 5.3.9 Whilst the development will result in the loss of open agricultural land, it is considered that it would not be overly prominent within the landscape and would be seen in the context of the existing residential development. It will obviously conflict with the local landscape designation, and it will erode part of the wider designation. However, being located at the northern part of this and mostly contained between the existing residential properties and the railway line will limit the impact on the wider designation to some degree. Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 130 of the NPPF sets out that that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place. Notwithstanding the conflict with the landscape designation, it is considered that the number of dwellings proposed could be accommodated on the site and achieve an appropriate layout with open space and could be integrated into the landscape and existing settlement.
- 5.4 **Impacts on Heritage Assets** NPPF paragraphs: 189, 194 - 197, 199 – 206 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings), DM42 (Archaeology)
- 5.4.1 The southern corner of the site is located approximately 300 metres from the Scheduled Monument known as Torrisholme Barrow, which is a Bronze Age bowl barrow. A bowl barrow is an inverted pudding bowl-shaped mound and Scheduled Monuments are nationally important archaeological sites. The proposal has the potential to impact on archaeology that may be present within the site and also the setting of the designated heritage asset. Two pieces of cast

bronze, thought to also date to the Bronze Age, were found by a metal detectorist less than 200 metres to the south of the application site, and the 1846 Plan of the Township of Slyne with Hest is thought to possibly record the presence of a standing stone in the southern part of the application site.

- 5.4.2 A Heritage Statement was submitted with the application. The Historic Environment Team at the County Council advised that the site has a medium-high potential to contain material that might help address the Council for British Archaeology/Historic England's North West Regional Research Agenda Prehistory Research questions. Paragraph 194 of the NPPF sets out that, where a site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given that the site has a potential archaeological interest, but as its extent, nature and level of significance had not been determined, the impact of the development could not be easily assessed and further information was requested.
- 5.4.3 A Geophysical Survey was subsequently submitted and identified a number of anomalies across the site which could be pits, with recommendations for these to be investigated. Without the results of the evaluation, the Historic Environment Team advised that they could not provide an informed opinion in relation to the anomalies and if they are of such a significance that they should be considered a constraint on the proposed development, either in part or whole. To address this, archaeological investigation at the site has been undertaken and the results submitted. Following further consultation with the County Council, it is considered that the potential archaeology on the site does not represent a constraint to developing the site. However, a kiln was identified and the remains were not fully excavated and its function remains unknown. As such, further investigation of the area around this feature has been recommended to be secured by a condition. This is considered to be appropriate, to ensure that this and any associated features are appropriately investigated and recorded prior to the development of the site.
- 5.4.4 The Heritage Statement submitted with the application sets out that, in addition to the archaeological interest of Torrisholme Barrow which is not known to have been excavated, its significance is also derived from a number of heritage values. In this case, these have been identified as evidential historical, aesthetic and communal and it goes on to say that barrow sites can provide an emotive and evocative link to the past and are a valuable educational resource, providing an insight into prehistoric beliefs. The statement sets out that they often occupy prominent locations and provide a major historic element in the modern, which is the case with Torrisholme Barrow. Given the separation of the site from the Scheduled Monument, the development would not impact on the evidential, historical or communal value of Torrisholme Barrow, but has the potential to impact on setting, and therefore the aesthetic value. The statement sets out the development will result in a change to the landscape that will be visible from Torrisholme Barrow, in that the extent of existing housing development would appear slightly different, although at some distance from the monument. It goes on to say that the impact can be mitigated by maintaining an area of open green space to the south and southeast sides of the proposed development area, and by providing an interpretation board in relation to Torrisholme Barrow and enhanced views where they do not currently exist.
- 5.4.5 The setting of Torrisholme Barrow has already been eroded by the existing residential development on the eastern edge of Morecambe. To the west, in particular, the development includes some of the higher slopes of the drumlin and extends to approximately 60 metres from the feature. It is slightly lower to the south, but some still extends up the rising landform and is around 150 metres at its closest, extending to approximately 250 metres. To the north, the development is lower and is located between around 300 and 400 metres from the Scheduled Monument. The land to the east is mostly open, the closest development comprising an isolated group of buildings adjacent to Hasty Brow Road, approximately 260 metres from the archaeological feature. The site boundary is approximately 300 metres from the Scheduled Monument and the area to be developed with housing would be at a distance of approximately 430 metres.

