

Agenda Item	A6
Application Number	24/00597/VCN
Proposal	Erection of 9 dwellings (C3) with associated detached garages, formation of a new access and associated estate roads and landscaping (pursuant to the variation of conditions 2-14 and 18 on planning application 21/01370/FUL)
Application site	Land Rear Of Ingleborough View Station Road Hornby
Applicant	M Fleuriot
Agent	Deborah Smith
Case Officer	Mr Andrew Clement
Departure	None
Summary of Recommendation	Approval

(i) Procedural Matters

Whilst the parent consent was determined under the scheme of delegation, the proposed variation of conditions application includes over 1,000sq.m development floorspace, and has a single objection, and therefore falls outside the scheme of delegation.

1.0 Application Site and Setting

- 1.1 The application site comprises 0.70 hectares of agricultural grassland located behind existing residential property (Ingleborough View), on the southern outskirts of the village of Hornby. The site lies south of the disused railway line, which previously separated Hornby from the cluster of development at Butt Yeats. The site is located within the northern fringe of the Forest of Bowland National Landscape (NL) within the Valley Floodplain and Undulating Lowland Farmland with Wooded Brooks character types. The site is designated as Open Countryside under policy EN3 of the local plan, whilst Hornby's Conservation Area lies to the north of the disused railway line circa 80 metres north of the site. Whilst existing trees are on-site and implicated by this proposal, none are protected trees.
- 1.2 The site relates to the eastern part of a larger pastoral field. It is bound by the B6480 Wennington Road to the south; the remaining part of the field to its western boundary. The disused railway line, Mears Beck and the residential development at Station Court form the sites northern boundary. A row of semi-detached and terraced 2-storey houses, known as Ingleborough View, Low Barn (a residential property) and a sub-station all fronting Station Road to the site's eastern boundary. There is an area of public open space to the north of the site situated between Station Court and Station Way Industrial Estate. A small cluster of development around the Butt Yeats junction is located to the south-east of the site on the south side of Wennington Road, with a further small residential

complex, known as Lunesdale Court, around 180m to the south-west of the site.

- 1.3 Land levels rise gradually from an elevation around 35.8m Above Ordnance Datum (AOD) in the south-eastern corner of the site (close to the southern field access) to approximately 38.5 AOD at the top of this drumlin at the mid-point along the proposed western boundary of the site. At this highest point the levels then drop steeply towards the northern boundary where the site is elevated at approximately 29m AOD. The site is outside of flood zones 2 and 3, but highly susceptible to groundwater flooding, with surface water flood risk along the northern boundary where Mears Beck runs in an east-west direction. The site is located in a Mineral Safeguarding Area.

2.0 Proposal

- 2.1 The proposal seeks planning permission for Seven (7) detached dwellinghouses and pair of semi-detached units, with associated access, garages and supporting landscaping. The 9 units in total are predominantly two storeys in height, with a bungalow of the southmost unit of the proposal, and second floors of the next two southern units in the roofspace, all finished in natural stone walls under natural slate roofs.
- 2.2 In terms of tenure, the two smaller semi-detached dwellings are proposed to be affordable housing, and the remaining seven units would be open market. The two proposed affordable homes from Station Road towards the entrance to the site. The ground floor snug room within the 199.9sq.m dormer bungalow and 266sq.m dwellinghouse are considered to form bedrooms due to the size and location of these within the properties, and availability of multiple other living spaces on the ground floors of these large, detached properties.
- 2.3 Plots 3 and 8 seek detached garages, with plots 4, 5, 6, 7 and 9 designed with integral garage spaces, and semi-detached plots 1 and 2 having driveways to the front and side. The new access to the site will be positioned to the south of the existing humpback bridge, and it is 5.5m wide with a 2.9m wide footpath on its southern boundary. Visibility splays of 2.4m x 43m are required in each direction, and these appear to be deliverable given the absence of third-party landowners.
- 2.4 Areas of public open space and landscaping are proposed to the northwest and southwest of the site. Although this landscaping forms part of the general layout, precise details of landscaping have yet to be received, with further indicative landscaping within gardens to proposed dwellinghouses.

