

<b>Agenda Item</b>	A5
<b>Application Number</b>	21/00899/HYB
<b>Proposal</b>	Hybrid Application comprising a full application for the erection of 71 dwellings with associated vehicular access, incorporating a signalised junction, together with pedestrian and cycle access points, associated earthworks, roads, parking and drainage infrastructure and an outline application for the erection of up to 87 dwellings, including public open space provision and associated infrastructure.
<b>Application site</b>	Land Between Brewers Barn and The A601(M) North Road Carnforth Lancashire
<b>Applicant</b>	Mr Robert Hughes
<b>Agent</b>	Mr Jake Salisbury
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval of both the full and outline applications, subject to conditions and a Section 106 legal agreement. Delegate back to Chief Planning Officer to finalise legal agreement.

## 1.0 **Procedural Matters**

- 1.1 This application was reported to Planning Committee on 28 October 2024 and was resolved to be approved subject to conditions and the completion of the legal agreement. The previous Officer Report is appended to this report as a background paper. The draft legal agreement has been agreed between the parties and is ready for engrossing and completion.
- 1.2 This application is being reported back to planning committee following material changes to the Environment Agency flood maps and the publication of the Strategic Flood Risk Assessment. Given the extent of flood risk on the site, it was determined the Flood Risk Assessment should be updated to reflect the changes and to consider the implications for the proposed development.
- 1.3 Since the resolution, the Climate Emergency Review of the Local Plan has also been adopted. This updated report considers the change in policy in relation to sustainable design.
- 1.4 This report will focus on flood risk matters and the changes to the sustainable design policies only. The background paper provides a full and complete account of the site and surroundings, site history and an assessment of proposal and other material planning considerations.
- 1.5 This report will provide a recap of the proposal and will set out our recommendation for both the full and outline elements of the application in light of the changes.

## 2.0 Proposal

2.1 The current proposal is a hybrid planning application where full planning permission is sought for the erection of 71 dwellings and associated access and infrastructure and outline planning permission is sought for up to 87 dwellings. The outline element comprises means of access to be considered.

### 2.2 Full Planning Application

2.3 The proposal relates to the construction of 71 dwellings (reduced from the initial 81 dwellings proposed) with an associated new vehicular access taken off the A6070, including pedestrian and cycle access points to Carnforth Brow/North Road, associated earthworks, roads, parking and drainage infrastructure and an equipped play area and amenity greenspace. The development proposed under the full planning application is considered the first phase of the wider development (full and outline combined). This equates to around 3.5 hectares of the whole site.

2.4 The proposed mix of housetypes includes apartments, semi-detached and detached dwellings and bungalows. Most of the residential units are two-storey buildings with some dormer features providing accommodation in the roof space. The proposed dwellings shall be constructed from a palette of materials including white render, natural stone elevations, slate-effect roofs and grey uPVC windows and doors.

2.5 The breakdown of the housing mix for the full application comprises:

House Size	Number of Units
1 BED DWELLINGS (APARTEMENTS)	8
2 BED DWELLINGS	20
3 BED DWELLINGS	30
4 BED DWELLINGS	13
<b>Total:</b>	<b>71</b>

As part of the full planning application, 30% (21 dwellings) of the units are proposed as affordable homes. The applicant has indicated agreements have already been reached South Lakes Housing Association to acquire the affordable housing units, which has informed the housing mix proposed. The proposed affordable housing tenure mix is set out in the table below:

Affordable Housing Type	Number of Units
1 BED APARTMENT	8
2 BED HOUSE	5
3 BED HOUSE	8
<b>Total:</b>	<b>21</b>

2.6 Like the previous planning permission (see site history in the background paper), the main vehicular access shall be taken from the A6070. The proposed access strategy includes a new signalised junction into the site opposed to the previously approved roundabout. The changes to the access strategy have evolved between the applicant and the local highway authority following the grant of the previous planning permission. The signalised junction is intended to provide safer and more efficient junction once the A601(M) (now A6070) had been decentralised and is then open to non-motorised users. However, the proposed access does not propose provision for pedestrians and/or cyclists and is only intended to provide a vehicular access/egress to the site. The access includes a new central reserve within the A6070 with right and left turning lanes into the site. At the mouth of the junction, the carriageway measures 17.2 metres before tapering to 7.5 metres (over c75m) and then 5.5 metres into the development.

