

<b>Agenda Item</b>	A5
<b>Application Number</b>	24/00509/FUL
<b>Proposal</b>	Demolition of existing buildings and the redevelopment of the site for residential and community uses, comprising the erection of dwellinghouses and apartment blocks totalling 135 affordable residential units (C3 uses) and community space (Use Class E(d), F1 and F2), associated parking, vehicular and pedestrian accesses, public open space, two grass football pitches, landscaping, drainage, and associated infrastructure.
<b>Application site</b>	Former Skerton High School Owen Road Lancaster Lancashire
<b>Applicant</b>	Mr Andrew Whittaker
<b>Agent</b>	Mr Ollie Thomas
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve, subject to conditions

(i) **Procedural Matters**

A Planning Committee site visit took place on the 18 November 2024.

**1.0 Application Site and Setting**

- 1.1 The proposed site comprises 3.65 hectares of land on the former Skerton High School site within the urban area of north Lancaster adjacent to the Mainway Estate. The River Lune is situated approximately 200m east of the site. The site is located approximately 0.8km west of the city centre occupying a prominent gateway position opposite Ryeland's Park and fronting Owen Road. Owen Road (the 'A6') provides a major transport corridor into and out of Lancaster city. The site includes land which formerly occupied school buildings (now demolished), playing fields to the west and a multi-games area/tennis court to the north.
- 1.2 Access into the site is taken from the rear of the site off Mainway, between Greenwater Court and Stewart Court via Aldrens Lane to the north. It comprises a narrow driveway access which also serves access to Chadwick High School. The tree-lined driveway from Owen Road is no longer in use.
- 1.3 Three storey terraced housing on Owen Road and two-storey terraced housing on Pinfold Lane border the site to the north. Side and rear gardens extend up to the boundary of the site separated by a stone wall and a mix of boundary treatments and high metal mesh fencing. The eastern boundary is shared with existing residential apartment blocks (three and four storey high) and associated garage blocks forming part of the Mainway housing estate. The southern boundary of

the site staggers from west to east through the playing fields and along the boundary with the Chadwick High School with Owen Road bordering the site frontage along the western boundary.

- 1.4 The site topography varies with the playing fields to the west considerably lower than the platform where the former school buildings once stood. The playing fields sit around 7m to 8m above ordinance datum (AOD) with the rest of the site approximately 11 metres AOD.
- 1.5 The playing fields are separated by the former driveway to the school (used for pedestrian access most recently) which are lined by cherry trees. A number of trees have already been removed within the site to facilitate the demolition of the school buildings. However, there remain a number of significant mature trees within the site and off-site (within the grounds of Chadwick High School) including a large sycamore tree on the northern boundary which is the subject of tree preservation order 201(1991).
- 1.6 Parts of the site are protected as open space, recreation and sports facilities. This includes the playing pitches to the front of the site and the former tennis court/multi games area. A mineral safeguarding designation sweeps across the lower sections of the site (the playing fields) which extends into Rylands Park opposite and the lower section of the site located within floodzone 2 and subject to medium and high surface water flood risks. There are also some parts of the site at risk of ground water flooding. The upper part of the site is located in floodzone 1.
- 1.7 Slyne Road Conservation Area is located around 135 metres to the north of the site. The closest listed buildings include Rylands House (to the west), Rylands Lodge (southwest) and St Lukes Church (south) which are all grade II listed. Skerton Bridge is located around 180 metres to the south and is grade II star listed and is a registered Scheduled Ancient Monument.
- 1.8 The site lies within the Air Quality Management Zone but outside the Air Quality Management Area. There are cycle routes running along Owen Road adjacent to the site frontage, as well as cycle routes and links through Rylands Park and alongside the banks of the River Lune.

## 2.0 Proposal

2.1 The applicant seeks full planning permission for 135 new affordable homes comprising:

- 64 one-bedroom (2-person) units (47%)
- 46 two-bedroom (4-person) units (34%)
- 21 three-bedroom (4 and 5-person) units (16%)
- 4 four-bedroom (7 person) units (3%)

The proposed units within the apartment blocks (plots 1 and 2) shall be provided as social rented units. The tenure of the remaining units remains undetermined but will comprise affordable housing as per the NPPF definition (i.e. social rent, affordable rent, discounted market, starter homes and/or shared ownership). All units are designed to meet the National Described Space Standards (NDSS), with the upper floors of plots 1 and 2 and all the 2 and 3 bedroom houses designed to meet M4(2) acceptable and adaptable dwellings standards forming part of Building Regulations. Five units designed to meet M4(3) standards

2.2 The building components consist of:

Plot Number	Scale (storeys)	Type	Height (approximate in metres)
1	5 and 6	Apartments	19 and 23
2	5 and 6	Apartments	19 and 23
3	3 and 2	Bookend apartments and dwellinghouses	11 and 8.5
4	2	Dwellinghouses	8.5
5.1	2 and 3	Bookend apartments and dwellinghouses	11 and 8.5
5.2	2 and 3	Bookend apartments and dwellinghouses	11 and 8.5

The buildings shall be finished in textured brickwork (two colours/tones) with metalwork to the balconies. Roofing material to the terraces consists of a grey roof tile with photovoltaic panels. A substation is proposed adjacent to the site egress in Mainway.

- 2.3 The development will be served by a new priority junction onto Owen Road that can accommodate two-way flows of traffic. The width of the carriageway proposed is 6.5 metres with 2 metre footway provision. A new ghost Island/lane is proposed in Owen Road to support the new access. The exiting access onto Mainway will be redesigned, widened and repositioned slightly to provide egress only. Within the site, a clockwise one-way loop around plots 5.1 and 5.2 is proposed. The former cherry tree line driveway will be opened up to provide a pedestrian connection to Owen Road with a new connection for pedestrians and cyclised running around the norther playing pitch. Footway and cycle connections are proposed onto Mainway, though the development site to form a “greenway” east to west linking Rylands Park to Mainway and the River Lune beyond.
- 2.4 The proposed access strategy alters the access and egress to the adjacent Chadwick School Site. Access and egress will be via Owen Road with an additional option to egress onto Mainway if required. Two new school access/egress points are provided off the new estate road with a further emergency access connection provided into the school’s playing field to the west of their lower building.
- 2.5 Parking provision is proposed on-street or within a parking court to the east of block 4. Four parking bays are proposed south of the new access spine road to serve the adjacent school. Cycle and mobility scooter parking forms part of the overall parking composition.
- 2.6 To complement the housing proposal, the scheme also proposes a community space (333sqm) within the ground floor of plot 2, including the provision of changing facilities associated with the reinstated playing pitches.
- 2.7 Proposed open space include the provision of two junior playing pitches to the site frontage, a bespoke equipped play area built into the embankment, a playable street and central square between plots 1 and 2 with spill out space externally from the community centre. These areas will be tied together as part of the wider public realm and landscaping proposals. Aside from the trees already removed as part of the demolition programme, there are further tree losses proposed including the protected tree on the northern boundary. To mitigate tree loses a total of 110 trees are proposed to be planted on the site.

### 3.0 Site History

- 3.1 The former Skerton High School site has been used for educational purposes for many years with the first school building built and opened in 1891. The site expanded over the proceeding decades with the latest school building (now demolished) constructed in 1932-34 with the site accommodating junior and infant schools. The school expanded in the late 1930s and by 1939/40 the school site also constructed a large belowground air raid shelter. Further expansion of the school site took place after the end of the war in the year 1950’s. The school underwent significant refurbishment and extensions in the late 20<sup>th</sup> century, with the gym hall extension in the 1980s and by the 1990s the site was renamed Skerton Community High School. The school closed on the 31 August 2014. A small part of the site has remained in education use by Chadwick PRU High School with the remainder of the school building and playing fields disused and vacant for just under 10 years. The disused school building and air raid shelter has recently been demolished pursuant to the Town and County Planning (General Permitted Development) Order 2015 following a prior approval process with the local planning authority.
- 3.2 Prior to the demolition of the buildings, Lancaster City Council acquired the site from Lancashire County Council as part of its regeneration ambitions for the Mainway Estate. The Skerton High School site comprises phase 1 of the masterplan for the estate. The applicant has engaged with the Local Planning Authority through our formal pre-application process and engagement forum and also took the scheme proposals to Places Matter Design Review panel on the 28 September 2023.
- 3.3 A most relevant planning history is set out in the table below:

Application Number	Proposal	Decision
23/00982/PAD	Prior approval for the demolition of former Skerton High School, caretakers house and bunker	Refused

23/01209/PAD	Prior approval for the demolition of former Skerton High School	Granted
23/00619/PRFORU	Pre-application advice for a hybrid application seeking (i) full permission for the erection of 3 apartment blocks with associated works and (ii) outline planning permission for the erection of up to 145 dwellings with associated infrastructure	Advice Issued
24/00593/EIR	Screening opinion for demolition of existing buildings and the redevelopment of the site for residential and community uses, comprising the erection of dwellinghouses and apartment blocks totalling 135 affordable residential units (C3 uses) and community space (Use Class E(d), F1 and F2), associated parking, vehicular and pedestrian accesses, public open space, two grass football pitches, landscaping, drainage, and associated infrastructure	Screening as not EIA development

#### 4.0 Consultation Responses

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

Consultee	Response
Local Highway Authority (LHA) Lancashire County Council	<p><b>No objection</b> – Following the submission of amendments, the LHA’s previous concerns have now been addressed. The following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Precise scheme for the construction of the accesses onto Owen Road and Mainway</li> <li>• Precise scheme for the construction of the off-site highway improvements works including: upgrading of signals at the junction of Owen road and Torrisholme to include a Toucan crossing, linking the new internal path with Ryelands Park.</li> <li>• No occupation until the access and off-site highway works have been constructed and completed.</li> <li>• Submission of Travel Plan.</li> <li>• New estate roads to be constructed in accordance with County Council’s Specification for Construction of estate roads and to at least base course level before any other development takes place.</li> <li>• Scheme for the future maintenance and management of the proposed streets within the development.</li> </ul> <p>A Travel Plan Monitoring contribution of £6,000 has been requested.</p>
Active Travel England	<b>No comments</b> – ATE are not a statutory consultee to this application as the development falls below the statutory thresholds.
Lead Local Flood Authority (LLFA) Lancashire County Council	<p><b>No objection</b> subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• Final surface water drainage scheme</li> <li>• Construction surface water management plan</li> <li>• Verification approved drainage system has been installed</li> <li>• Management and maintenance of the approved drainage system</li> </ul>
Environment Agency	Confirmed they are not providing comments.
United Utilities (UU)	<b>No objection.</b> UU has commented that whilst there are no objections in principle, insufficient detail has been provided to assess the risk of sewer surcharge. In the absence of the required information, a pre-commencement drainage condition has been requested.
School Planning Team (Lancashire County Council)	<b>No objection.</b> Following their education assessment (June 2024), the School Planning Team has confirmed no education contribution is required. No updated assessment has been provided at the time of compiling this report. A verbal update will be provided if further comments are received.