- 5.4.6 A heritage impact assessment was prepared as part of the Local Plan process for a larger area which incorporated the current application site. It extended from the railway line at the northern boundary to just above the Bay Gateway, with the railway line forming the eastern boundary. It also increased in width to the south of Hasty Brow Road/ Slyne Road, extending up to the existing development on Russel Drive to the west. The assessment set out that the site surrounds the mound of Torrisholme Barrow and provides the rural setting to the east, which makes a positive contribution to the views and appreciation of the asset and development to the east would further erode the setting and appreciation of the bowl barrow as a prominent feature within the landscape. It concludes that the harm caused to the significance of the Scheduled Monument is considered to be major as it would subsume and surround the asset. It does set out that some of the harm could be mitigated through the restriction of development north of Hasty Brow Road and restriction of heights of buildings to 2 storey although it considers that views from the asset would still be negatively impacted.
- 5.4.7 As discussed in the earlier section regarding the landscape impact, the development would be mostly contained between the existing residential development and the railway line, but would extend slightly to the south of the existing dwellings on Fulwood Drive. It would result in the loss of open agricultural land which visible from Torrisholme Barrow and would particularly alter views to the northeast, where the development would be further from the existing built up area. However, it will not have the same impact as described in the heritage impact assessment for the Local Plan as the land to the east and south east of the drumlin feature, that provides the base of the Scheduled Monument, would remain open. The development would be in the part of the larger site which is located to the north of Hasty Brow Road, but would be confined to the narrow northern section of this. It is therefore considered that it would not subsume or surround the asset but would have some impact on its significance through the loss of the undeveloped open agricultural landscape that contributes to its setting which would impact on some views from the monument. It is considered that this harm would be less than substantial.
- 5.4.8 Policy DM39 of the Development Management DPD relates to the setting of heritage assets, and sets out that the Council recognises the contribution that this can make to the significance of heritage assets, and that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably. Policy DM42 states out that proposals should conserve or enhance those elements which contribute towards the significance of a Scheduled Monument and harm to such elements will only be permitted where is clearly justified and outweighed by the public benefits of the proposals. Paragraph 199 of the NPPF sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the development.
- 5.4.9 As discussed above, it is considered that the development will result in less than substantial harm to the significance of Torrisholme Barrow Scheduled Monument as a result of development within its setting. It is considered that this harm would be mitigated to some degree by limiting how far the development extends to the south, as shown in the parameters plan, and also limiting the development to two storey, as discussed in the section above. The landscaping shown on the illustrative framework plan would also be likely to help soften the development, and an interpretation board could help to aid public understanding and appreciation of the asset. As set out above, any harm should be weighed against the public benefits. The Council currently has a significant undersupply of deliverable housing sites and Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This site is located adjacent to the existing built up area of Morecambe and would provide 27% of the units as affordable housing which is a significant public benefit, although slightly lower than the policy requirement.
- 5.4.10 Taking into account the public benefits of the development of 129 dwellings in this location, including the affordable units, it is considered that this outweighs harm that has been identified to the significance of the heritage asset. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.

- 5.5 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity)); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).
- 5.5.1 The site is located adjacent to an existing residential area and would be accessed off this, utilising an existing cul-de-sac at the eastern end of Fulwood Drive. Fulwood Drive is a relatively long estate road which leads from Low Lane and connects to a series of smaller residential streets. An additional access is also proposed off another cul-de-sac, Williams Avenue, which is located approximately 165 metres to the north of the main access. The submission sets out that this would be a secondary access for pedestrians, cyclists and emergency vehicles. Lancashire County Council, as the Local Highway Authority, have confirmed that both these accesses are acceptable, subject to their detailed design. It would need to be ensured that details of how the access from Williams Avenue will be secured to ensure that it is not used as a main vehicular access, and operated to provide emergency access.
- 5.5.2 The site lies on the edge of the urban area and therefore suitable accessibility of the site by sustainable modes of transport, walking, cycling and access to public transport facilities will be essential to satisfy user needs. This requires consideration for the provision for pedestrian/cycle connectivity to and from this development and the wider sustainable transport network. The submitted Transport Assessment has identified that the site is within an acceptable walking distance from the local amenities on Bare Lane/Princes Crescent. However, taking into account the indicative layout of the site, these are in excess of 800 metres from much of the site. The Highway Authority has raised concerns regarding the connectivity of the site and the existing facilities on the south side of Bare Lane. In particular, Bare Lane experiences high levels of vehicle movements and currently lacks any pedestrian crossing facilities. They have requested that an appropriately located controlled pedestrian crossing is provided on Bare Lane, funded by the proposed development. This can be covered by a condition and under a separate agreement with the Highway Authority and would help improve connectivity and access to services.
- 5.5.3 In terms of public transport, Bare Lane railway station is located approximately 1 kilometre from the centre of the site. Warwick Avenue has the closest bus stops to the site at approximately 450 metres and has regular services to Morecambe and Lancaster. The Highway Authority also advised that in January 2022 that they have requested input from the County Council's Public Transport team, but no information had been provided. The most recent response in January 2023 does not include any reference to this or request for infrastructure or any contribution to support this. A Framework Travel Plan has been submitted with the application and a Full Travel Plan can be conditioned. The Highway Authority have requested a contribution of £6000 to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.
- 5.5.4 From the indicative layout, it appears that walking and cycling is not prioritised and fails to maximise opportunities. The layout also raises some concerns regarding the length of private driveways, in particular relation to refuse collection but potentially emergency service vehicles. One of these is around 150 metres in length. However, this is an outline application and the layout would be determined at the reserved matters stage. The comments from the Planning Policy Team suggested the upgrade of a public right of way which runs from the site to Hasty Brow Road. However, when the planning application was submitted this was not a public right of way but was an application for a modification to the map to show it as one, although this has since been refused by the County Council. The illustrative framework plan shows a potential path to the south of the site (close to the railway line) and this could provide a link to Hasty Brow Road. The agent has agreed that a footpath link can be created and this would need to be secured through a Section 106 Agreement as it does not appear to be within the ownership of the applicant at present, and is outside the red line application site. However, this would likely be more of a recreational route, and would not be too far from the canal tow path. The plan shows other potential paths leading to the south from close to the western boundary. However, it would be difficult to secure those linking to information paths, rather than public rights of way, across and around Torrisholme Barrow. However, there would be a path through the open space, but again this would be more for recreational purposes.

5.5.5 In terms of the impact on the highway network, the Highway Authority have advised that all development will have an influence on highway infrastructure across the district and will therefore be required to contribute to the combination of measures in Lancaster, following an equitable approach that considers all development in the district. The key measures being developed include:

- M6 Junction 33 reconfiguration with link road (Central 1 option being assessed further);
- Infrastructure in and around the Bailrigg Garden Village area and connecting corridors supporting access both north and south;
- Lancaster wide sustainable transport improvements, including;
 - Cycle superhighway
 - High quality public transport route
 - Park and Ride
- Lancaster City Centre Movement and Public Realm Strategy;
- Traffic management measures to the north and south of the Lune; and
- Changes to other key corridors in the district.