2.7 For the full element of the scheme, an emergency vehicular access with a pedestrian and cycle route is proposed between the site and Carnforth Brow and Whernside Road via the existing driveway to Brewers Barn.

- 2.8 Due to the undulating nature of the site, earthworks are proposed across the site to create development platforms. To connect parts of the site from the main access, the internal estate road requires some culverting of the existing watercourse. The development proposed under the full application includes a series of retaining walls and features mainly in the rear gardens of the proposed plots. The banks to the main river, which crosses the site, requires some engineering works to retain the proposed highways either side.
- 2.9 Five trees are proposed for removal due to the poor condition. The full element of the development will result in the loss of significant lengths of hedgerow (H1, H2, parts of H3 and H5).

#### Outline Planning Application

- 2.10 The outline element initially sought planning permission for 'up to 114 dwellings' but has been amended downwards to 'up to 87 dwellings', including the access, open space provision and associated infrastructure. Except for the access, the layout, scale, appearance and landscaping of the development within the outline element of the scheme are reserved for subsequent approval (the 'reserved matters'). The submitted masterplan supporting the outline element of the scheme proposes pedestrian/cycle links direct to the canal towpath. The access to the outline element of the development shall be taken off the internal road pursuant to the full planning application. The applicant has not provided a separate access plan for the outline element of the development. The extent of land covered by the outline element equates to around 3.7 hectares.

### 3.0 Consultation Responses

- 3.1 A summary of all the consultation responses is provided in the appended report.
- 3.2 The submitted Flood Risk Assessment Addendum has been considered in consultation with the Environment Agency. Their comments are summarised below:

Consultee	Response
Environment Agency	<p><b>No objection.</b> Following amendments, the EA has removed the objection and comment as follows:</p> <p>Updated Flood Risk Assessment (FRA) addendum note and figures prepared by Fairhurst, referenced; Document Number: 139997-GL-W-TN-01 FINAL R2and dated 27 June 2025 has addressed earlier concerns and demonstrated the development would be safe without exacerbating flood risk elsewhere provided the mitigation measures are implemented.</p> <p>A condition is recommended requiring the development to be carried out in strict accordance with the measures set out in the FRA Addendum.</p> <p>The EA reminds the applicant an Environmental Permit will be required for works within phase 1 around Back Lane watercourse.</p>

### 4.0 Analysis

The key considerations in the re-assessment of this application are:

- Flood risk
- Sustainable Design

- 4.2 **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 DM29 (Key Design Principles), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable

- 4.2.1 Strategic policy seeks to ensure new growth within the district is located in the areas at least risk of flooding, following a sequential approach, and does not create new or exacerbate existing flooding and aims to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change.
- 4.2.2 Both Local Plan policy DM33 and the NPPF require a sequential approach to development in respect of flood risk. If a site contains areas of medium or high risks of flooding, taking into account all sources of flood risk, a sequential test would be required to demonstrate that there are no sites at a lower risk of flooding where the development could be located.
- 4.2.3 Based on the identified flood risks on the application site (see paragraph 5.3.3 of the background paper), the applicant did provide a Flood Risk Sequential Test (FRST) in accordance with policy DM33 and the NPPF (pre December 2024 NPPF).
- 4.2.4 The changes to the NPPF have introduced some flexibility, setting out that a sequential test would not be required if a site specific flood risk assessment (FRA) demonstrated that the built development could be located outside areas of flood risk. In this case, the revisions to the NPPF do not alter the requirement for a FRST as the development does not avoid the areas at risk of flooding.
- 4.2.5 Our assessment of the applicant's FRST is set out in paragraphs 5.3.8 – 5.3.19 of the background paper. This concludes the FRST has been satisfied (despite deficiencies) and that the development accords with the requirements of policy DM33. There are no material changes to account for now which would alter this outcome, as alternative sites at a lower risk of flooding were not available to the applicant. This remains the case.
- 4.2.6 Having satisfied the FRST, the applicant is required to demonstrate compliance with the Exception Test. This is set out in paragraph 5.3.20-5.3.29 of the background paper. To pass the Exception test there must be wider sustainability benefits that outweigh the flood risk, and the development will be safe for its lifetime without increasing the flood risk elsewhere.
- 4.2.7 The previous recommendation set out that both parts of the Exception Test had been satisfied. The wider sustainability benefits have not changed since the Planning Committee's earlier resolution. In relation to the second part of the Exception Test, the applicant had demonstrated the development would be safe for its lifetime and would not increase the risk of flooding elsewhere. This was set out in their FRA (version 4) which was accepted by the Environment Agency. However, there have been changes in relation to flood risk data which informed the previous FRA. This includes the recently published Strategic Flood Risk Assessment (January 2025) and an update to the Environment Agency's flood maps for planning. Both show a greater level of flood risk across the site now and in future scenarios. This mainly affects the applicant's phase 2 land.
- 4.2.8 In light of the changes, the applicant has produced an FRA Addendum to address the changes in flood risk across the site and to demonstrate the development would remain safe for its lifetime without existing flood risk elsewhere.
- 4.2.9 The FRA addendum has been amended to address previous concerns raised by the Environment Agency and officers. This largely related to deficiencies and not accurately identifying the flood risks.
- 4.2.10 The FRA addendum considered the updated EA flood maps for planning and has assessed the proposal having regard to climate change allowances (1 in 100 year plus 70% climate change scenario). This exceeds the 'higher' climate change allowance for the Lune Management Catchment area and is considered a conservative approach. The addendum recognises a greater proportion of the site (mainly phase 2) is now located in areas at higher risk of flooding. There is a small area close to plots 28-35 in phase 1 located within Flood Zone 2 with Flood Zone 2 and 3 extending into the access road and driveways. Within Phase 2, the indicative drawings show some access routes within the extent of flood risk. The proposals do not include any dwellings within Flood Zone 3.