Lancashire County Council Estates Team	<p><b>No objection.</b> Previous concerns relating to lack of access to Chadwick PRU High School and safeguarding concerns arising from overlooking, have been resolved as part of the amendments. The following additional comments have been received:</p> <ul style="list-style-type: none"> <li>• Obscure glazing to the windows (below transom) to the south elevation facing Chadwick PRU High School be secured by condition.</li> <li>• Ensure the school has been consulted.</li> <li>• Planning Statement inconsistencies and errors, mainly in relation to the drawings referenced within it which excludes access to the school.</li> <li>• Further details required for the proposed fencing/boundary treatments with the school to ensure safeguarding is not compromised.</li> <li>• Noting not a planning matter, suggests the land agreement between city and county councils needs to be amended.</li> <li>• Land outside the applicant's control (within the application site) is pending approval from the DfE, with no guarantee it is forthcoming.</li> </ul>
Sport England	<p><b>Objection</b> - Sport England have made representations on a non-statutory basis on the grounds the playing fields have not been used for the past 5 years. A summary of the main concerns include: -</p> <ul style="list-style-type: none"> <li>• The proposals result in the loss of 0.66ha of playing field including sports halls.</li> <li>• The proposal will not meet any of the five exceptions in SE policy.</li> <li>• The submission has taken no account of the loss of the tennis/netball courts and SE do not support the loss of this facility.</li> <li>• The submission does not address the loss of internal sports facilities (sports halls).</li> <li>• SE welcome the provision of 7 v 7 and 5 v 5 pitches, but having consulted the Football Foundation they have explained a preference to retain the 9 v 9 pitches to allow greater future flexibility.</li> <li>• Re-provision of playing pitches on existing playing pitches does not mitigate the loss of playing field.</li> <li>• There should be no reliance on any provision at Ryelands Park as this is already playing field land and cannot be part of the re-provision equation.</li> <li>• Athletics England have previously advised a wish to see an Active Track incorporated into the site but this should not impact the football pitches.</li> <li>• New development will generate demand for sporting provision. Therefore, SE expect that new development should contribute towards meeting demands through on-site and contributions to off-site facilities.</li> </ul>
Natural England (NE)	<p><b>No objection.</b> NE concurs with the Council's Appropriate Assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.</p>
GMEU	<p><b>No objection</b>, subject to the following mitigation/conditions:</p> <ul style="list-style-type: none"> <li>• Construction Environment Management Plan (CEMP)</li> <li>• Full landscaping details and management plan.</li> <li>• Scheme for the provision for bat roosting within the approved scheme.</li> <li>• Method statement for the eradication of invasive species.</li> </ul> <p>In relation to BNG, GMEU advise the development will be subject to the mandatory condition for 10% net gains in biodiversity. GMEU note the off-site biodiversity units to be provided is relatively low (2 units) and conclude it ought to be possible to secure the necessary of-site provision to satisfy the condition.</p>
Environmental Health Service	<p>Land contamination: <b>No objection</b>, subject to a minor amendment to the report and the following conditions:</p> <ul style="list-style-type: none"> <li>• Further investigation and sampling to ensure all elevated contaminants are identified and suitably remediated.</li> <li>• Soil Importation testing and validation</li> <li>• Verification of remediation</li> <li>• Method statement for management of any asbestos</li> </ul> <p>Noise: <b>Comments</b> - Noise assessment indicates significant adverse noise impact from the community centre to closest residential dwellings due to the number of doors capable of being opened.</p> <p>Other conditions are recommended:</p>

	<ul style="list-style-type: none"> <li>Hours of use for the community centre</li> <li>Noise mitigation as set out in acoustic report including specification of sound insulation to ceiling/floor and sound system noise limits.</li> </ul> <p>Amendments have addressed the concerns regarding the noise emanating from the community centre.</p>
Housing Strategy Team	<b>No objection</b> – Full support is given to the scheme noting the development of Mainway estate is a key regeneration priority identified in the council’s adopted Homes Strategy 2020-2025. Comments received note that the new housing will provide 100% affordable housing and will facilitate decanting programme for existing Mainway tenants. The housing mix is considered to compliment the overall mix of council housing stock and the need and demand for those included on the council’s Housing Register. It is expected that the development will be built in two phases and that the phase one scheme will provide homes for rent. The Housing Strategy Team state “ <i>the proposal will allow the council to embark on its first significant housing development and is the first critical step in bringing transformational change to the existing Mainway estate</i> ”.
Arboricultural Officer	<b>Objection</b> - Disagrees with the loss of T33 and is of the opinion that the development ought to have been designed around existing landscape features, rather than the other way around. The Arboricultural Officer acknowledges the thoroughness of the AIA but notes a slight conflict between the erection of the fencing and the construction of the footpath/soft landscaping. It is also noted that the maintenance for the avenue of cherry trees will need to be picked up in a landscaping/maintenance plan.
Waste and Recycling Team	No comments provided.
Lancaster Civic Vision	<b>Comments</b> include: <ul style="list-style-type: none"> <li>Applauds the provision of much needed social housing and the retention of the cherry trees and playing pitches to the front.</li> <li>The retention of open space will provide an attractive green approach to Skerton Bridge.</li> <li>The replacement of the former art deco building is disappointing and whilst on balance the scheme is well thought out, the appearance of the apartment blocks from a distance looks bland and box-like and a more imaginative external design could have been achieved probably at little or no extra cost.</li> <li>Question the number of one-bedroom apartments but accept there must be sound reasons for the proposed distribution of housing types.</li> <li>Suggests the new access road is likely to cause congestion close to Skerton Bridge</li> <li>Condition to require the 1930’s railings on Owen Road frontage to be maintained.</li> <li>Overall, Lancaster Civic Vision conclude by stating “<i>we regretfully see this as a wasted opportunity for the City Council to promote quality design and create a significant development in this prime location</i>”.</li> </ul>
Historic England	<b>No comments</b> – no need to consult with HE under the relevant statutory provisions.
Conservation Team	<b>No objection</b>
County Archaeology	No formal comments have been received. The applicant and County Archaeology are in discussions to ensure there is a robust building record suitable for the Historic Environment Record and archiving. A verbal update will be provided if comments are received ahead of the Committee meeting.
Public Realm Team	No formal comments made in response to this application.
NHS Lancashire and South Cumbria Integrated Care Board	<b>No objection</b> subject to securing a financial contribution of £78,030 (based on 135 units/255 persons) towards new infrastructure at Lancaster Medical Practice (stating a new build at Lancaster University). Failure to secure the contribution would result in the ICB objecting to the development.
Cadent Gas	<b>No objection</b> and recommend an advisory note be included to advise the application of gas infrastructure within the area of development requiring the development to engage with Cadent Gas and be aware of potential legal rights and or restrictive covenants that may exist.
Lancashire Constabulary	<b>No objection</b> - Recommends several security measures to deter and detect crime and anti-social behaviour to be integrated into the design of the development. The response encourages developments to be designed to Secure by Design standards.

Health and Safety Executive	The building does not appear to fall under the remit of planning gateway one because the height condition of a 'relevant building' is not met (i.e. under 18 metres/7 or more storeys).
Lancashire Fire and Rescue Service	<b>No objection</b> – standard advice received relating to Part B5 Building Regulation requirements for access and facilities of the Fire Service.

4.2 The following responses have been received from members of the public:

3 letters of objection raising the following material planning considerations:

Residential Amenity concerns, including: unacceptable overlooking of existing property, loss of privacy, buildings and access paths too close to existing residential boundaries leading to increased noise, pollution, foot traffic and potential misuse of space.

Design concerns, including: concerns that there are too many houses proposed, layout could lead to areas used for gathering, loitering and potential recreational drug use and loss of security to existing dwellings.

1 letter in support, noting the following reasons:

- good reuse of the site for affordable housing including open space.
- good to see high standards of energy efficiency in the design.
- overall seems a well thought-out scheme for a difficult site.

## 5.0 Analysis

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

- Principle of development
- Housing
- Transport
- Flood risk and drainage
- Open space
- Design and place making
- Cultural Heritage
- Residential Amenity and Pollution
- Biodiversity
- Infrastructure
- Sustainable Design

5.2 Principle of Development NPPF Chapter 2 (Achieving Sustainable Development), Chapter 5 (Delivering a Sufficient Supply of Homes), Chapter 11 (Making Effective Use of Land); 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) and the Joint Lancashire Minerals and Waste Local Plan Policies M1 (Managing Mineral Production) and M2 (Safeguarding Minerals) and Guidance Note (December 2014).

### 5.2.1 Principle of housing growth

The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. Morecambe, Heysham and Carnforth play a supporting role to Lancaster. These are important urban settlements that will also accommodate new residential and economic development. This approach aims to deliver sustainable growth across the district. Accordingly, the principle of new housing growth within the urban area of Lancaster fully accords with the strategic development strategy set out in the SPLA DPD.

5.2.2 As part of the proposals, the ground floor of plot 2 incorporates a community hall and associated community space with an internal floor area of 333 square metres. It also provides changing

facilities associated with the use of the proposed playing pitches. This is an integral aspect of the housing development which has been incorporated to address the community needs evidenced through the applicant's pre-application consultation engagement. The space will be restricted to the uses applied for which includes Class Ed (indoor sports), F1 (learning and non-residential institutions) and F2 (community halls and meeting places). The community facilities cannot be disaggregated from the housing because of their inherent association therefore the requirement for a retail sequential test has not been considered necessary. There are no concerns regarding the provision of community space within the development, as such would not impact or undermine the vitality or viability of the town centre. Instead, it should support a more inclusive place to live.

### 5.2.3 Mineral Safeguarding Land

The application site is affected by a Mineral Safeguarding designation. This designation sweeps across most of Ryelands Park across onto the playing fields within the application site on along sections of the River Lune. Policy M2 of the Minerals and Waste Plan seeks to prevent the sterilisation of mineral resources by non-minerals development. Fundamentally, encouraging prior extraction where it is practical and environmentally feasible to do so.

5.2.4 The application is supported by a Mineral Resource Assessment. This identifies the safeguarded minerals as sand and gravel deposits. It also clearly sets out that only 1ha of the site (the playing fields) is affected by the Minerals Safeguarding Area with the remainder of the site not safeguarded. The assessment undertaken sets out two main reasons why the proposals would not conflict with adopted and emerging minerals policy. The first point is on the basis the quantity of safeguarded sand and gravel on the proposed development site would be too small to be of commercial value concluding the mineral concerned is no longer of any value. The second point is the fact the land that is safeguarded is not being developed on with the playing fields remaining and protected as open space. Therefore, no minerals would be sterilised should extraction of these resources become commercially viable in the future.

5.2.5 Whilst it is not set out in the applicant's submission, it is considered a fair and reasonable proposition that mineral extraction on the application site is unlikely to be considered environmentally feasible. This would be a direct consequence of the site location within a highly developed and densely populated part of the city, located very close to existing residential property, important transport corridors, listed buildings and environmentally sensitive sites including the River Lune and Ryeland's Park. Accordingly, it is considered that there is no conflict with policy M2. The site's designation for mineral safeguarding is not a constraint to the principle of housing on this site.

5.2.6 Paragraph 193 of the framework states planning decisions should ensure that new development can be integrated effectively with existing business and community facilities without placing unreasonable restrictions on them as a result of development permitted after they were established. The application site lies immediately to the north of an existing and operating school. It is important that the relationship between the school and the proposed development is considered as a matter of principle.