5.5.6 The response sets out that the development of the Lancaster Travel and Transport Infrastructure Strategy has included the development of a mechanism to ensure an equitable distribution of Section 106 contributions to fund its required infrastructure. A gravity approach has been developed that determines the degree of the development's influence and impact on areas of concern (locations of initiative) and also has regard to other sources of funding available/secured. A request for a contribution of £440,379 has been made, which equates to £3146 per unit, and would be used to fund the following initiatives:

1. M6 J33
2. A6 Preston Lancaster Road
3. Bailrigg Garden Village
4. A588 Corridor (South)
5. A588 Ashton Road (North)
6. A6 Scotforth Road (and Other Parallel Routes Such as Bowerham Road)
7. Pointer Roundabout
8. City Centre Gyratory
9. A683 Caton Road
10. A6 Slyne Road (and Other Feeder Roads)
11. Local Highway Network Around M6 Junction 34
12. Lancaster Area Wide Local Road/Management Changes
13. Morecambe Area Wide Local Road/Management Changes

5.5.7 Lancaster City Council, as the Local Planning Authority must ensure that any request for a financial contribution that it makes, and subsequently secures through a legal agreement, complies with the tests set out in the CIL Regulations, which are reiterated in paragraph 57 of the NPPF. In particular, a planning obligation must only be sought where it meets all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.5.8 In terms of the first test, one of the considerations is the policy position. There are several policies in the Local Plan which relate to the delivery of infrastructure to support development. The third initiative outlined by the Highway Authority relates specifically to Bailrigg Garden Village. Policy SG1 of the Strategic Policies and Land Allocations DPD sets out a range of principles which will be at the core of planning and development in South Lancaster and for the Garden Village. These principles include: seeking a model shift in local transport movements between South Lancaster, the Garden Village, Lancaster University Campus and Lancaster City Centre and beyond into the employment areas of Morecambe and Heysham through the delivery of a Bus Rapid Transport System and Cycling and Walking Superhighway network; and addressing longstanding constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. The policy goes on to say that development within the broad location for growth, in advance of the Lancaster South Area Action Plan (AAP) will be permitted provided that it would not prejudice the delivery of the wider Garden Village, would conform with and further the Key Growth Principles

and that opportunities for sustainable transport modes have been fully considered and the residual impacts on the transport network are not severe. However, as this site is not within the Broad Location for Growth, it cannot be given weight in the determination of this application.

5.5.9 Policy SG3 sets out a policy mechanism for the delivery of growth in South Lancaster. It sets out that all development contained within the designation of the Broad Location for Growth, including Bailrigg Garden Village, should contribute to infrastructure requirements in a fair and equal manner and the council will not permit piecemeal development in this area which does not seek to address matters of strategic infrastructure. Neither policy sets out that development outside the area would be expected to contribute to infrastructure requirements in that area or those as a result of the large scale development proposed in South Lancaster. Therefore, it is considered that there is no policy basis for requests in this area of the District in particular.

5.5.10 Policy SP10 relates to improving transport connectivity and refers to the Highways and Transport Masterplan for the District. This sets out that new development will be expected to be sited in sustainable locations that ensure a range of transport options and seek to reduce the need to travel. Where it is appropriate and necessary to do so, development proposals will be expected to contribute to the delivery of important transport infrastructure. Where strategic developments are likely to result in traffic impacts that will require mitigation in the form of projects identified in the Highways and Transport Masterplan then funding will be sought via developer contributions. It goes on to say that the principles and requirements within Policy DM64 of the Development management DPD will apply.

5.5.11 Policy DM64 sets out that the key issues addressed in the Masterplan include:

- Improvement to highway capacity on the A6 Corridor between Lancaster City Centre and Galgate.
- Improvements to traffic management in Lancaster City Centre to provide greater priority to public transport, pedestrian and cycling movements.
- Improvements to connectivity around Morecambe Bay improving rail services and improving cycling and walking linkages.
- Establishing a new Rapid Transit System between South Lancaster – Lancaster City Centre – Junction 34 Park and Ride – Morecambe – Heysham.

It goes on to say that, where appropriate, the Council may seek contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy.

5.5.12 Policy DM63 also sets out that the Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Development proposals should make appropriate contributions) to improve the transport network and transport infrastructure, particularly to facilitate walking, cycling and public transport (bus and rail) to encourage the use of alternative forms of transport from the private car. Policy DM46 is clear that any contribution should directly relate to the development proposed. As highlighted above, it is clear that it was not the intention of the Local Plan to secure funding for infrastructure within the Broad Location for Growth from development outside the area. There are also other initiatives that are a significant distance from the site, several to the south of the City Centre, where it would be difficult to reach a view that the contribution for these works was necessary to make the development acceptable in planning terms. Unfortunately, this does then call into the question the whole approach and how this could be considered to comply with the CIL tests. The Local Planning Authority must ensure that any request it makes and secures is lawful.

5.5.13 Moving on to the second test and whether the contribution request directly relates to the development proposed. As set out above, there are some concerns that not all the infrastructure initiatives relate to this development. The consideration of this test requires a planning judgement to be made, however this must be based on transparent evidence. In this regard, the Highway Authority have provided the Infrastructure Strategy, its appendices and a spreadsheet which shows the level of contribution that has been apportioned to each project. In reaching the level of contribution required from the development, a sum has been calculated per dwelling for each of the initiatives. There are still queries and concerns regarding the methodology for the gravity model,

including how it considers trip generation and traffic distribution. For example, the breakdown of the request sets out £10,669 for the Garden Village, £12,606 for the A6/ Scotforth Road, £11,787 for Pointer roundabout and contributions for the A588, although these are quite small. It is difficult to see how the development has a direct impact on the garden village and routes to the south of Lancaster City Centre or would be unacceptable if this contribution was not made, in addition to the concerns above about the policy basis for this.