- 4.2.11 The FRA addendum equally recognises changes to the level of surface water flood risk across the site and notes this aligns with the fluvial flood extents and does not show any areas of the proposed development site to be at a higher risk of surface water flooding than that of fluvial flooding. Accordingly, any mitigation required to address fluvial flood risk will also provide adequate mitigation for surface water flood risk now and in the future.
- 4.2.12 In respect of groundwater flood risk, the SFRA mapping now shows a greater risk of flooding from groundwater sources compared to the previous SFRA, which was considered when the application was first reported to Planning Committee. Notwithstanding this, the applicant's site specific FRA and supporting site investigations and soakaway testing adequately demonstrates the risk of groundwater flooding is low. This is not contested.
- 4.2.13 The watercourses running through the site remain classified as Flood Zone 3b. Policy DM33 seeks to protect Flood Zone 3b from new development. It goes on to state development must not impede the flow of water or reduce the volume available for the storage of water, and that only essential infrastructure or water compatible uses will, in exceptional circumstances, be permitted in the flood plain.
- 4.2.14 Phase 1 includes a crossing over the main river which is already partly culverted. The route of the watercourse is classed as Flood Zone 3b but the extent of flood risk around this area is only Flood Zone 2, therefore access and egress can be suitably provided. The internal access road in this location will require a small section of culverting, which also requires approval and permitting from the Environment Agency. This is not a new issue and formed part of the proposal previously presented to Planning Committee. However, to ensure the details of the access road and culverting are satisfactory and any such work does not impede the flow of the watercourse, it is recommended the internal road condition is widened to require details of all supporting infrastructure (retaining walls/culverting and bridging).
- 4.2.15 Within phase 2, the extent of Flood Zone 3 has extended and now impacts likely access and egress more than it did previously. The FRA Addendum indicates access through the flood extent (Flood Zone 3) would be constructed above the design flood level without impacting on the flood flow routes to ensure there is no adverse impact on flood risk elsewhere (including the development itself). The flood level is not known at this stage and requires further flood modelling. However, the extent of any bridging would be no higher (in terms of land levels) than the areas currently identified in Flood Zone 2. There is clearly a solution to ensure the development can be made safe for its lifetime, including safe access and egress, and the flood risk would not be increased elsewhere. The solution is set out briefly in the FRA addendum but this would require refining with specific details. This would include details of the site levels including road infrastructure and details to demonstrate flood flow routes are not impacted nor is the volume of flood storage reduced. This detail will be necessary to inform reserved matters, as the flood mitigation requirements could result in other impacts, such as amenity and design concerns that need to be understood to inform the layout. As such, an additional condition is recommended for Phase 2 (the outline element) requiring a detailed Flood Risk Mitigation Scheme including details of the design flood levels and proposed levels for property and access roads. This would be a pre-commencement condition which is concurrent with the reserved matters.
- 4.2.16 The FRA addendum identifies the changes in flood risk on the site and proposes the following mitigation:
- No dwellings shall be located in Flood Zone 3
  - Within Phase 1 plots 28-35 shall have their finished floor levels more than 600mm above the adjacent peak flood level. The applicant has confirmed this does not alter the proposed FFLs specified on the submitted plans for the full element of the development.
  - For Phase 2, all dwellings located in Flood Zone 2 shall have their finished floor levels more than 600mm above the adjacent peak flood level or 300mm above ground level, whichever is greater.
  - The layout of development is unknown for Phase 2 and would be subject to reserved matters which will be accompanied by a site specific FRA.
  - Access across Flood Zone 3 will require bridging which must not impact flood flow routes and cause flood risk elsewhere.

- 4.2.17 The Environment Agency has raised no objection to the addendum and is satisfied the development is safe for its lifetime and would not increase the risk of flooding elsewhere. Our assessment concludes the addendum is satisfactory in principle for both phases 1 and 2, however, a precise mitigation scheme is required in relation to the outline element of the proposal.
- 4.2.18 Considering the above, and with the imposition of suitable flood risk and drainage planning conditions, it has been demonstrated that the development can be safe from flood risk and that the development would not result in a flood risk elsewhere over the lifetime of the development. Accordingly, the second part of the exception test is also passed. It is contended that there are no flood risk or drainage grounds to resist the proposal and that the development accords with the NPPF and Local Planning policies in this regard.
- 4.3 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation) and Policy CNDP EC3: Sustainable Design of the Carnforth Neighbourhood Plan.
- 4.3.1 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 development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of 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. The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 (after the earlier resolution) and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction.
- 4.3.2 Policy CNDP DC3 of the Neighbourhood Plan also encourages new housing development to meet high standards of sustainability and accord with BREAAAM, Passivhaus or Home Quality Mark standards. It goes on to state housing proposals should show how resource efficiencies and climate change adaptations will be incorporated into development including layout, landscaping, drainage and the utilisation of sustainable drainage systems.
- 4.3.3 The application was submitted and resolved to be approved prior to the adoption of the CERLP. The applicant's submitted Energy Statement was previously accepted (see paragraph 5.9.4 of the background paper) and a condition not deemed necessary at this stage as the requirements would have been a duplication of building regulations. The newly adopted sustainable design policies are more stringent and will require measures beyond that set out in the initial Energy Statement. The development must now accord with the new requirements (DM30a to DM30c), specifically securing a fabric first approach to reach a minimum of 75% reduction in carbon emissions against Part L of the Building Regulations 2013 (and 100% reduction for dwellings building on or after 01/01/2028), as well as achieving, as a minimum, the optional requirement set through Building Regulations G2: Water Efficiency (or any future successor requirement). Securing compliance with these new policies can be secured by planning condition. DM30c requires more awareness and measures to minimise the effects of climate change during construction in particular. The recommended Construction Management Plan will need to cover the requirements of this policy.