5.2.7 The applicant had initially failed to sufficiently consider the effects of the proposal on the adjacent school. This included severing their access and including accommodation overlooking external areas of the school used by children, therefore raising a safeguarding issue. These concerns have been overcome in the amended application with access provided and the design of the elevation overlooking the school grounds amended to reduce the potential for overlooking. A planning condition is recommended to secure the obscure glazing to the side facing windows of Plot 1) facing the school) should permission be granted. The school operates during daytime hours and during school term and as such it is considered the residential development and associated community facilities are capable of coexisting without undue restrictions being placed upon the school.

### 5.3 Housing needs, affordable housing, housing standards and mix NPPF Chapter 5 (Delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).

5.3.1 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 (April 2023)



identifies a housing land supply of 2.4 years, which is a significant shortfall against the required 5-year supply requirement. With regard to affordable housing, from adoption of the local plan in 2020, the evidence indicates we have delivered 364 affordable completions. On that basis since the adoption of the local plan we have accrued a shortfall of 1140, against an affordable need of 376 dwellings per annum.

- 5.3.2 Given the acute under supply of deliverable housing against our housing requirements, the provision of new residential development comprising 135 units is a significant benefit of the proposal that must be given significant weight in the overall planning balance. All the proposed residential units are for affordable occupation, with the phase 1 (plots 1 and 2) providing much needed social rented units. This far exceeds the requirements set out in policy DM3 (20% on brownfield sites in Lancaster). The contribution to the delivery of affordable homes in the district, against against the backdrop of a shortfall also weighs substantially in favour of the development.
- 5.3.3 This proposal also provides the catalyst to regenerate the wider Mainway Estate, which is a priority within the Council's Homes Strategy (2020-2025) and is also noted as a key regeneration project within the Council's Plan. It is considered to form phase 1 of a larger masterplan which will support a decanting programme for existing tenants on the estate as future phases materialise. The Council's Housing Strategy Team are fully supportive of the proposals and have been heavily involved in the project from the outset, noting the development will "*allow the council to embark on its first significant housing development and is the first critical step in bringing transformational change to the existing Mainway estate*". The contribution the development will make to wider regeneration is a material consideration. The masterplan for Mainway has commenced with extensive community consultation having already taken place, which has supported the development of phase 1 on the application site. However, it is not yet fully developed with extensive work still required to achieve a fully engaged and comprehensive Masterplan. Accordingly, whilst beneficial only moderate weight is afforded to the contribution the development has to the wider regeneration of the estate.
- 5.3.4 Policy DM1 supports proposals for new residential development that uses land effectively, taking account of characteristics of different locations, where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development and where the proposal meets evidenced housing needs. The housing mix comprises a mix of predominately 1, 2 and 3-bedroom units with a small number of four bedroom units. The proposed housing mix takes account of the existing profile of tenants living in homes on the existing Mainway estate and the demand included on the council's Housing Register and compliments the overall mix of council housing stock. The development is considered to accord with policy DM1 as it would clearly meet an evidenced housing need for Lancaster and the Mainway estate specifically.
- 5.3.5 Policy DM2 relates to housing standards, requiring all new dwellings to meet the Nationally Described Space standards and at least 20% of new affordable housing and market housing to meet building regulations M4(2) Category (Accessible and Adaptable dwellings). The proposed development exceeds these requirements with five ground floor units being designed to M4(3) Category (Wheelchair user dwellings). To secure these standards at the detailed design stage (reserved matters) planning conditions are proposed as part of this recommendation.
- 5.3.6 The development will make a positive contribution to the district's supply of affordable housing, with specific regard to the evidenced housing needs associated with Mainway estate. The proposed residential units are designed to exceed the required housing standards set out in the Local Plan to support more independent living in the aging population. The development is considered to fully accord with the Council's housing policies set out in the Development Plan.
- 5.4 **Traffic impacts, access, parking and sustainable travel** NPPF Chapter 9 (Promoting Sustainable Transport) and Chapter 12 (Achieving Well-designed and Beautiful Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SP10 (Improving Transport Connectivity), T2 Cycling and Walking Network); 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) and DM63 (Transport Efficiency and Travel Plans).

- 5.4.1 The district's development strategy (policies SP2 and SP3) aims to manage growth in the most sustainable way possible by directing growth to the main urban areas, thereby maximising opportunities for sustainable travel. Development proposals must ensure the following criteria are met (paragraph 114 of the NPPF):
- appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its locations.
  - safe and suitable access can be achieved for all users.
  - the design of streets, parking areas meet standards that reflect national guidance; and
  - any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.
- This criterion is reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policies DM1 and DM29 also requires development to be located where the environment and infrastructure can accommodate the impacts of expansion and new development is well connected to existing settlements and services.
- 5.4.2 Access Strategy  
Currently the only access into the site (and the Chadwick High School site) is via Mainway and Aldrens Lane. The proposal seeks to change this with the main vehicular access to the site proposed via a new priority junction on Owen Road that can accommodate two-way vehicle flows. This has been designed as 6.5m wide carriageway with 6.2m radius on the northern arm and 4.0m radius on the southern arm. An informal crossing point across the junction is proposed along with a new informal crossing point to the north of the new junction across Owens Road with a pedestrian refuge island. The access will serve the proposed residential development and the existing school site.
- 5.4.3 To demonstrate that the proposed access can achieve the required visibility splays for the eighty fifth percentile speed along Owen Road, 2.4m by 51m splays are required. To obtain these splays, land within the control of the adjacent school site is required. The applicant has now secured control of this land via the County Council estate's team and the Department of Education. This satisfactorily addresses previous concerns raised by the highway authority over the deliverability of the proposed access. The precise details of the access are to be controlled by condition and will ultimately be secured under separate highway agreements (s278/s38).
- 5.4.4 Egress is proposed via the new junction onto Owen Road and a modified junction onto Mainway, which shall be widened to 5.6m with a 3m radius on each arm with footway provision either side of the carriageway. In addition to the vehicle access points, the scheme proposes an additional footway connection to the south of the junction on Mainway, a shared pedestrian cycleway onto Owen Road (north of the playing pitch) and the reinstatement of the central driveway (for pedestrian/cycles only)
- 5.4.5 Within the new estate the access strategy relies on a one-way system around plots 5.1 and 5.2. This has provided the ability to support a narrower carriageway to incorporate the parking provision, landscaping and the playable street. All the internal streets will be subject to a 20mph speed limit and will incorporate traffic calming features (details to be agreed). The one-way system and egress only onto Mainway aims to discourage the potential of existing Mainway residents rat-running through the site avoiding Aldrens Lane.
- 5.4.6 Access to Chadwick school is now provided on the site layout plan. This had been omitted in the applicant's original submissions which would have prejudiced its continued operation. This has been resolved to the satisfaction of the County estates team (involved in the land transfer to the city council) and the highway authority. The school have not made formal representations to the application but the applicant, the county estates team and the case officer have been in communication with the school over various matters. The scheme includes several access points. The main access and egress is directly opposite plot 5.2, this assumes an in-and-out arrangement with secure drop off as per the current arrangement. Emergency access points are also provided off the proposed estate roads to provide the school with essential maintenance access into the lower sections of the school grounds. Four dedicated parking bays are proposed for the school south of the spine road close to the junction with Owen Road.
- 5.4.7 During construction of the development a Construction Traffic Plan will be required to understand how access and egress to the school site will be maintained and secured throughout the build

programme. It is anticipated that the provision of the main access will need to be secured before other development takes place on the site. This can be controlled through the phasing condition and the access detail conditions.

5.4.8 The applicant has demonstrated safe and suitable accesses can be provided for all users to the satisfaction of the local highway authority and in accordance with local and national planning policy.

5.4.9 Traffic Impacts

Traffic surveys have been undertaken which identifies the peak AM and PM periods of travel, 08:00-09:00am and 17:00-18:00pm respectively. These periods have been selected for the traffic modelling and impact assessment on junctions previously agreed with the local highway authority. In terms of trip generation, the submission sets out 64 two-way trips in the AM peak and 63 two-way trips in the PM peak. These figures were then used as part of the applicant's traffic modelling considering other matters such as trip distribution, baseline traffic counts, traffic growth factors and existing queue data. The modelling undertaken includes a limited number of junctions, including the site access. The TA identifies a need to include a right-turning ghost lane in Owen Road to minimise the risks of queuing (travelling northbound from the city at peak times). The ghost lane will have the capacity for approximately 3.5no. cars to wait to turn, allowing non-turning vehicles to continue unobstructed. Overall, the applicant's Transport Assessment (TA) concludes that whilst the development traffic will reduce capacity within the network, there is still ample residual capacity. Accordingly, the proposed access can be safely accommodated without causing a disproportionate increase in congestion along Owen Road.

5.4.10 The highway authority has raised no objection to the development and is satisfied the development traffic can be accommodated on the network without resulting in highway safety impacts or in residual cumulative impacts on the road network that would be severe (paragraph 115, NPPF). In this regard the development does not conflict with the Framework or the DM DPD in this regard.

5.4.11 Sustainable travel

Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and accessing public transport. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure in accordance with policy T2 of the SPLA DPD.

5.4.12 The proposed development includes new and enhanced connections between the site, Mainway and Owen Road. This includes 2 metre wide footways either side of the vehicle egress onto Mainway and a separate 2 metre wide footway to the south of the vehicular junction. This is supported by improved public realm and landscaping to create attractive, safe and legible walking routes. Cyclists would be expected to utilise the new roads. Connections to Owen Road include the reopening of the driveway via the avenue of cherry trees, footway provision forming part of the new vehicular junction and a new dedicated 3 metre wide cycle way which routes around the northern playing pitch onto Owen Road. The former driveway (4.5-5 metre wide) will be reinstated for pedestrian and cyclists only and forms part of a new east – west pedestrian route linking Owen Road and the Mainway Estate. Although there are level changes, it provides a strong visual connection between the two different parts of the Skerton area as well. The main vehicular access incorporates 2 metre wide footways either side of the junction with a refuge in the carriageway of Owen Road to create a safe environment for pedestrians. To further support the cycle provision, the application also includes off-site highway improvement works at the junction of the new cycle lane and across Owen Road towards Ryeland's Park. This is in the form of a Toucan crossing facilities which has been negotiated and agreed with the local highway authority. The reopening of the central driveway for pedestrians forms an important

5.4.13 Throughout the development, there are continuous footways (of varying widths) linking the housing units to the open spaces and community facilities provided on the site. There are some areas within the site where the pedestrian environment is well-planned and extensive, such as around the playable street and the central square. However, there are parts of the site where the pedestrian environment has been weakened as a consequence of the parking arrangements. Nevertheless, the overall development is considered to positively contribute towards a safe and accessible pedestrian/cycle environment and provides opportunities to encourage active travel. In this regard the development accords with the NPPF and policy DM60 and DM 61 of the DM DPD.