- 5.5.14 There are also a number of other concerns about when some of these schemes may come forward as some of the initiatives include options. As the approach intends to include contributions from all developments across the plan period, it may be that some of the initiatives could not be delivered for many years beyond the completion of the development. This raises the question of how they relate to the development proposed but also the implications if unspent money is required to be refunded. The Highway Authority would still be in a position that they could not secure the money, if not spent within an appropriate timeframe, and the development may have been diminished as a result, such as a decrease in affordable housing to allow all the contribution to be made.
- 5.5.15 Finally, any request must fairly and reasonably relate in scale and kind to the development. This test is met where there is a real connection with the development and there is a proportionate relationship between the development and the contribution sought. There is necessarily an overlap between the second and third tests. Given the queries about the transparency of the Gravity Model and the apportionment of the contributions, in addition to concerns about the delivery of some of the initiatives and their location and link to the to the development, it is currently considered that the third test cannot be made.
- 5.5.16 As set out above, the Local Planning Authority can only secure financial contributions where they meet the CIL tests. Whilst discussion have been ongoing with the Local Highway Authority for some time, unfortunately the approach put forward fails to comply with the tests for the above reasons. It is appreciated that a lot of work has been put into the development of the model and the collating the information in relation to the proposed projects, but unfortunately there is no strong policy position to support this as a District wide approach.
- 5.5.17 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.5.18 The application proposes a safe and suitable access and the Highway Authority has not raised any concerns regarding this or highway safety in the immediate area, subject to the provision of a crossing on Bare Lane. The site is located on the edge of the built up area, which means that some of the distances are beyond what is desirable to walking to services and facilities. However, the location on the edge of the urban area means that there are a large range of facilities and also access to public transport and the benefits of providing housing weigh heavily in the planning balance. The Highway Authority has not provided sufficient evidence to demonstrate that the development would have a severe residual cumulative impact on the road network if the contribution requested was not secured, particularly as many of the initiatives are very distant from the site. A full Transport Assessment has been submitted as part of this application and it is therefore considered that the development will not have a detrimental impact on highway safety to warrant a refusal of consent on this ground alone.
- 5.6 **Flood Risk and Drainage** NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)

- 5.6.1 The site is located within flood zone 1, however it is identified as being susceptible to groundwater flooding (50-75%) and there are some small areas on the site which are identified as being at risk of surface water flooding (1 in 100 and 1 in 1000). There are also two watercourses which cross the site. This is an outline application with all matters, except access, reserved, and as such the layout is not known. However, it needs to be ensured, at this stage, that an appropriate drainage scheme can be accommodated on the site for the number of dwellings proposed to ensure that any risk of flooding on or off the site can be appropriately managed.
- 5.6.2 Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.6.3 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:
- take account of advice from the lead local flood authority;
 - have appropriate proposed minimum operational standards;
 - have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - where possible, provide multifunctional benefits.
- 5.6.4 A flood risk assessment and drainage strategy was submitted with the application to assess the risks of flooding on the site and demonstrate how surface and foul water could be appropriately managed. The Lead Local Flood Authority (LLFA) initially raised no objection, but did raise a number of matters that would need to be addressed within a final housing layout and drainage scheme. This included some concerns regarding a reliance on underground storage of surface water, advice on calculating an appropriate discharge rate, advice against building within 8 metres of the open watercourses on the site and also against culverting existing ordinary watercourses. The last two points raised concerns about whether the number of dwellings proposed could be adequately accommodated on the site as this would require keeping watercourses mostly open. The advantage of this, is that they can be incorporated into the overall design of the layout and become attractive places within the development.
- 5.6.5 As part of the public consultation process, photographs of flooding/ ponding on the site, from the last few years, were submitted. The agent was asked to address this as it could impact on the number of dwellings that could be accommodated on the site. The drainage strategy was amended to address the concerns, and initially proposed a large attenuation basin to the north of the railway line. Whilst the LLFA considered that this could adequately deal with drainage, it was outside the application boundary and not in the ownership of the applicant and it could therefore not be considered as part of the current application. A subsequent indicative scheme was provided, which shows the existing open watercourses retained as mostly open, except where required to be crossed by roads. This has resulted in the reduction of the number of dwellings on the site from 140 to 129. It shows the use of geocellular baskets and oversized pipes, but also an attenuation swale towards the eastern boundary of the site. This swale would be around 20 metres from the boundary with Network Rail land and it would therefore need to be ensured that they have no concerns regarding the final drainage design and it is advised that the applicant liaise with them when designing the final layout of the scheme. However, it is considered, in the event that this needs to move further from the railway line, that there would be scope to do this with some changes to the layout and possible reduction in size of some of the larger dwellings.
- 5.6.6 The LLFA have confirmed that they have no objections to the application and consider that surface water could adequately be managed subject to appropriate conditions to secure the final surface water drainage strategy and management. They have advised that, the layout submitted at the

reserved matters stage must provide safe access to all on-site watercourses (open or culverted) for maintenance purposes and no development should occur within 8 metres from the bank top of any ordinary watercourse to achieve this. They have set out that this has not been achieved in the indicative drainage layout. In line with Lancashire County Councils Consenting and Enforcement Policy, consent to culvert any existing open ordinary watercourses will generally be refused. Where highway crossings are proposed, clear span bridges should be used in preference to culverting any open ordinary watercourse. From the layout plan, it appears that more space would need to be created around the watercourses and the road crossing reconsidered. However, it is considered that there is potential for the layout to be altered to address this, although it may require reducing the size of some of the dwellings to accommodate the number proposed.