3.0 Site History

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

Application Number	Proposal	Decision
21/01370/FUL	Erection of 9 dwellings (C3) with associated detached garages, formation of a new access and associated estate roads and landscaping	Approved
22/00137/REM	Reserved matters application for the erection of 8 dwellings	Withdrawn
20/01060/FUL	Planning application for the erection of 9 dwellings (C3) with associated detached garages, formation of a new access and associated estate roads and landscaping	Refused
17/01327/OUT	Outline application for the erection of up to 11 dwellings and creation of a new access and associated landscaping	Approved
17/00170/OUT	Outline application for the development of up to 11 dwellings and creation of a new access and associated landscaping	Refused
16/00745/OUT	Outline application for the development of up to 11 dwellings and creation of a new access and associated landscaping	Withdrawn

16/00780/EIR	Screening request for the development of 11 residential dwellings and creation of a new access	Not EIA development
15/00117/OUT	Outline application for the erection of a single 3-bed dwelling with associated access	Approved

4.0 Consultation Responses

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

Consultee	Response
Hornby Parish Council	Support the amended proposals
County Highways	Recommend conditions are reattached unaltered, as no details of lighting columns and warning signs have been submitted, and no visibility splay plan provided, to justify altering the related conditions as proposed.
GMEU	No objection , however the landscaping plan lacks required details, and installation of bat and bird boxes remains relevant
Tree Officer	To vary conditions as sought, some additional details to the arboricultural method statement are required. The proposed planting/landscaping scheme is appropriate as indicative information, but full details of planting and maintenance are still to be provided, which should be reflected in attached/varied conditions.
Environmental Health	No adverse comment
Coal Authority	No adverse comments, informative for Coal Authority's Standing Advice
Sustrans	No objection subject to securing an active travel route through the site as part of the Lune Valley Greenway
United Utilities	No objection
Natural England	No adverse comment
Waste and recycling	No adverse comment
LLFA	No adverse comment
Engineers	No adverse comment, submitted drainage scheme is acceptable
Fire Safety	No adverse comment, informative regarding emergency vehicle access and water provision
FoB NL team	No observation received
Conservation Team	No observation received
Cadent Gas	No observation received
RSPB	No observation received
PROW	No observation received
Ramblers Association	No observation received
Planning Policy	No observation received
Property	No observation received
Constabulary	No observation received
Electricity NW	No observation received

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

Three support – Standard and quality of development, good for the area, promptly required, amendments have addressed concerns.

One objection - The access and egress to the site is dangerous, with restricted visibility by the old railway bridge

5.0 Analysis

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

- The principle of development
- Housing mix and affordable housing
- Design and impact on the National Landscape

- Residential amenity
- Biodiversity and surface water drainage
- Highways, open space and accessibility matters

5.2 **The principle of development** Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development outside Main Urban Areas), DM6 (Housing provision within the Forest of Bowland AONB), Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities) and H2 (Housing Delivery in Rural Areas of The District), and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 (Making effective use of land)

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through planning conditions, and comply with such varied details and conditions. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission or the one originally granted. Section 73 provides a mechanism to consider and assess material amendments (i.e. the changes sought via the Section 73 application) to an earlier planning permission.

5.2.2 A Section 73 application does not provide an opportunity to re-examine the principle considerations associated with the approved development, which were considered to be acceptable through permission granted in December 2022. This variation seeks to amend approved plans, which implicates the majority of planning conditions attached to the permission. However, the variation has no implication upon the flood risk, archaeology, mineral safeguarding, energy efficiency and contaminated land considerations made under the original permission, nor the principle of the development of 9 dwellinghouses at this site. These latter elements of the permission will not be reassessed, and have already be found acceptable. The impacts of the altered proposal will be considered as part of this variation of conditions application. However, the acceptability of the principle of development and some other considerations have already been established through the permission, and remain unaltered within this proposed variation.