- 5.4.14 With regard to public transport, the site is located less than 400m from bus stops along Owen Road. The site is well served by bus services with regular bus services operating along Owen Road providing good access from the site to Lancaster, Morecambe and further afield. Consequently, it is not necessary for the development to contribute to bus services and associated public transport facilities to make the development acceptable. Together with travel planning, the enhanced pedestrian connections will naturally support improved access to these services in accordance with policy DM60, DM61 and DM63.
- 5.4.15 Parking  
Policy DM62 requires development proposals to incorporate provision for car and cycle parking that accords with the levels and layout requirements in Appendix E, including mobility spaces. The car parking standards set out in Appendix E represent maximum standards. Paragraph 111 of the NPPF clearly states '*when setting local parking standards, policies should take account of the accessibility of the development....the availability of and opportunities for public transport and....local car ownership levels*'. The planning submission originally included 129 car parking spaces, equating to 0.81 spaces per property. This level of parking has been sufficiently justified in the applicant's Transport Statement given the sustainable location, census data and having regard to evidence around car ownership to existing tenants on Mainway. Parking provision must be suitable to meet the needs and demands of development without impacting the highway network through increasing the amount of off-site on street parking. This can be a careful balance. Currently, Mainway accommodates on-street parking without any parking restrictions other than double yellow lines and no waiting at any time along narrower sections of the highway. The Transport Statement sets out there is approximately 475 metres of un-restricted on-street parking available on Mainway, equivalent to 79 spaces. The highway authority has consistently advocated a parking ratio as close to 1.00 as possible.
- 5.4.16 However, during the determination of the application and for design-related reasons the level of parking has been negotiated downwards to provide 89 spaces on site (0.66 per property). The reduction in spaces has removed the ability for some of the parking to be utilised by visitors using the playing pitches. Officers have suggested such parking was unnecessary and that with the enhanced pedestrian connections between the site and Ryeland's Park, visitors should be directed to the public car park on Ryeland's Park. The same can be said for any events taking place at the community centre that may attract visitors from areas away from Mainway. This reduced level of parking is considered to be offset by the enhanced connections to support active travel and in a worst case scenario visitors of the site potentially having to overspill onto Mainway where there is capacity for on-street parking. Should any harm arise from the reduced level of parking (none anticipated), it is considered the harm would be outweighed by the design benefits arising from the changes. Parking within the new development will all be on-street and is anticipated to comprise some adopted parking bays and private parking bays. The highway authority has not raised an objection to the reduced level of parking in their amended statutory consultees nor requested any conditions associated with parking. Notwithstanding this, officers recommend there is a car parking management strategy secured by condition and proposed car parking is secured before occupation of the respective phases of development, and thereafter retained.
- 5.4.17 The proposal includes the provision of 6 disabled parking bays, 10 mobility scooter parking bays and cycle parking. Cycle storage provision includes individual cycle stores in each garden for the dwellinghouses and communal cycle parking to the apartments. Accessible, ground floor cycle stores accommodating 58 cycle spaces are proposed in both plots 1 and 2 with 5 mobility spaces in each store. The provision of accessible parking bays, mobility scooter parking and cycle provision is considered acceptable. The precise details of the cycle and mobility scooter parking shall be considered by condition.
- 5.4.18 The adjacent school had limited parking prior to the demolition of Skerton High School. Since the school has been demolished, the applicant has allowed the adjacent school to use an area of hard surfacing for parking. To no surprise it is heavily used, which is disappointing given how sustainable the site is. The proposed development will not be replacing parking for the school based on the current informal use of the temporary hardstanding. Separate from planning, only four spaces were required as part of the land transfer, which are incorporated into the scheme. It is understood the adjacent school have their own commitments to address the schools parking needs within the confines of their site.

- 5.4.19 Overall, it is considered that the development satisfactorily meets the aims and objectives of the relevant transport and sustainable travel policies set out in paragraph 5.4 of this report. In respect of parking, the scheme does not conform to the maximum standards set out in policy DM62/Appendix E and is considered to be below the expected standards. Therefore, there is a degree of conflict in relation to this policy, albeit the lack of parking is unlikely to cause serious harm and has not given rise to an objection from the highway authority.
- 5.5 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); 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), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).
- 5.5.1 Flood Risk  
Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and should aim to reduce flood risk overall. This approach is consistent with the NPPF (paragraph 165). The NPPF in paragraph 168 states development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. This sequential approach is embedded in the Development Plan (policy DM33).
- 5.5.2 The site is located within floodzones 1 and 2. Flood zone 2 is considered a medium flood risk, defined as having a 1 in 100 year annual probability of river flooding. Floodzone 2 is limited to the western part of the site, which is also subject to low and medium surface water flood risk. The applicant's Flood Risk Assessment considered the risk of groundwater flooding to be low based on their own site investigations where ground water was encountered between 2.7 metres and 4.5 metres below ground level. However, the Strategic Flood Risk Assessment (SFRA) indicates some parts of the site could be subject to high groundwater flood risk. The applicant's FRA indicates the risk from sewer flooding and artificial sources also to be low.
- 5.5.3 The NPPF and NPPG requires development proposals to consider the risk of flooding from all sources and to undertake the sequential and exception tests where appropriate. This means avoiding, so far as possible, development in current and future medium and high flood risk areas. As there are identified flood risks associated with this site, the applicant has submitted a flood risk sequential test (FRST). The scope of the assessment has been agreed with the local planning authority and narrowed to a land within the Mainway Estate. This is justified given the intrinsic links the proposal has to the regeneration of Mainway and the fact the proposed social rented apartments are proposed to support the intended decanting programme for existing tenants on Mainway. It is also considered reasonable that the development cannot be aggregated as its design and the composition of the proposed land uses (housing, community centre and open space) has been purposefully designed to fulfil wider regeneration benefits which has been informed by extensive community consultation.
- 5.5.4 The applicant's FRST sets out there are no alternative sites within Mainway suitable for the development. This is either because the alternative site is at a higher risk of flood risk, or is not considered available due to existing council housing being occupied by existing tenants. Whilst there are deficiencies in the FRST, officers concur with the applicant's conclusions and are satisfied there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. The sequential test has been satisfied and therefore accords with the NPPF and policy DM33.
- 5.5.5 Paragraph 169 of the NPPF states that where it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied. Whilst the applicant's FRST sets out the exception test is not required because the residential development is not located in the areas at risk of flooding, this is not considered accurate interpretation of the policy. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 5.5.6 In relation to part (a) of the exception test, it is considered that the provision of a 100% affordable housing scheme that will also support the implementation of a wider regeneration programme on the Mainway Estate, provides wider sustainability benefits that outweigh the identified flood risks on the site. Other benefits arising from the development, such as the provision of a toucan crossing over Owen Road to enhance accessibility and the provision of a community centre and community use of playing pitches equally contributes to wider sustainability benefits. In this regard, part (a) of the exception test is passed.
- 5.5.7 The applicant has demonstrated through the siting of the residential development on the higher platform within the site that it would not be at risk of flooding from the identified flood sources. In particular, the housing is located in floodzone 1 and is not subject to surface water flood risk. The applicant's site specific FRA also evidence that the risk from ground water is low with actual results indicating ground water flooding would not occur at the surface. The proposed access and egress from Owen Road would remain within floodzone 2. However, as the development itself is safe and there are other proposed pedestrian/cycle access points and the egress point off Mainway which lies outside floodzone 2, it is considered that the development would be safe. Regard is also paid to the fact the site along with the surrounding area is defended by the Lune flood wall. No site specific flood resistant and reliance measures are required for the residential development as the finish floor levels will be situated above the fluvial flood levels.
- 5.5.8 Drainage Strategy  
In accordance with paragraph 173 and 175 of the NPF, policy DM33 and DM34 and to meet the requirements of part b of the exception test, development proposals should ensure surface water is managed in a sustainable way accounting for climate change and flood risk is not increased elsewhere.
- 5.5.9 The applicant's drainage strategy has considered the SuDS hierarchy and proposes a surface water discharge to the River Lune for the developed parts of the site with some infiltration via permeable surfaces and paving. Full site infiltration has been ruled out due to potential risks associated with the water table, which is hydraulically linked to the River Lune tidal river levels. For the western part of the site, the applicant proposes a combination of infiltration with a potential connection to the surface water sewer on Owen Road. The surface water discharge to the public sewer would be relatively small as it would only feed from the access drive and parking bays and the flows would be attenuated. The applicant has proposed to incorporate SuDS features within the development to support the drainage strategy and the wider multi-functional benefits arising from above ground SuDS components, such as amenity, water quality and ecology benefits. This includes a rain garden in the central square and a swale to the east of the playing pitches. The precise details of these features are expected to be submitted as part of the final landscaping scheme and drainage design, which shall be secured by planning condition. The applicant has considered the relevant climate change allowances which will inform the final surface water drainage design and has regard to exceedance events to demonstrate the development will not cause a flood risk elsewhere.
- 5.5.10 The Lead Local Flood Authority (LLFA) and United Utilities (UU) have been consulted and raise no objection to the development, subject to the imposition of pre-commencement conditions relating to the final drainage design. It is expected that the drainage design fully considers the risk of sewer surcharge and evidence a sensitivity check for a surcharged outfall for the system discharged to the River Lune. Suitable management and maintenance of any sustainable drainage systems is imperative to ensure the development is safe for its lifetime and does not flood risk elsewhere. Like most developments, conditions will be imposed to secure details of the ongoing management and maintenance of the drainage systems. Accordingly, part b of the exception test is passed.
- 5.5.11 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. UU have raised no objection to the foul drainage proposals.
- 5.5.12 Subject to the imposition of pre-commencement conditions to secure the final drainage scheme (and other conditions relating to management and maintenance and verification the approved scheme has been implementation), the applicant has sufficiently demonstrated the site is safe from flood risk for its lifetime and is capable of being drained without causing a flood risk off site in compliance with national and local planning policy.

5.6 Open Space NPPF Chapter 8 (Promoting Healthy and Safe Communities including Open Space and Recreation), Chapter 12 (Achieving Well-Designed Places); Strategic Policies and Land Allocations (SPLA) DPD policy SC3 (Open Space, Recreation and Leisure); Development Management (DM) DPD policies: DM27 (Open Space, Sports, and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being) and Sport England 'Playing Fields Policy and Guidance' (March 2028 updated December 2021).

5.6.1 The provision and access to open space is strongly advocated in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies SC3 of the SPLA DPD and policies DM27 and DM57 of the DM DPD. Policy SC3 provides the strategic framework of a network of sites protected for the recreation, environmental and or amenity value. This policy states the sites identified for the value (i.e. allocated as open space) will be protected for inappropriate development in accordance with national and local planning policy. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of open space requirements, it recognises the importance open space and landscaping when promoting good health and well-being.

5.6.2 The site includes three areas of protected open space. This includes two playing pitches to the front of the site and a former tennis court/multi games area to the rear of the site.

5.6.3 Policy DM27 states the Council will not permit the loss of designated open space unless:

- An assessment has been undertaken to demonstrate it is surplus to requirements;
- An assessment has been undertaken to demonstrate that it is not longer has an economic, environmental or community value, which shall include consultation with key stakeholders;
- The loss resulting from the development would be replaced by equivalent or better, high quality provision in a suitable location;
- The development is for alternative open space, sports and recreational provision, the benefits of which clear outweigh the loss.