5.6.7 The detailed design of the drainage scheme can be adequately covered by condition, in addition to measures to manage surface water during construction. It is therefore considered that the application complies with Local Plan policies in relation to flood risk and drainage, in particular DM33 and DM34, in addition to national policy set out in section 14 of the NPPF and discussed above.

5.7 **Biodiversity and Trees (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**

5.7.1 The site is located approximately 900 metres from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. A Habitats Regulations Assessment has been submitted with the application. It is considered that mitigation is required in relation to potential adverse effects and therefore an appropriate assessment has been undertaken.

5.7.2 The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas and Natural England have confirmed agreement to this. This is subject to appropriate mitigation being secured by condition. For potential impacts during construction, this relates to the production and implementation of a Construction and Environmental Management Plan, to include appropriate pollution prevention control measures to ensure no construction related pollutants or run-off enter the drainage ditches or the designated areas. For impacts during the operational phase, this requires the provision of homeowner packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of the on site public open space. The Local Planning Authority has adopted the submitted Habitats Regulations Assessment to fulfil the duty as the competent authority.

5.7.3 Greater Manchester Ecology Unit (GMEU) have provided advice in relation to the ecological impacts of the proposal. During the course of the application an updated ecological appraisal was submitted, in addition to an updated biodiversity net gain metric calculation and alterations to the indicative framework plan which reduced the number of dwellings on the site, as discussed in the sections above. In addition to the designated site discussed above, the site is also approximately 200 metres to the south of Belmont Farm Grassland and Fen Biological Heritage Site (BHS) and is potentially hydrologically linked. However, GMEU have advised that they are satisfied that the measures required to protect the SPA, as discussed above, will be adequate to protect the BHS.

5.7.4 No evidence of any protected species was found on the site, with no ponds near enough to require measures for great crested newts. There was no evidence of badger which, given the site is reported to flood, is to be expected although they could theoretically utilise the adjacent railway embankments. There was no evidence of otter or water vole from the ditches and no suitable structures or trees on site to provide roosting habitat for bats. However, GMEU have advised that the protected species surveys are becoming dated and, whilst it would appear unlikely that badger, bats or great crested newts would colonise the site, the presence of the drains and connectivity to a wider drainage network and Morecambe Bay means that colonisation by otter and water vole, whilst still unlikely, is not impossible. They have therefore recommended a condition requiring updated protected species surveys as part of the reserved matters. It is not possible to condition

that it is provided with the application, as it is not a reserved matter, however it could be conditioned to be provided prior to commencement and mitigation measures updated accordingly depending on the findings.

- 5.7.5 The hedge lines on site and ditches will provide potential bird nesting habitat. Whilst, they are currently shown as largely retained, some will be lost and the final layout is not currently known. A reserved matters application may increase the level of loss. The site also appears suitable, though not high value, for ground nesting birds, although there is no reference to this in the ecological reports. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. They have therefore recommend a condition to ensure that no works to trees or shrubs shall occur or earthworks commence between 1 March and 31 August unless a detailed bird nest survey has been carried out immediately prior to clearance.
- 5.7.6 GMEU have also advised that, whilst the site lacks areas of good cover for other mammals and amphibians, with much of the higher potential habitats retained, given the scale of the site there will be a risk of unnecessary harm and suffering to such species if reasonable avoidance measures are not taken. However, this could be adequately covered by condition. The drainage network also has ecological value in itself. The measures to protect the SPA and BHS will be adequate to protect the retained watercourses. As discussed in the section above, culverts have been proposed although there is some concern from the LLA. If these are provided, GMEU have advised that details of the culvert design should be provided and this should allow passage of mammals under the roads. They have also advised that a species enhancement scheme for bat/bird boxes, bug hotels and ecological permeability through the new development via mammal gaps on boundary features within gardens in addition to a full landscaping proposal should be conditioned.
- 5.7.7 It is also noted that part of the site is recorded as peat within the submitted minerals assessment. GMEU have advised that they would agree with the consultant that the area of peat on the site is too small and isolated (around 1.5ha) to be of use, in terms of extraction. They have also set out that it is too small and isolated (between the railway and housing) for it to be cost effective to restore to fen. There is however an argument that some form of off-site mitigation should be provided for the loss of theoretically restorable peat and or reuse of the peat on a fenland restoration project elsewhere, dependent on the depth of the peat, which does not appear to have been provided. They have recommended that more information is provided as part of the reserved matters application on the actual extent and depth of peat and, if significant, how they could provide compensation off-site.
- 5.7.8 Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. It has also now been announced that a 10% biodiversity net gain will be mandatory from November 2023 (at least on larger sites). A further updated Defra biodiversity metric was provided in January 2023 to allow this to be assessed. This includes on-site and off-site measures on land to the south of the site. GMEU have advised that they are satisfied that the habitat baseline for area based habitats is reasonable and the habitat areas now match up. Given that the landscape plan indicates significantly more than 10 landscape trees are being provided, probably close to 100 in the illustrative layout, if fed in to the metric this gives well over a 10% net gain. Therefore, given that this is an outline application GMEU have advised that they are satisfied that 10% net gain can be achieved based on the indicative layout.
- 5.7.9 There were previous concerns that not all hedges had been incorporated into the metric, and that still applies. The baseline only records 261 metres of hedge, of which 240 metres are retained and enhanced. It is assuming that this relates to the hedge that forms the central spine of the site as the lengths correspond, with the boundary hedge around the south west of the site not included. Given this is shown as retained, it is not a significant issue, although it potentially represents a missed opportunity for the developer to enhance. There are however issues with the length proposed for retention and enhancement. The most recent illustrative layout indicates that significantly more than 20 metres will be removed and that much of what will be retained will divide dwellings, thereby preventing the enhancement from poor condition to moderate. It is therefore disagreed that net gain will be achieved using the central hedge alone. However, this is an outline application and it could be better incorporated into the layout. As noted, there is also approximately 290 metres of hedge not included in the metric, which appears to be retained and the potential to plant a new hedge along the southern boundary and along the boundaries of the off-site mitigation areas. Therefore,