## **5.0 Conclusion and Planning Balance**

- 5.1 The development strategy for the district, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The site is in the open countryside, although it does lie immediately adjacent to the existing built-up area of Carnforth and the services and facilities that it contains.

- 5.2 The proposed application has been subject to complicated technical constraints including the on-site infrastructure and flood risk, as well as the implications of the changes to the status of the former A601(M) to order to provide a suitable access to the site. It has equally been complicated by the nature of application submitted with phase 1 seeking full planning permission and phase 2 in outline. It is also recognised that the proposal has not been well received by the public or the Town Council and the long-standing determination has not been helpful to the community. Objections from the community relate largely to the impact of traffic and potential misuse of North Road, loss of countryside and impacts on wildlife, concerns relating to the infrastructure on site and the lack of community infrastructure to support growth, visual impacts and the effects on the amenity of existing residents. These are all valid concerns which have been carefully considered in the assessment of this proposal.
- 5.3 The proposed access strategy is fundamentally a consequence of the existing highway network along North Road being highly unsuitable to support additional traffic from this development. The access proposal is not a typical solution for residential development because the principal access is disconnected from the existing built environment. This is a weakness of the proposal; however, the applicant has demonstrated the access is safe and would not impact the efficient operation of the local and strategy highway network to the satisfaction of the local highway authority and National Highways. To mitigate the against the accessibility concerns, off-site highway improvements works along North Road are proposed to enhance pedestrian accessibility. This together with connections to Whernside Grove, Carnforth Brow, a contribution towards improvements to existing public rights of way and improvements to the canal towpath ensure the proposal complies with planning policy objectives in relation to active travel. These measures make the development acceptable in planning terms and provide wider public benefits. These benefits are given moderate weight in the planning balance.
- 5.4 The applicant has demonstrated that the development would be acceptable in terms of flood risk despite the increase in flood extent which mainly affects phase 2. The proposal will include some dwellings in floodzone 2 (for phase 2) but with mitigation in relation to finished floor levels and access being provided above the flood design level this would ensure the development is safe for its lifetime. As the applicant has satisfied the FRST, there is no conflict with flood risk policy in this regard. The Environment Agency remain satisfied that the proposal is acceptable and would not be at risk of flooding or increase the flood risk elsewhere. However, since the earlier resolution, additional conditions are now recommended to ensure the flood risks are fully understood to inform the reserved matters associated with the outline application. This also includes details of the internal estate roads and any culverting and bridging of watercourses and the floodplain.
- 5.5 Regarding climate change matters, the requirements of policies DM30a to DM30c are matters that are capable of being controlled by planning condition. The applicant accepts this position and understands there will be an additional condition to secure details of the measures needed to meet the requirements of these newly adopted policies.
- 5.6 The applicant has also demonstrated ecological impacts and infrastructure/pollution matters can be made acceptable (through conditions) and it is recognised the development will also make positive contributions towards open space provision on and off-site. The open space contributions provide wider public benefits and are afforded moderate weight. The other matters hold neutral weight as they are matters required to make the development acceptable in planning terms. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.
- 5.7 For the full application the development will provide 71 dwellings of which 21 dwellings shall be affordable. The outline application seeks up to 87 dwellings, though the final number is expected to be much lower, taking account of the design concerns set out earlier in the repot, of which 30% of the dwellings would be affordable. The housing benefits should be given significant weight in the planning balance.
- 5.8 Weighing against the proposal, is the loss of open countryside, localised moderate adverse landscape and visual effects and the design concerns. The design concerns associated with the full application relate to the extent of parking dominating the proposed streets, lack of communal landscaping within the built development to support street trees (though street trees can still be

provided), and the extent of engineering works required around and within the banks of the watercourse.