This is consistent with the requirements set out in paragraph 103 of the NPPF.

5.6.4 As the scheme involves playing fields engagement with Sport England has been undertaken by the applicant at the pre-application stage and as a consultee to the application. Prior engagement with Sport England strongly influenced the design of the development, its layout and provision of open space on the understanding Sport England considered themselves to be a statutory consultee. Sport England has accepted they are not a statutory consultee as the playing fields in questions have not been used for the past five years. Nevertheless, Sport England has considered the application against the NPPF (paragraph 103) and their Playing Fields Policy and Guidance Document.

5.6.5 The Playing Fields Policy states: *'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:*

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

*unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.*

5.6.6 By definition, playing field is not limited solely to land laid out as playing pitches. Its is defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and repeated in the NPPF as: *'the whole of a site which encompasses at least one playing pitch'*. This has been a particular issue raised by Sport England regarding the loss of playing field and necessary mitigation – a matter to be addressed below.

5.6.7 Skerton High School closed in 2014. The playing pitches, including the tennis court, have been disused since the school closed. Prior to the closure of the school, there is no evidence to indicate any level of community use. It is Sport England's argument that the land surrounding the playing

pitches, the embankment up to the former school buildings and hardstanding up to the tennis courts all forms the playing field. The functionality of the embankment as playing field is somewhat ambiguous, therefore, there is some disagreement between the applicant and Sport England over the actual extent of playing field affected by the proposals.

- 5.6.8 The application has been supported by a Playing Field Mitigation Summary Paper (April 2024). Taking the playing pitches to the front of the site. These are protected by the Local Plan (Policy SC3) despite acknowledging they were disused and inaccessible. Due to the deficiency in provision, they were protected in the Plan. The proposal seeks to modify these pitches reducing them to 7 v 7 pitches opposed to 9 v 9 (but not established by the Football Association). This is to accommodate the cycle track to the north and the proposed vehicular access to the south. The submission sets out that this results in the loss of 0.25ha of playing field.
- 5.6.9 The applicant seeks to mitigate against the loss of playing field (in relation the football pitches) by bringing the pitches back into use and improving their quality for junior football (recreational and competitive) and wider community use. The proposal also includes ancillary provision consisting of dedicated WC facilities and changing rooms.
- 5.6.10 Lancaster Playing Pitch & Outdoor Sport Strategy (PPOSS) was completed in February 2024. The applicant's submission points out that the PPOSS provides the evidence base for supply and demand for playing pitches, artificial pitches and other outdoor sports. It goes on to state that within the Lancaster Area, where the application site falls within, the PPOSS indicates there is spare capacity for Youth 9 v 9 but mini 7 v7 and mini 5 v 5 are at capacity. Although the proposal results in a loss of playing field and a reduction to the size of the useable pitches, the proposal is meeting an identified need, which will also support the growth aspirations of some local football clubs. The applicant's Playing Field Mitigation Paper addresses other sports but recognises the site would not meet necessary standards for rugby, cricket provision is best provided at existing cricket sites and that there is no evidence of community demand for further athletics tracks (200m).
- 5.6.11 The applicant's submission sets out that the proposal is unlikely to satisfactory meet any of the five exceptions set out in Sport England's policy. However, the applicant's consultant (KKP) considers that the losses identified will encourage active travel between the site, Mainway Estate and Ryelands Park, which is a positive design option which aligns to the objectives set in the Active Environments section of Sport England's "Uniting the Movement" Strategy. It is also relevant that reintroduction of the pitches for community use is a significant benefit of the proposal.
- 5.6.12 With regard to the loss of disused tennis courts/multigame area, there is no direct provision proposed on site. The site is not capable of replacing this provision alongside the housing and community facility. A Mitigation Note is provided which sets out a commitment by the applicant to provide a MUGA in Ryelands Park. As this is subject to further feasibility work and consultation with relevant partners and the community, plus the requirement to obtain planning permission, the applicant commits to secure and provide the MUGA as part of phase 2 of the regeneration of Mainway. The local planning authority expect the Mainway estate masterplan to include this re-provision and for this to form part of their phase 2 pre-planning enquiries and subsequent planning application. The applicant is committed to this mitigation with Chief Officers of the relevant Services aware of these requirements. Whilst the intension and commitment are evident, there are no planning controls or mechanisms as part of this application to secure the MUGA on Ryelands Park. Accordingly, there is a conflict with policy DM27 in this regard.
- 5.6.13 Sport England continue to object to the application due to the loss of natural turf and non turf playing field and indoor sports facilities. Their argument in relation to indoor facilities cannot be substantiated as the school buildings and facilities have all been demolished under the permitted development regime. Sport England do not consider the Sports Mitigation proposal adequate to provide sufficiently for the loss of natural turf playing field and no provision capable of being secured through this permission has been made for the loss of sports courts and sports hall facilities. As such, Sport England consider the proposal contrary to their Playing Field Policy and paragraphs 96 and 103 of the NPPF.
- 5.6.14 Policy DM27 also requires development proposals located in areas of recognised deficiency to provide contributions towards open space, sports, and recreational facilities either on or off site. This should be in accordance with the standards and thresholds set out in Appendix D of the DM



DPD. In this case, the applicant's contribution to open space is through the re-provision of the playing pitches and ancillary changing facilities on site with no off-site contributions being provided.

- 5.6.15 For the reasons set out above, it is accepted that the proposed development will result in conflict with Policy SC3 of the SPLA DPD, DM27 of the DM DPD and the NPPF in respect of the loss of designated open space on site. This is a matter to be considered in the planning balance.
- 5.7 **Design and place making NPPF Chapter 8 (Promoting healthy and safe communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed and beautiful places); Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM26 (Public realm and civic space), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact) and the National Design Guide.**
- 5.7.1 The NPPF places an increasing emphasis on the need to deliver high-quality, inclusive, beautiful and sustainable places. This is reflected in the Local Plan through a number of different policies. Policy DM29 and DM46 seek to achieve this overriding ambition by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Policy DM26 expects development proposals to make a positive contribution to their surrounding through good design, the creation of positive, space and attractive streetscapes and good accessibility and connectivity building buildings and urban spaces. Policy DM29 specifically expected development in gateway locations to be of high standard of design and contribute towards creating a positive statement when entering the city.
- 5.7.2 The design of the development has evolved extensively through engagement and consultation with the community of Mainway, consultees, the local planning authority and Places Matter Design Review panel. This positive engagement is reflected in the final design where a significant amount of effort has been focused on the public realm and the functionality and design of the spaces between existing and new development. Taking instruction from Places Matter Design Review, the scheme now incorporates a number of west to east pedestrian and cycle connections enabling enhanced connections between Mainway and Ryelands Park. This offers significant benefits to the health and well-being of the community as well as encouraging more active travel.
- 5.7.3 The layout and form of the built development is carefully thought out make the best of the spaces around the buildings. The inclusion of the play bank and play street are innovate and positive additions to the development that provides safe and attractive areas for children and their caregivers. These features positively contribute to the creation of active and inclusive streets and provide opportunities for future residents to regularly engage. This collectively contribute to a positive sense of place. The layout also safeguards existing residents, secures access to private amenity space to all the proposed dwellings forming part of the proposals and provides good natural surveillance around the whole development. The layout has, as far as possible, considered security and measures to reduce the fear and risk of crime and antisocial behaviour.
- 5.7.4 The scale of the apartment blocks (plots 1 and 2) and the access and parking strategy are perhaps the most contentious elements of the scheme. The outcomes are largely a consequence of the site constraints (flood risk, playing fields, proximity to school and existing residents) and the demands and requirements of the proposals.
- 5.7.5 The site occupies a large area and has the benefit of being setback from the highway and elevated behind the playing fields to the front. Although the scale of the former Skerton high school buildings were relatively low, it is considered that the site can accommodate buildings of scale without undue harm to the townscape character. The two symmetrical apartment blocks have been designed to create a landmark building in this location. They occupy a prominent position and will be highly visible in the immediate area, with glimpses of the upper levels caught in more long distant views. The apartments sit at 5 and 6 storeys high. From Owen Road these will be seen in the foreground of the taller 11 storey tower blocks which are situated at either end of Mainway on the banks of the River Lune. Accordingly, there is no concern in principle to the scale of these larger buildings. The scale of the residential dwellings to the rear and north of these apartment blocks rightly steps down to 3 and 2 storeys and is of domestic scale to appropriate respond to the scale of existing residential development to the north. Whilst there is some criticism over the appearance to the three-storey

flat-roofed bookends, these do serve to mitigate the imposing effects of the apartment blocks on the two-storey dwellings to the rear.

- 5.7.6 Turning to the design approach for the buildings, the submission clearly sets out an ambition to make reference to the art deco heritage of the site through the architectural language of the proposed buildings. This includes elongated vertical openings, materials and metal work. There is no hard and fast rule that this approach is the right or wrong approach, so long as the development is visually attractive as a result of good design, layout and landscaping (paragraph 135, NPPF). The apartments have been designed to have strong horizontal bands across the façade, which is then complimented by the verticality of the taller components around the central square. These taller elements mitigate against the overly horizontal form and add interest to the overall design. However, the implication of this potentially reduces the attractiveness and the public square between these two blocks as a result of overshadowing and overbearingness. It is also considered that the juxtaposition of the two larger symmetrical buildings with plot 3 is a slightly weaker aspect of the design. From the site frontage, plot 3 appears disproportionate in scale. There is little to mitigate this due to the proximity to the adjacent two-storey dwellings along the northern boundary, however, the applicant has amended the fenestration to provide design consistency across all three blocks.
- 5.7.7 The fenestration to the apartment blocks has been improved through the applicant's own design process and during the application determination stage. This has been in response to pre-application discussions and the outcomes of the Places Matters Design Review panel feedback. The buildings are articulated through the use of recessed brickwork, balcony features with art-deco style railings and horizontal brick banding to the lower level of Plots 1 and 2. Plot 2 is also complemented by extensive curtain glazing associated with the community facilities. The final architectural detailing (i.e. window profiles, window reveals, recess distances for the brickwork etc) and materials are critical to securing high quality design and to preventing the building looking overly monotonous. This detail will be controlled by planning condition.
- 5.7.8 Places Matter Design Review did stress some concerns over the rear elevations of the apartment blocks, which lacked active frontages and appeared overly "back of house". To a certain extent these concerns remain, as the rear of the building has a very different design to the front, supporting all the external accessways to the upper floor accommodation. There are wider design benefits for these external access corridors – a place to congregate and socialise – but the appearance is not particularly pleasing. This is mitigated by being set back behind solid building components which now supports habitable windows to provide activation to the rear elevation.
- 5.7.9 The design of the proposed terraced dwellings is acceptable. Although the roof design (asymmetrical pitch) is not desirable, it is proposed to maximize provision for PV panels to the roof space and is there accepted. This combined with the flat-roofed bookends and the wider streets supporting the playable street creates a modern interpretation to the historic terraced streets to the north and represents innovation and creativity. Again, subject to securing the final architectural details and materials, this aspect of the scheme is considered acceptable.
- 5.7.10 The parking strategy relies on on-street parking within the developable part of the site. The original submission proposed 129 spaces. This significantly dominated the character and appearance of the proposed internal streets to the detriment of the development's design objectives. The amended scheme has resulted in a substantial reduction and provides a betterment to the quality of the spaces around the buildings and the interaction with the open spaces. Even with the welcomed reduction in parking spaces, the streets to the rear of the site will be lined with parking bays. It is accepted this is not a positive feature of the proposal but there is not alternative.
- 5.7.11 The application has also been supported by a comprehensive townscape character and visual appraisal which has assessed the effects of the development on townscape character and the visual effects from several pre-agreed selected viewpoints. Owing to the embedded design mitigation and the prevailing character of the area, the applicant's assessment sets out that the development would result in generally beneficial or neutral effects on townscape character. The beneficial effects are anticipated to be mainly experienced from Mainway as a consequence of the proposed enhancements to the public realm, the new connections between the site and surrounding estate and the design of the buildings. Regarding visual effects, the applicant's submission also sets out that the development would generally result in beneficial or neutral effects on visual amenity and

views, though it does acknowledge some minor adverse effects in views where landmark buildings will be lost (in a limited viewpoint). Overall, whilst the proposal will result in a noticeable change in views, due to the introduction of buildings taller than some of the existing built form, the development will be read in the context of other existing taller buildings associated with Mainway. The conclusion of the townscape and visual appraisals are robust and reasonable and overall demonstrates the development can be accommodated within the existing townscape without significant unacceptable impacts.