whilst best practice would be to have a more accurate hedge line metric provided prior to determination, given this is an outline application and net gain clearly achievable, it is acceptable that this is updated once the layout is known.

5.7.10 It has been advised that an updated metric is provided as part of the reserved matters application, that clearly continues to demonstrate 10% net gain for area based habitats and the ditch line and also provides evidence that 10% net gain will be achieved for hedge lines. It would not be a reserved matter but it is important that it is considered as part of the layout as discussed above. There is land to the south of the site that is proposed to provide some of the net gain. As this is outside the application boundary, and not currently in the ownership of the applicant, it could not be conditioned so would need to form part of the Section 106 Agreement. In addition, this will also ensure that an updated metric is provided at reserved matters stage and that this is monitored and maintained for a 30-year period. It is therefore appropriate to include the Landscape and Ecological Creation and Management Plan within the legal agreement rather than as a condition. This can also include the investigation and potential compensation in relation to the peat on the site.

5.7.11 As the application is in outline, the final layout is not yet known and landscaping would be considered at the reserved matters stage. It should be ensured that the development provides a well landscaped scheme, ideally containing street trees and green areas throughout the site. On the basis of the information provided, it is considered that there would not be a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition and legal agreement. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD.

5.8 **Residential Amenity NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).**

5.8.1 Policy DM29 sets out that development should ensure that there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution. The supporting text to this sets out that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and for every half-metre change in levels between properties, a further 1 metre separation should be provided. It also sets out that rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, providing that neighbouring private amenity open space will not be overlooked.

5.8.2 The application is in outline so the layout would only be assessed through a reserved matters application. However, an indicative framework plan has been submitted to show how the development could be arranged. In terms of neighbouring properties, there is a row of dwellings adjacent to the western boundary which all appear to be bungalows that are quite low in height, without dormer windows. The bungalows are at a higher level than the site, although the land levels would be raised to accommodate the development. These properties also have relatively short rear gardens, between around 6.5 and 10 metres. The indicative plan shows most dwellings set around 12 metres from the boundary with the adjacent dwellings. If these were two storey, this would likely raise concerns with overlooking to the neighbouring dwellings and also gardens, but would not result in a loss of light. If they were reduced to single storey then this would likely address the concern, although a greater separation would also be beneficial, particularly given the short gardens of the existing properties. Some of the dwellings have been shown with side walls facing rear gardens, which is likely to not result in overlooking, subject to the position of windows. However, some of these are quite close and have the potential to be overbearing to adjacent properties, particularly given the short gardens. However, it is considered that these matters could be addressed through the final layout that would be assessed at the Reserved Matters stage.

5.8.3 A number of concerns have been raised regarding the impact on residential amenity during construction. At the planning committee meeting in April, it was resolved that the application be deferred to allow for an alternative access to the site during construction to be investigated. The suggested route was from Slyne road/ Hasty Brow Road which would allow large construction vehicles to be diverted away from residential properties on Fulwood Drive. Particular concern has been raised in relation to the amount of material that may be required to be imported to allow for land levels to be raised. Following the committee meeting, the agent has liaised with the local

highway authority to investigate whether this option would be acceptable to them in terms of highway safety. In response to this, they have advised that Hasty Brow Road is an unsuitable alternative to Fulwood Drive for construction traffic. They have set out that all traffic would need to approach from the west, given the restrictions imposed by bridges to the east, and this would put construction traffic through a residential and retail area which would not be a change for the better from using Fulwood Drive. The response from the highway authority goes on to say that, over recent years, complaints have been received regarding the use of Hasty Brow Road for heavy goods vehicles (HGVs) and they have introduced the unsuitable signs due to damage to structures. In addition, they have advised that the restrictive width of Slyne Road/Hasty Brow Lane is not suitable to accommodate significant HGV movements.