- 5.9 In relation to the outline, there are number concerns identified with the indicative proposals, but it is contended that the design impacts could be addressed by a substantial reduction in the number of dwellings at reserved matters stage, subject to housing type, size and mix. The conflicts with design and landscape policy in this regard should be given some weight in the planning balance. However, as set out early, it is felt these concerns would not be substantiated on appeal and in the case of the outline application could be overcome through the reserved matters.
- 5.10 Paragraph 61 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 (January 2025) identifies a housing land supply of 2 years (this has dropped since the application was last reported), which is a significant shortfall against the required 5 year supply requirement. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 5.11 In the context of the presumption in favour of sustainable development, the assessment of this proposal against the NPPF taken as a whole, concludes there are no clear reasons for refusing the application which would effectively disengage the tilted balance. Therefore, in applying the tilted balance, the test is whether any adverse impacts arising from the development would significantly and demonstrably outweigh the benefits of the proposal.
- 5.12 Given the significant undersupply of housing within the district, it is considered that the benefits of the proposal, in connection with both the full and outline application, do outweigh the harm caused through the loss of open countryside, the localised moderate adverse landscape and visual effects and the design and amenity concerns set out in this report. Accordingly, Members are recommended to continue to support both the full and outline applications based on the recommendations set out below.

## Recommendation

### Full Planning Application:

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting to cater for the provisions below. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.

The following obligations are required:

- PROW contribution (£15k)
- Travel Plan contributions (£12k)
- £71,867.85 towards outdoor sports facilities (provision of 3G pitch at Carnforth High School or alternative location in the town)
- £31,780.00 towards young persons provision (provision towards facilities at Crag Bank POS) or provide on phase 2 land.
- Details of provision of on-site equipped play area.
- Provision of amenity space and ongoing management.
- Biodiversity net gain that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30-year management.
- Setting up of management company.
- Management and Maintenance of all unadopted land, infrastructure and landscaping.



- £337,173.90 Towpath contribution CART.
- Provision of 21 affordable housing units.

And the following conditions (changes from previous recommendation highlighted in bold text):

Condition no.	Description	Type
1	Standard Time Limit (2 years)	Control
2	Approved Plans	Control
3	Full details of the vehicular access details and access to be provided before construction of any other part of the development	Pre-commencement
4	Full details of the pedestrian/cycle connections to Whernside Grove, Carnforth Brow based on submitted drawings including timetable for implementation and use	Pre-commencement
5	Full details of the emergency access measures to prohibit general vehicular access at Whernside Grove and Carnforth Brow and ongoing management/maintenance including timetable for implementation and use.	Pre-commencement
6	Full details of all off-site highway improvement works based on submitted drawings including timetable for implementation and use	Pre-commencement
7	Construction Method Statement including traffic management and protection of on-site infrastructure <b>and requirements to meet policy DM30c.</b>	Pre-commencement
8	Construction Environmental Management Plan including protection of landscape features.	Pre-commencement
9	Surface Water Construction Method Statement	Pre-commencement
10	Foul and Surface Water Drainage Scheme	Pre-commencement
11	Site Investigation and Remediation Strategy	Pre-commencement
12	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA	Pre-commencement
13	Employment and Skills Plan	Pre-commencement
14	Precise details of noise mitigation measures based on updated assessment for approved layout.	Pre-commencement
15	In accordance with AIA except for the requirement for updated protection plans for trees and hedgerows and method statements based on phased development (full and outline stages).	Pre-commencement
16	Final finished floor levels and site levels and details of any retaining features (location, heights and appearance)	Pre-commencement
17	Landscaping scheme	Pre-commencement
18	Parking plan to be submitted and agreed and thereafter retained for said purpose (including removal of garage PD rights where required)	Pre-commencement
19	<b>Submission of a Sustainable Design Statement including Energy and Carbon Statement to meet the requirements of policy DM30a and DM30b including the precise details of sustainable design measures/features</b>	Pre-commencement
20	Details of external lighting	Above slab level
21	Details of all external materials to the dwellings	Above slab level
22	Details of all boundary treatments	Above slab level
23	Hard Landscaping scheme	Above slab level