5.7.12 On the whole, the weaker aspects of the design relate mainly to the appearance of the apartment blocks. The relationship of the buildings to the proposed open space and the connections between the development and the surrounding area are commendable and accord with broad urban design principles. Design is clearly subjective and there will be different views and opinions over the approach taken to the redevelopment of this site. It is considered that the development has successfully accounted for the prevailing character and urban grain and has designed a scheme suitable to support and build a healthy and sustainable place, despite some concerns over the appearance of the apartment blocks. For these reasons it is considered that the development would not conflict fully with policy DM29 and chapter 12 of the NPPF. The concerns associated with the appearance of the larger blocks is minor and would not outweigh the benefits of the development. The concerns raised can, to a certain extent, be mitigated through the use of high-quality materials and finishes and quality architectural detailing. The development would not be detrimental to the wider character and appearance of the townscape to substantiate a refusal of planning permission.

5.8 **Cultural Heritage NPPF Chapter 16 (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 DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings) and DM42 (Archaeology).**

5.8.1 The application site does not directly affect any designated heritage assets. However, it has the potential to affect the significance of designated and non-detached heritage assets via their setting.

5.8.2 The Local Planning Authority has a statutory duty to consider the impact of these proposals on the Conservation Area under section 72 of the Planning (Listed Buildings and Conservations Areas) Act (1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is supported by paragraphs 195-204 of the National Planning Policy Framework, and by policy DM38 of the DM DPD. Policy DM38 requires that proposals preserve or enhance the character and appearance of the Conservation Area, and in particular that they do not *'have an unacceptable impact on...open spaces...including important views into and out of the area.'* There are also statutory duties under sections 16 and 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to consider the impact of the proposals on the adjacent Listed Buildings and to ensure that their setting is preserved. This duty is similarly echoed by NPPF paragraphs 195-204, and by policies DM37 and DM39 of the DM DPD. Policy DM37 states that *'The significance of a Listed Building can be harmed or lost... through development within its setting. Any harm (substantial or less than substantial) ...will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'* The impact of the proposed development on non-designated heritage assets must also be considered in light of NPPF paragraph 209, and a balanced judgement reached with regard to the scale of harm or loss and the significance of the asset. Policy DM41 supports this obligation, and further requires that *'Proposals affecting the setting of a Non-Designated Heritage Asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.'*

5.8.3 The application has been supported by a Heritage Statement and a revised Building Recording of the former school buildings. This has been considered and assessed by the council's Senior Conservation Officer who has raised no objections to the development. The Heritage Statement sets out a robust assessment of the site's history and an assessment of the significance of heritage assets surrounding the site. This includes four listed buildings which have the potential to be affected by the proposals, namely Rylands House, Rylands Lodge, Church of St Lukes (all grade II listed) and Skerton Bridge, which is also a scheduled monument (grade II\* listed) and Slyne Road Conservation Area.

- 5.8.4 The submission sets out that the site is experienced as a predominantly open area of land between Owen Road and Mainway and is experienced in conjunction with some of the identified heritage assets, particularly when viewed from Owen Road. It also forms the backdrop to some of the identified assets, when experienced as part of the mixed suburban context of Skerton. The assessment recognises that the openness of the site and its landscape features maintains and extends the open visual character associated with Ryelands Park, contributing to the spacious setting of the associated listed buildings and parkland. Although there is no intervisibility between the site and Slyne Road Conservation Area, this spacious approach into and out of the Conservation Area is considered to reinforce the mixed suburban context of the conservation area and has a neutral effect on its significance.
- 5.8.5 The significance of Skerton Bridge is strongly linked to the River Lune. Due to intervening development the site and proposed development is not considered to impact the significance of Skerton Bridge via its setting. The development would be experienced as part of the wider suburban context to the north of the designated heritage asset.
- 5.8.6 In relation to non-designated heritage assets (NDHA), the former Skerton Primary School is most affected by the proposals. This property sits immediately adjacent to the southern boundary of the site. The former Skerton Primary School derives its significance from its historic and architectural interests as a building of Edwardian design. The asset is generally experienced in glimpsed views between buildings on Mainway, Owen Road and the pedestrian route to the south of St Luke's Churchyard, as well as from the open space to the immediate north (and now west) of the asset.
- 5.8.7 The proposed development will introduce a number of new buildings into the townscape in the location of the former Skerton High School buildings. Plots 1 and 2 are substantially taller than the existing buildings and whilst the development will be seen in the context of the built-up area of Skerton, glimpses of the upper levels of the apartment blocks beyond the intervening development may be experienced from Skerton Bridge and the immediate surroundings. Given the character and scale of the intervening development, the proposed development would not detract from the significance of this designated heritage asset.
- 5.8.8 St Lukes Church and churchyard lies to the south of the site and the former Skerton Primary School (NDHA). This listed building is enclosed by modern development to the east and west and formally enclosed by the previous high school buildings to the north. The development will enclose views from the church once more and will be of higher scale to the former buildings. Views of the church are limited from Owen Road, Ryelands Park and Mainway to intervening development. It is considered that due to the provision of a new access road running along the southern boundary, the development could provide new views to appreciate this listed building. Given the context, the significance of this listed building will not be adversely affected by the proposals.
- 5.8.9 In the cases of both Ryelands House and Rylelands Lodge, the proposed development will introduce new buildings within the setting which is derived from the open and visual character experienced along Owen Road. However, the significance of both heritage assets will still be appreciable within their context of the historic parkland and the suburban character that surrounds the assets. Accordingly, the significance of both listed buildings will be preserved and not adversely affected by the proposals.
- 5.8.10 It is considered that the proposed development will be experienced in conjunction with the Former Skerton Primary School Building. Whilst the scale of the development to the south will be of greater scale to the former school buildings, the regeneration of the site has the potential to enhance its significance by improving the quality of its setting and creating new opportunities to appreciate the architectural interest of the building, notably its principal elevation.
- 5.8.11 The character and appearance of the Conservation Area would not be adversely affected by the proposals. Whilst the upper parts of plots 1 and 2 will be visible in some limited views, these will be seen in the context of the existing townscape. The spacious character of the southern end of the Conservation Area will be preserved with the development set behind the retained playing fields. Subject to high quality materials and detailing, the development will have a neutral impact on the setting of the Conservation Area.

- 5.8.12 In conclusion, and subject to quality materials and detailing (a matter of planning condition), the proposed development is considered to conform to the objectives of the policies and statute set out in paragraph 5.8 of this report. As set out previously, there are no objections from the Council's Conservation Officer who considers there to be no harmful effects on the significance of designated and non-designated heritage assets surrounding the site. The Conservation Officer also considered there to be no significant views to city-wide heritage assets that would be affected either.
- 5.8.13 In respect of archology, extensive work has already taken place as part of the demolition of the school buildings. A Building Record has been submitted and later amended to address deficiencies previously highlighted to the application. Subject to confirmation from the Historic Environment team at Lancashire County Council, it is contended matters pertaining to archaeology have been satisfactory addressed.
- 5.9 **Residential Amenity and Pollution** (NPPF: Chapter 8 (Promoting Healthy and Safe Communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Ground Conditions and Pollution); Development Management DM) DPD DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being).
- 5.9.1 Paragraph 191 of the NPPF requires planning policy and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be if high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically state that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.9.2 **Residential Amenity**  
The proposed development has the potential to impact existing residential development. Existing residents most likely to be affected includes those on Pinfold Lane, Mainway and to lesser extent Owen Road.
- 5.9.3 Residential dwellings on Pinfold Lane comprise two-storey terraces with the rear elevations and gardens/yards facing onto the application site. Proposed plots 3 and 4 run almost parallel with the existing terraces and have their rear elevations facing the existing properties (back to back layout). Plot 4 consists of a run of 12 two-storey terraced dwellings. There is then a small break in the built form with plot 3 extending west and consisting of a further 6 two-storey dwellings with a three storey apartment block forming the end to the terrace. Except for the apartment block, the scale of the terraces reflects the scale of development of Pinfold Lane. The site is slightly elevated above Pinfold Lane but it is not significant. There is currently a high metal mesh fence (above other boundary treatments) separating the former school site to the existing dwellings. The proposed layout secures separation distances between the two-storey terraces and existing dwellings between 21 metres and 29 metres and therefore adequately conforms to the requirements of policy DM29. The three-storey apartment block is situated around 19 metres from the rear elevation of existing properties. There are no windows proposed to this elevation. Although the outlook from Pinfold Lane properties facing onto the apartment block will be bland, it is not considered to be significantly overbearing as the interface distances far exceeds the required 12 metres. Accordingly, whilst the proposed development will be substantially closer to these properties compared to the former school buildings, the development is of a suitable scale and layout to safeguard and protect the residential amenity of existing and future residents.
- 5.9.4 Plot 3 of the development will be located approximately 33 metres west of the four storey Greenwater Court (apartments) with Plot 5a around 21 metres to the southwest. Due to the scale, position and orientation of the proposed development relative to this existing building, it is considered there would be no adverse effects on the residential amenity of existing and future residents by way of overlooking, loss of privacy and overbearingness.
- 5.9.5 Plot 5b is the closest part of the development to the three-storey Steward Court (apartments) with a separation of around 24 metres. The orientation of the development is off-set meaning the

proposed bookend apartment block (also three-storey) will not sit directly behind or adjacent to the Steward Court. This relationship will secure an acceptable standard of amenity for existing and future occupants. Residents of Steward Court will have an improved outlook with the removal of the former caretaker's house, outbuildings and garages. The design of the development will see an improve boundary treatment and interface between Steward Court and the development with an area of open space proposed to the north.