- 5.8.4 On the basis of the above, it is therefore considered that the alternative option put forward is not suitable for construction traffic to serve this development. It is acknowledged that there will be a level of disruption during construction, however this is temporary being limited to the construction phase and measures can be put in place to minimise this disruption. A construction management plan can be used to manage some aspects of this, such as limiting working and construction hours and also ensuring that all vehicles can access, turn and load within the site, to prevent any waiting on the highway. The limit to the number of heavy vehicles per day could be considered, however this would be very difficult to monitor and enforce and could also result in prolonging the construction phase and therefore the disruption. The type of vehicle movements will change over the course of construction, with larger vehicles during ground works in particular but likely changing to smaller vans at the fit out stage.
- 5.8.5 In terms of the amenity of the future occupants, these are unlikely to be overlooked from the existing dwellings as these are bungalows. It is considered that adequate separation between proposed dwellings could be achieved, although some of these are currently shown slightly below what would usually be expected. The site is bounded by the railway line, part of which is the west coast mainline, although this continues to the north. It is likely that, there would be a row of properties adjacent to the railway line. A noise and vibration report has been submitted and Environmental Protection have advised that acceptable mitigation measures have been proposed and should be included in a condition. These mostly relate to glazing specification, with acoustically laminated glass proposed in some locations where the windows face the railway line. It also recommends that an alternative means of ventilation is provided to the habitable rooms most exposed to noise from the West Coast Mainline. Some limited noise barriers, at 1.9 metres, have been proposed to protect external areas. There is the potential for these to be adjacent to internal roads, although this would depend on the layout. It would need to be ensured that there are of an appropriate design in terms of visual amenity or appropriated screened by planting. Given that that is an outline application, and the layout is not known, it would be appropriate to condition a scheme for noise mitigation measures.
- 5.8.6 It is considered that the proposal can be accommodated on the site without having a detrimental impact on the amenity of neighbouring properties, subject to the final layout and design of the dwellings. It is acknowledged that there will be a level of disruption during construction which is unavoidable, however measures can be put in place to help mitigate the impact. It is considered that the scheme could achieve an acceptable level of amenity for the proposed dwellings, again subject to the final design and layout, including in relation to levels. There will be a level of noise and disturbance from the nearby railway line, however it is considered that this would be adequately mitigated by the proposed measures set out in the noise assessment.
- 5.9 **Affordable housing, housing standards and mix** NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

- 5.9.1 Policy DM3 sets out the requirements for affordable housing and that 30% affordable housing will be required on site on greenfield sites, for 15 units and over, in this location. It requires that the tenure is split into 50/60% affordable/social rent and 50/40% intermediate tenure. However, since the plan was adopted, the Government has introduced a requirement for 25% of affordable homes to be provided as First Homes. These are homes are discounted by 30%, sold to first time buyers and secured by a S106 Agreement. Until such time the affordable housing tenure mix is amended in the local plan, the PPG provides a tenure split which will result as follows: 25% First Homes, 37.5% shared ownership and 37.5% social/affordable rented. The SHMA identifies the affordable housing need and table 4.1 of the DMDPD provides an indicative mix as follows:

Property Type	Affordable %
House (2 bed)	30
House (3 bed)	20
House (4+ bed)	5
Bungalow	10
Flat/apartment (may include 1 bedroom house)	35

- 5.9.2 This is an outline application, however the applicant has chosen to test viability at this stage as they considered that it would not be viable to provide 30% on the site. This is more challenging at this stage as there are many unknowns, however it is an accepted approach. Several assessments have been undertaken and reviewed by an independent consultant (CPV). This has been reviewed again recently as there is now more certainty regarding the likely level of financial contributions and it is considered that the scheme can deliver a minimum of 27% on site. The applicant has agreed to this but not to the tenure split and schedule of accommodation at this stage. This is considered to be acceptable and the Section 106 agreement would require a minimum of 27% affordable housing to be delivered and an Affordable Housing Scheme, to quantify the plots, house types and tenures, together with arrangements for its delivery and management to be submitted and approved as part of/alongside an application for approval of reserved matters. This would also be informed by a full and updated Financial Viability Appraisal with final detailed costings and sales values and would also allow for the full policy compliant requirement to be delivered if considered to be viable at that time of the Reserved Matters application being submitted.

- 5.9.3 Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The SHMA identifies a need for a range of house sizes, including smaller homes, this is carried forward into table 4.1 of the DMDPD. A condition could be added to any planning permission to ensure that the mix provided as part of a subsequent reserved matters application is in line with this. Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2) in relation to accessible and adaptable Dwellings. Again, this can be covered by a condition to ensure that the detailed design of the dwellings complies with this.

- 5.9.4 The development will secure a minimum of 27% affordable housing on site which will be reviewed at reserved matters stage, this has been viability assessed and is therefore compliant with the Affordable Housing policy. It can therefore be ensured that the development will provide an appropriate level of affordable houses on site. Conditions can be included to ensure that an appropriate mix and standard of accommodation is achieved. Any final layout would also need to ensure that the affordable housing was distributed throughout the site.

5.10 **Education and Health NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)**

- 5.10.1 Lancashire County Council Schools Planning Team have confirmed that a contribution towards education is not required in relation to this development.

- 5.10.2 The NHS Clinical Commissioning Group (now the Integrated Care Board) has made representations on the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 366 new patient registrations based on an average household size of 2.4, based on the original 140 units proposed, which generates a

contribution of £38,587. The site falls within the catchment area of York Bridge Surgery and they have advised that this need, along with other new developments in the area, can only be met by the extension and reconfiguration of the existing premises in order to ensure sustainable general practice. The response goes on to say that the growth generated from the development would not trigger consideration of commissioning a new general practice but would trigger a requirement to support the practice to understand how growth in the population would be accommodated and therefore their premises options. It is therefore not clear how the contribution would be used. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project here means that the NHS request for contributions cannot be accepted at this time and would not be CIL compliant.

5.11 **Sustainable Design and Renewable Energy NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)**

5.11.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.

5.11.2 An Energy Statement has been submitted with the application. This does not propose energy efficiency standards beyond the minimum suggested by Government, has excluded the use of renewable energy on site, does not suggest that buildings be oriented or built to support renewable retrofitting by owners, and states that fossil fuel burning will be used to heat the homes. As a result, the Energy and Sustainability Statement does not clearly set out how the chosen development pathway is built with the climate crisis in mind or set out how it maximises the potential of Policy DM30 'Sustainable Design' of the adopted Local Plan. It is acknowledged that Policy DM30 only requires high standards of design to be encouraged, and that the current application is at outline and therefore the detailed design of the dwellings is not currently known. Although, if measures are to be sought, they need to be conditioned at the outline stage although the design of the buildings, layout and orientation will also be relevant to this at reserved matters stage. It is therefore considered that a statement setting out energy efficiency and sustainability measures should be conditioned to ensure that these are incorporated into the final design as far as possible.