24	Construction details of internal estate roads, <b>private drives and driveways, including levels, retaining structures and any bridging details.</b>	Before construction of estate roads
25	Landscape Management Plan	Pre-occupation
26	Sustainable drainage system operation and maintenance manual.	Pre-occupation
27	Verification report of constructed sustainable drainage system.	Pre-occupation
28	Travel Plan	Pre-occupation
29	Homeowner Pack (HRA mitigation)	Pre-occupation
30	Protection of visibility splays	Control
31	M4(2) compliance	Control
32	Development to accord with the mitigation set out in the <b>FRA addendum in respect of Phase 1 only.</b>	Control
33	Provision and retention of road turning facilities	Control
34	Removal of PD rights (extensions, roof alterations, fencing and enclosures)	Control
35	No insertion of new windows and obscure glazing only to side facing windows to plots 1, 11, 17, 24, 28, 57 and 68-69.	Control

#### Outline Planning Application

That Outline Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting to cater for the provisions below.. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured.

The following obligations are required:

- Provision of 30% affordable housing.
- Provision of amenity space.
- POS contribution towards outdoor sports facilities to be calculated at reserved matter stage.
- Provision of Young persons play space on site or off-site contribution to be agreed at reserved matters stage .
- Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30-year management.
- Management and Maintenance of all unadopted land, infrastructure and landscaping.

And the following conditions (changes from previous recommendation highlighted in bold text):

Condition no.	Description	Type
1	Standard Time Limit (approval of reserved matters).	Control
2	Approved Plan (Location Plan and phase 2 plan only)	Control
3	Site plan and access drawings indicative only	Control
4	Full access details showing connections to estate roads pursuant to the full planning application and connections to the canal towpath	Pre-commencement
5	Construction Method Statement including traffic management and protection of on-site infrastructure <b>and compliance with policy DM30c</b>	Pre-commencement
6	Construction Environmental Management Plan	Pre-commencement
7	<b>Concurrent with the reserved matters application and prior to commencement of development a final detailed Flood Mitigation Scheme (based on the FRA Addendum) and informed by updated flood modelling to be submitted and agreed.</b>	Pre-commencement/at submission of reserved matters

8	Surface Water Construction Method Statement	Pre-commencement
9	Foul and Surface Water Drainage Scheme	Pre-commencement
10	Site Investigation and Remediation Strategy	Pre-commencement
11	No development within 10m of the tow of the canal embankment until a Risk Assessment and Method Statement (RAMS) outlining all works to be carried out adjacent to the canal to be submitted and agreed by the LPA	Pre-commencement
12	Ecological Protection and Mitigation Scheme to be submitted based on the submitted PEA including buffer to canal.	Pre-commencement
13	Employment and Skills Plan	Pre-commencement
14	<b>Submission of a Sustainable Design Statement including Energy and Carbon Statement to meet the requirements of policy DM30a and DM30b including the precise details of sustainable design measures/features</b>	Pre-commencement
15	Commensurate with reserved matters, assessment of noise impacts and mitigation to be submitted and agreed and mitigation implemented before occupation	Pre-commencement/at submission of reserved matters
16	Commensurate with reserved matters, updated AIA to be provided with a scheme for tree and hedgerow protection and method statements.	Pre-commencement/at submission of reserved matters
17	Finished Floor Levels and Site Levels	Pre-commencement
18	Housing Mix	Pre-commencement
19	Details of internal estate roads Construction details of internal estate roads, <b>private drives and driveways, including levels, retaining structures and any bridging details.</b>	Pre-commencement
20	Details of external lighting	Pre-commencement
21	Sustainable drainage system operation and maintenance manual.	Pre-occupation
22	Verification report of constructed sustainable drainage system.	Pre-occupation
23	Travel Plan	Pre-occupation
24	Homeowner Pack (HRA mitigation)	Pre-occupation
25	NDSS and M4(2) standards	Control
26	No more than two dwellings within the IZ/IM of the pipeline	Control
27	No facilities for outdoor use to be provided in the IZ/IM of the pipeline	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**

Officer Report for 21/00899/HYB reported to 28 October 2024 Planning Committee