5.9.6 Numbers 34-46 Owen Road consists of a single terrace (2-5 storey high) located south of the junction with Pinfold Lane. Some of these dwellings will have side and rear views over the application site from property and private outdoor yards. The proposed built form is in excess of 80 metres from the rear garden boundaries of these properties. Therefore, the buildings themselves will not result in any adverse impacts on residential amenity, in terms of overlooking, loss of privacy and overbearingness despite the substantial scale of plots 1 and 2. A proposed cycle/pedestrian footway is proposed between the northern boundary of the site (with these dwellings and those on Pinfold Lane) and the playing pitch. The open space provision also means there is likely to be more activity (active travel and football games/recreation) on this land closer to existing dwellings. However, compared to its use formerly as a school with associated playing fields, the impact is not going to be significantly more adverse despite the school being disused for a considerable period. The precise details of the boundary treatments and landscaping along this northern boundary shall be the subject of planning conditions to ensure there is a safe relationship between the existing and proposed uses.

5.9.7 The layout of the development has had regard to the interface distances set out in policy DM29 and the character and built form of the wider area. However, to ensure the development uses the land efficiently and appropriate separation distances are provided between the adjacent school and existing residents, the new and internal separation distances are shy of the expected standards set out in policy DM29 (between 17 metres and 20 metres). The garden sizes between plots 5a and 5b are also shy of the required 10 metre length (between 7m – 9m in length) and 50 square metre gardens. This mainly relates to plots 5a and 5b. Plots 3 and 4 are closer to the required standards. The postamble to policy DM29 states: '*there may be instances where these minimum distances need to be increased or reduced depending on circumstances, for example site topography or density considerations*'. In relation to garden sizes, the postamble encourages a level of provision for the health and well-being of residents. Whilst the dwellings proposed are not all meeting the required standards, the overall development secures additional external open space and a community centre, which will positively contribute to the overall inclusiveness of the development and the health and well-being of future residents.

5.9.8 The larger apartment blocks (Plots 1 and 2) all benefit from the wider open space but also have been designed with external balconies to provide some private outdoor space. Access terraces are also incorporated to offer social spaces for neighbours to meet. The requirement for external space within the apartments has been an integral design component from the outset and is a positive aspect to the scheme.

5.9.9 Although the development does not meet the amenity standards (interface distances and garden sizes) for some aspects of the scheme, the overall design, layout and access to opens space and community facilities would outweigh those conflicts. Accordingly, the development is considered to provide an acceptable standard of amenity for all new residents in addition to safeguarding the amenity of existing residents. The proposal therefore conforms with the objectives and requirements set out in the NPPF and policy DM 29.

5.9.10 Noise

The submitted Noise Impact Assessment identifies potential noise sources emanating from the community centre, as well as the Air Source Heat Pump room and plant room, and the potential effects this has on residential amenity. The assessment concludes that the noise level emitted will be lower than the existing background sound level at the worst case scenarios and there would be no significant impacts. The submission sets out that to achieve acceptable noise levels within residential properties, it is recommended that the doors to the community centre remain closed where possible to best ensure the noise levels will not regularly exceed the background sound level, as well as sound insulation separating floors between community centre and first floor accommodation. It is also recommended that any sound system (either fixed or temporary) is restricted within the community centre to specific sound limits.

- 5.9.11 The Council's Environmental Health Service has considered the assessment and noted that if the doors were to remain open the noise levels emitting from the community centre would be over 17dB above (worst-case) the background noise level which would give rise to significant impact on the amenity of residents above and surrounding the community centre. It is also considered unenforceable to monitor the operator of the community space to keep doors closed. To remedy the concern amended plans have been received reducing the number of openings to emergency access doors only. It is also noted the acoustic assessment assessed daytime noise only. Therefore, without an updated noise assessment assessing nighttime noise, a hours of use condition would be required limiting the use of the community centre to 07:00-23:00 hrs. Accounting for the amended plans, an hours of use condition and the above forementioned mitigation, the development will not give rise to unacceptable noise impacts and would comply with the requirements of policy DM29 and policy 191 of the NPPF.
- 5.9.12 Contaminated land  
Paragraph 189 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 190 goes on to state that where a site is affected by contamination or land stability issue, responsibility for securing a safe development rests with the developer and/or landowner. The application has been supported by an appropriate desk study and site investigation which has considered the potential pollution/health risks as low and concluded the principle of developing the site for residential uses can be made acceptable. The Council's Environmental Health Service has raised no objection to the development but have considered further sampling necessary to ensure all elevated contaminants are identified and remediated appropriately and soft landscaped areas and residential gardens have a suitable growing medium. It is also recognised that although asbestos was not detected within the samples analysed, the age of the buildings means that the presence of asbestos within made ground is feasible. As such a method statement for the management of any asbestos detected on site would be required as part of the remediation scheme. The additional sampling and results will be required to inform a suitable remediation strategy. This will be controlled by planning condition.
- 5.10 **Biodiversity and Trees** (NPPF: Chapter 15 (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 DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).
- 5.10.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.
- 5.10.2 Impact on designated sites  
The site is located approximately 2.8km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) (the SPA and SAC both form part of the UK National Site Network) 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. No direct impacts will arise from the development. The identified impacts are indirect, relating to potential pollution pathways and the effect of potential increased recreational disturbance. Accordingly, the Local

Planning Authority has undertaken its own Habitat Regulations Assessment (and Appropriate Assessment) to fulfil the duty as the competent authority.

5.10.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas subject to appropriate mitigation being secured by condition. For potential impacts during construction, this relates to the production and implementation of a Construction Environment Management Plan. This shall include appropriate pollution prevention control measures to ensure no construction related pollutants or run-off enter the drainage network and nearby watercourse, which provides a potential pathway to the designated areas. For impacts during the operational phase, this requires the implementation of a suitable foul and surface water drainage scheme and the provision of homeowner packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of alternative areas for recreation, in particular dog walking. It will also include the provision of onsite open space relating to the playing pitches, equipped play provision and amenity greenspace.

5.10.4 With the implementation of the mitigation outlined above, it is considered that the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached to any planning consent. Natural England has been consulted and concurs with the Council's Appropriate Assessment. In respect of the impact of the development on the National Sites Network, the RAMSAR and SSSI the development is considered to accord with strategic policy SP8, EN7 of the SPLA DPD and policy DM44 of the DM DPD.

#### 5.10.5 Habitat and Protected Species

The application has been supported by a Preliminary Ecological Appraisal (PEA). This summarises the baseline condition of the site which comprises large areas of hardstanding, derelict buildings (now demolished), amenity grassland with some semi-improved grassland and scrub. At the time of the survey (before demolition) the most notable features included the hedgerows and around 50 predominately broadleaved trees. The majority of these trees have been felled as part of the demolition of the buildings under the prior approval process. Except for the existing mature trees and hedgerows remaining following demolition, the site is of relatively low ecological value. In relation to habitats, the PEA promotes the retention and protection of existing hedgerow and trees and replacement planting to mitigate and compensate for any losses.

5.10.6 In relation to protected species, the PEA (and bat surveys) sets out the following mitigation and enhancement measures in order to minimise the ecological impacts of the development:

- Bat roost opportunities to be incorporated into the buildings and/or landscaping
- Low lighting in the provided in the location of any proposed bat boxes
- Vegetation removal to be undertaken outside of bird nesting season
- Species-rich / biodiversity friendly landscaping
- Bird nesting opportunities to be incorporated into the buildings and/or landscaping
- Suitable method for removal of invasive species and ongoing management
- Reasonable Avoidance measures for hedgehogs during construction
- Incorporation of hedgehog highways in the fencing design

The Councils ecology advisors, GMEU, raise no objection to the proposal and are satisfied with the level of survey effort undertaken and concur with the proposed mitigation, subject to the inclusion of a landscape management plan. The stated mitigation can be secured in the form of a Construction Environment Management Plan and a scheme for ecological mitigation and enhancement measures. Subject to conditions securing the above mitigation, it is contended the development would not conflict with policy DM44 and mitigation can be secured to ensure there is no significant adverse effect to protected species or priority habitat.

#### 5.10.7 Arboricultural Implications

An Arboricultural Impacts Assessment (AIA) and Tree Survey support the application. The AIA notes that all the trees to the west of the former school buildings will be protected and retained. This includes the avenue of cherry trees, which form a distinct landscape feature on the site. The scheme has been amended to provide suitable protection to support the retention of trees on the southern boundary with Chadwick School through the removal of parking bays and alterations to the cycle lane to the northwestern corner. The proposal does, however, involve tree losses. The AIA identifies



a total of 16 individual trees that would need to be removed to facilitate the development. Nine groups of trees would either be removed or partially removed for the development and three lengths of hedgerow totalling 79.1m would be removed (this includes trees already removed via the demolition). Of the trees to be removed, there are three Category A trees; nine Category B trees and two groups of trees; and four Category C trees and seven groups of trees.

- 5.10.8 The original proposals involved the retention of the protected tree on the northern boundary. However, in response to the Council's Arboricultural Officer's concerns noting the unacceptable relationship of the development to this protected tree, the applicant now proposes its removal. This does not overcome the objection from the Council's Arboricultural Officer. In fact, it reinforces the point being made, that development should be designed around important landscape features rather than the other way around.
- 5.10.9 The submitted AIA states; *'the removal of this tree would facilitate improved access for construction, allow for improvement work to be carried out to the retaining wall at the north boundary and increase light levels to the existing properties on Pinfold Lane.'* It goes on to state; *'while the tree has landscape and amenity value, the height of the tree and extent of the crown would be disproportionate to the new housing proposed and it is likely that over time, the tree will come under increasing pressure for pruning works and potentially removal'*. The submission claims the removal of the tree is an opportunity to remove the tree and carry out replacement planting of smaller species more compatible with garden space and uses. The applicant's amended design submission recognises the environmental and amenity value of this tree but considers the removal necessary to facilitate well-designed and functional residential development. Retaining this tree with the current layout would not support the longevity of the tree and would adversely impact the amenity of future residents. The submission suggests trying to retain the tree and create more space around it, by removing a couple of units from the terrace, would impact the proposed urban grain and overall design and result in an unmanageable and potentially unsafe area with the development.
- 5.10.10 Policy DM45 states *'new development should positively incorporate existing trees and hedgerows and where this cannot be achieved the onus is on the applicant to justify the loss. Where it is adequately justified the council will seek replacement tree planting at the ratios adopted in the Councils tree Policy (2010)'*. The applicant's justification lacks credence, particularly given the applicant's late position to remove this protected tree (having proposed to retain it in the first place). However, whilst it is disappointing the scheme was not designed around the retention of this important tree from the outset, the arguments put forward concerning the creation of a dysfunctional space which could be misused have merit. Replacement tree planting is necessary and will provide some mitigation, but such will not replace the environmental an amenity value of this protected tree in the short to medium term. Therefore, the proposal does result in some conflict with policy DM45.
- 5.10.11 The application has been supported by a landscape plan which provides a schematic of the proposed hard and soft landscaping. The scheme proposes a substantial amount of tree planting on site which will be located along the boundary with Owen Road, clustered in a dedicated ecology area to the south and throughout the build development. The final planting schedule and fully detailed landscaping plans shall be controlled by planning condition. There is sufficient scope within the site to provide the necessary replacement tree ratios as well as provided a diverse mix of plants/scrub to enhance biodiversity.
- 5.10.12 Biodiversity Net Gain (BNG)  
The submitted application is subject to mandatory BNG. The application has been supported by a Biodiversity Net Gain assessment (April, 2023). This outlines the baseline biodiversity value of the site having regard to existing habitat. The assessment has carried out before the demolition of the buildings. Consequently, the baseline has regard to extensive areas of hardstanding former derelict buildings surrounded by the semi-improved and amenity grassland with some scrub vegetation. The baseline value of the site has been calculated as 10.46 habitat units and 4.22 hedgerow units. The BNG assessment considered the ecological value of the site to increase to 11.17 habitat units (a gain of 6.73%) and 4.8 hedgerow units (a gain of 13.6%). This is based on the original landscape proposals. Whilst there have been some minor changes to the landscaping, the tree losses from one part of the site have been replaced elsewhere. Nevertheless, it is accepted the applicant will need to secure biodiversity units off-site to achieve 10% net gains in area habitat. The applicant can provide 10% net gains in hedgerow units on site. The assessment indicates 2 habitat units of individual trees any high or very high distinctiveness habitat will be required off-site.