5.12 **Mineral safeguarding NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals)**

5.12.1 Just over half the site is located within a Mineral Safeguarding Area as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.12.2 A Mineral Resource Assessment has been submitted with the application. This sets out that mineral resources including glaciofluvial sands and gravels and peat deposits are considered to underlie parts of the site and are of unknown thickness and quality. It goes on to say that, current policy of Lancashire County Council identifies that development will not be supported for any new extraction of sand and gravel, thereby precluding the extraction of glaciofluvial sands and gravels at the site. It also sets out that there are extensive quantities of glaciofluvial deposits within the Lancashire area.

In addition, although peat is identified as a mineral resource on the Lancashire Mineral Resource Map, the Joint Lancashire Minerals and Waste Local Plan identifies that peat is not a mineral of local or national importance and so is not safeguarded. The resources also lie in an area of current agricultural and residential development which would be negatively impacted by subsequent extraction activities. It is therefore considered that the mineral safeguarding allocation on this site does not provide a constraint to the development for housing.

6.0 Conclusion and Planning Balance

- 6.1 The development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The site is located in the open countryside, although it does lie immediately adjacent to the existing built-up area of Morecambe and the services and facilities that it contains. However, the site is designated in the Local Plan as Key Urban Landscape, along with a large area to the south. The development of this site for 129 dwellings would therefore conflict with the purpose of the designation, set out in policies EN5 and DM46 as it would impact on its open character. The proposal, if granted, would therefore represent a departure from the Local Plan. However, the site does comprise the narrower northern section of the wider designation and is reasonably well contained between the existing residential development and the railway line. The land is also relatively low lying and, whilst it will result in the loss of an area of open agricultural land, the development is unlikely to appear overly prominent within the landscape.
- 6.2 The scheme would provide 129 new dwellings, with a minimum of 27% as affordable units. The layout, scale and design of the dwellings is not known at this stage, but it is considered that the number of dwellings proposed could be adequately accommodated and achieve an appropriate development in keeping with the character of the area, without having a detrimental impact on highway safety, residential amenity and flood risk and will also provide a biodiversity net gain. It is considered that the proposal will cause harm to the significance of Torrisholme Barrow Scheduled Monument, through development within its setting. It is considered that this harm has been mitigated to some degree through the location of the built development and landscaping although harm will still exist. However, it is considered that this harm is outweighed by the public benefits of the scheme, in particular the provision a large number of dwellings in a sustainable location in the context of a significant undersupply of housing land.
- 6.3 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5 year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 6.4 In terms of the balance to take in determining the planning application, whilst the development is considered to cause less than substantial harm to the setting of designated heritage assets, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits. The delivery of housing, and at least 27% affordable housing provision, although slightly lower than required by policy, weighs strongly in favour of the proposal. Given the significant undersupply of housing within the District, it is considered that the benefits of the proposal do outweigh the harm caused through the loss of this part of the area designated as key urban landscape, the impacts on the setting of the heritage assets and the location within the open countryside.

Recommendation

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

- Provision of a minimum of 27% affordable housing, with precise details determined at reserved matters stage and an updated financial viability appraisal submitted to re-assess provision (no less than 27%);
- Financial contribution for open space calculated at reserved matters stage;
- Travel Plan contribution of £6000;
- Details and provision of on site open space;
- Setting up of a management company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure, on-site open space and on-site watercourses
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management and investigation of peat on site and scheme for compensation/ re-use
- Details and creation of footpath linking the site to Slyne Road/ Hasty Brow Road to the south

Condition no.	Description	Type (indicative)
1	Timescale for submission of reserved matters application	Standard
2	Development in accordance with Approved Plans	Standard
3	Developable area based on parameters plan	Control
4	Programme of archaeological work	Pre Commencement
5	Scheme for investigation and remediation of contamination	Pre-Commencement
6	Final surface water sustainable drainage strategy to be submitted	Pre-Commencement
7	Construction surface water management plan	Pre Commencement
8	Construction management plan	Pre Commencement
9	Construction Environmental Management Plan	Pre Commencement
10	Submission of an Employment and Skills Plan	Pre Commencement
11	Details of finished floor and site levels (including gardens and open space)	Pre Commencement
12	Ecology mitigation	Pre Commencement
13	Details of site accesses off Fulwood Drive and Williams Drive	Pre Commencement
14	Arboricultural Implications Assessment/ Tree Protection Plan	Pre Commencement
15	Details of all excavation and earthworks within 10 metres of railway boundary	Pre Commencement
16	Details of the use of any vibro-compaction machinery / piling machinery or piling and ground treatment works and a method statement in relation to impact on railway line	Pre Commencement
17	Fencing to railway line	Above ground
18	Details of the internal estate roads	Prior to commencement of estate roads
19	Off-site highway works - Controlled pedestrian crossing on Bare Lane.	Above Ground
20	Air quality mitigation	Above Ground
21	Full details of noise mitigation measures	Above Ground
22	Sustainability measures	Above Ground
23	Scheme for street lighting and any lighting in the areas of open space	Prior to the installation of any external lighting
24	Details of the provision of an interpretation board in relation to Torrisholme Barrow Scheduled Monument	Pre-Occupation
25	Sustainable drainage system operation and maintenance manual.	Pre Occupation
26	Verification report of constructed sustainable drainage system.	Pre Occupation
27	Travel plan	Pre Occupation
28	Requirements of M4(2) accessibility and adaptability, space standards	Control
29	Housing mix	Control
30	Provision of turning and parking	Control
31	Limit to maximum of 2 storey	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

None