- 5.10.13 It may be possible for these units to be secured off-site on an alternative site, purchasing credits locally or as a last resort through the purchasing of national credits. There are clearly options available to the applicant. It is understood, the applicant has been looking to secure their net gains off-site via a charity who have partnered with the city council on other sites to secure extensive tree planting to benefit the environment and community. This may be a potential option subject to meeting the mandatory requirements and due process when submitting the Biodiversity Net Gain plan via condition. If this does not come to fruition, the applicant is aware of their mandatory obligations in relation to BNG.
- 5.10.14 Our ecology advisors, GMEU, have raised no objection to the proposal in relation to BNG. They state that *'given that the habitats required are relatively common (trees) and that the number of habitat units required is relatively low (2 Units), it ought to be possible for the applicant to secure the necessary off-site BNG provision'*. They advise that the statutory Biodiversity Gain Condition should be applied to any permission, to require the submission of a comprehensive Biodiversity Gain Plan before the development can commence. This will set out how the net gains off-site will be secured and details to secure the 30 years long term management and maintenance of the biodiversity net gains (on and off site).
- 5.11 **Infrastructure, Education and Health NPPF Chapter 8 (Promoting healthy and safe communities) and Chapter 15 (Conserving and Enhancing the Natural Environment); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding).**
- 5.11.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Despite the lack of school places being a concern to some local residents objecting to the development, Lancashire County Council's School Planning Team (the local education authority) has assessed the proposal and confirmed no school places (financial contributions) would be sought from this development.
- 5.11.2 The NHS Integrated Care Board (ICB) has made representations to the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate 255 new patient registrations based on based on an average household size of 2.4 for 55 dwellings, which generates a contribution request of £78,030. As the proposal falls within the catchment of Lancaster Medical Practice, the response from the NHS suggests the contribution would go towards new infrastructure at the practice comprising a new build at Lancaster University. The response indicates the Owen Road practice (0.2 miles from the site) could not support the additional growth as there is no capacity to expand at this site.
- 5.11.3 The ICB recognise that the growth generated from the proposed development would not trigger consideration of commissioning a new general practice; however, the ICB states the *'proposal would trigger a requirement to support the practice to understand how growth in the population would be accommodated and therefore their premises options.'* Therefore, it is not clear how the contribution would be used. The response contradicts this point and suggests the project would be towards extensions and reconfiguration at Lancaster Medical Practice (at the University site) for additional clinical capacity. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project and an understanding the named practice has capacity to expand and/or a new build surgery is actually planned, means the NHS request for contributions cannot be accepted at this time and would not be CIL compliant. Furthermore, the figures are assuming new patient registration. However, in this case we are aware the development is part of a decanting programme from Mainway estate and as such, the actual number of new patient registrations is likely to be less than indicated by the NHS. There is continuing disagreement between the local planning authority and the NHS trust over their requests meeting the CIL tests. Failing to secure the contribution would amount to an objection from the NHS ICB.
- 5.12 **Sustainable Design and Renewable Energy NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 14 (Meeting the challenge of climate change, flooding, and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)**

- 5.12.1 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, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.12.2 A Sustainability and Energy Statement has been submitted with the application. This outlines the proposed energy strategy which aims to achieve near net zero carbon energy/carbon in operation. All units will be electric only with no reliance of gas for heating. Air source heat pumps will be provided for all the new units together with photovoltaic (PV) panels as a renewable source of energy. The roof configuration for the housing is purposefully designed to accommodate PVs. Mechanical Ventilation Heat Recovery systems have been chosen over mechanical extract only systems as they recover around 85% of the heat from the extracted air and provide for good ventilation levels. This will enable healthier internal living environments. The proposed energy strategy sets out that the development will also be future proofed for potential wet heating systems if required and when the electricity grid decarbonises fully. The development also takes a fabric first approach and sets out a commitment to achieve a betterment in the reduction of carbon emissions against current building regulations. This has been a key driver in the design of the development in order to provide healthy and more efficient homes or future tenants. The precise scheme of the final energy measures based on the submitted report shall be conditioned. It is considered that the development meets the requirements of policy DM30 and supports the Council's ambitions to achieve net zero.

## **6.0 Conclusion and Planning Balance**

- 6.1 Paragraph 11 of the NPPF (the presumption in favour of sustainable development) requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites (unless the provisions of paragraph 76 are applicable), 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.
- 6.2 In this case, the provisions of paragraph 76 of the NPPF are applicable. This means the local planning authority is not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria is met:
- the Local Plan is less than five years old; and
  - that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- This simply means the tilted balance set out in paragraph 11 is not applicable to this application and an ordinary planning balance is required. Nevertheless, it is important to note that the local planning authority are fully aware this scenario is likely to be short lived given the poor delivery of housing in the district and that we have entered into a full review of the Local Plan.
- 6.3 Furthermore, in the context of paragraph 11 and footnote 7, the assessment above confirms there are no clear reasons to refuse planning permission (such as flood risk, heritage harm and impacts on national landscapes of the National Site Networks).
- 6.4 The assessment above confirms that the principle of housing development in a sustainable location such as the application site fully conforms with the district's strategic development strategy. It will also result in the redevelopment of an existing brownfield site and will provide the catalyst to unlock the wider estate regeneration of Mainway. These matters way in favour of the proposal and should be given moderate weight.
- 6.5 At a time when we are in a national housing crisis, and locally failing to deliver sufficient housing to meet local needs, the provision of 135 affordable homes is a significant benefit and is afforded significant weight. The provision of the social rented apartments on this site also provides the opportunity to enable a wider tenant decanting programme to facilitate phase 2 of Mainway estate

regeneration, which is inherently important in maintaining a sufficient supply of affordable homes as later phases evolve. The inclusive and sustainable design of the proposal, which provides better connections between the site and its surroundings, access of community open space, highly sustainable and adaptable accommodation and the provision of community spaces, promotes a healthier and sustainable place for future residents and the existing community. This is considered a benefit to the scheme. It is also acknowledged that the development will deliver economic benefits through direct and indirect job creation and economic growth and the upskilling of the community (through the Employment and Skills Plan). However, during construction these benefits are temporary and therefore overall offered limited weight.

- 6.6 The assessment above concludes technical matters such as access and transport impacts, flood risk, drainage, biodiversity, heritage matters, and amenity/noise have all been satisfactorily addressed. Through the use of conditions, the development will be acceptable and conform to the relevant national and local planning policies in relation to these matters.
- 6.7 Finally, weighing against the proposal it has been identified that there would be conflict with policy DM45 relating to the loss of the protected tree; the parking fails to meet the standards set out in policy DM62 and there are some design limitations and concerns (DM29/Section 12 NPPF). It is also accepted the proposal would result in the loss of protected open space and would fail to fully conform to the requirements of local plan policy, the NPPF and Sport England Playing Fields Policy. The conflict with the open space and playing fields policy will amount to harm; however, the harm is not considered to be significant when accounting for the fact the playing fields have been disused for around 10 years and prior to that did not provide any community access. Although the mitigation is considered to fall short of the requirements set out in planning policy and the Sport England's guidance, the measures set out in the application will provide a benefit to the wider community that was not previously available on this site, which goes some way to mitigate against the conflict with the open space policies.
- 6.8 In this planning balance, it is considered that the conflict with the Local Plan and relevant sections of the NPPF and Sport England's playing fields policy would not be significantly harmful and would not be outweighed by the significant benefits arising from this proposal. On this basis, the Planning Committee are recommended to support this application.

## Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time Limit	Control
2	Approved Plans	Control
3	Phasing Scheme	Pre-commencement
4	Employment and Skills Plan	Pre-commencement
5	Construction Environment Management Plan (CEMP)	Pre-commencement
6	Construction Traffic Management Plan	Pre-commencement
7	Site investigation and remediation scheme (additional sampling, method statement for asbestos)	Pre-commencement
8	Soil Importation	Before any importation of soil
9	Construction surface water management plan	Pre-commencement
10	Final surface water drainage scheme	Pre-commencement
11	Final construction details of all new access points/junctions (vehicle/ped/cycle).	Pre-commencement
12	Off-site highway improvement works	Pre-commencement
13	Estate road details, lighting and maintenance scheme	Before construction of any new roads
14	Site levels and finished floor levels	Pre-commencement
15	Ecology mitigation and enhancement (bat roost opportunities)	Pre-commencement
16	Updated AIA and AMS	Pre-commencement

17	Method statement for the eradication of invasive species.	Pre-commencement
18	Final scheme for sustainable design and energy measures based on Energy Report	Before construction of any buildings above ground level
19	Full architectural details of all windows, doors, curtain glazing, roof details, feature canopies, porches, railings, balcony details/framing to be provided including material samples.	Before construction of any buildings above ground level
20	Full details of all boundary walls/fences/railings to be submitted and agreed, including any alterations to the Owen Road frontage wall and railings	Before construction of any buildings above ground level
21	Final security scheme and external lighting	Before construction of any buildings above ground level
22	Full landscaping details	Before construction of any buildings above ground level
23	Details of cycle storage provision and retention thereafter	Before construction of any buildings above ground level
24	Details of refuse storage and refuse management strategy	Before construction of any buildings above ground level
25	Affordable Housing Scheme and ongoing restriction to use for affordable occupation	Before first occupation
26	Landscape & Habitat Management plan	Before first occupation
27	Management and Maintenance Plan for all on-site Open Space	Before first occupation
28	Timetable for the implementation and completion of all on-site public open space and retention thereafter	Before first occupation
29	Car parking management plan	Before first occupation
30	Verification approved drainage system has been installed Management and maintenance of the approved drainage system	Before first occupation
31	Homeowner Packs	Before first occupation
32	Provision of parking and turning facilities	Control
33	Acoustic mitigation set out in noise assessment	Control
34	Community centre use restriction	Control
35	Community centre hours of use	Control
36	Obscure glazing to south elevation window to plot 1	Control
37	Removal of permitted development rights (extensions, roof alternations, fencing and enclosures)	Control
38	Protection of visibility splays	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