5.3 **Housing mix and affordable housing** Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), DM6 (Housing provision within the Forest of Bowland AONB), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities), H2 (Housing Delivery in Rural Areas of The District) and EN2 (Areas of Outstanding Natura Beauty), and National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 (Making effective use of land)

5.3.1 The National Landscape (NL) is a protected landscape, within which sites that are suitable for housing should be developed specifically to meet local affordable or other locally identified housing needs. To do otherwise would, ultimately, fail to address these needs, which could then only be met by releasing more sensitive sites, causing harm and compromising the primary purpose of the NL designation. Policy DM6 seeks to ensure that the approach to housing delivery in the NL reflects the local needs within the NL, and better ensures that new development supports the NL's primary purpose and Special Qualities.

5.3.2 The proposal seeks the housing mix below, shown in the table between the approved housing mix and policy position on housing mix. This policy acknowledges that providing a broad range of housing may be limited on smaller developments of fewer than 10 units, such as this.

Unit Size	Approved housing mix	Proposed housing mix	% required by DM1
1-bed/apartment	0	0	10%
2-bed semi	2 (affordable) - 22%	1 (affordable) - 11%	20%
3-bed semi	0	1 (affordable) - 11%	35% (semi and detached)
3-bed detached	3 – 33%	2 – 22%	35% (semi and detached)
3-bed bungalow	1 - 11%	1 - 11%	10%
4-bed detached	3 – 33%	4 – 44%	25%
Total	9	9	

5.3.3 The proposed 3-bed dwellings include an upper floor study room, which is slightly too small to be considered a habitable bedroom. Two of the proposed 4-bed properties include an additional ground floor room that is large enough to form a bedroom, and for the purposes of the above housing mix is therefore considered to be a bedroom. Ground floor bedrooms and WCs/bathrooms provide positive accessibility layout for more than half of the units proposed, which is an improvement on the previously approved scheme.

5.3.4 Whilst the above housing seeks a larger proportion of 4-bed properties, given that these all have a ground floor bedroom, it is feasible these could be occupied as 3-bed with large home offices, particularly given modern working practices. This is particularly so for the slightly smaller (but still large 189sq.m GIA dwelling) of these 4-bed units. Combined with an improved affordable housing mix offering variety at the site, the proposed housing mix is considered to meet local needs equally as well as the previously approved scheme does.

5.3.5 In addition to the altered housing mix, the gross internal area (GIA) has increased for the majority of proposed dwellings, and cumulative across the development, in comparison to the previously approved scheme. The proposal for larger dwellings justifies reassessing the level of affordable housing that can viably be provided at the site, as the previous permission for smaller dwellings and development reduced the obligated amount from 50% to just 22% (two dwellings). This matter has been explored comprehensively, with independent viability and quantity surveyor assessment, which ultimately concurs with the applicant's case.

5.3.6 The increased sales values of the proposed larger units offsets the additional cost of development, due to increase costs of development of this scheme, but also due to wider inflation of construction and associated costs. On this basis, it is considered on balance that the scheme delivers a mix and tenure of units that would be acceptable in consideration of DM3 and DM6. The increased scale of proposed housing units is justified to maintain the previously agreed degree of affordable housing, for 2 dwellings (22%). This affordable housing obligation should be controlled through a new legal agreement to tie such obligations to this varied permission, if granted.

5.4 **Design and impact on the National Landscape** Development Management (DM) DPD DM29 (Key Design Principles), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD EN2 (Areas of Outstanding Natural Beauty) and EN3 (The Open Countryside), and National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), National Model Design Code (NMDC) and Forest of Bowland Area of Outstanding Natural Beauty Management Plan 2019 - 2024

5.4.1 The application site lies within the Forest of Bowland NL, and paragraph 189 of the NPPF states that "great weight" should be given to conserving and enhancing such landscapes and scenic settings. This requirement is reflected through policy DM46 of the DM DPD, elaborating that this should be achieved through positive contributions to the NL through development siting, scale, massing, materials, landscaping, vernacular style and design. The potential impact of the development upon the prevailing protected landscape is a key consideration.

5.4.2 The proposed designs have been considerably revised since the previously approved scheme. In terms of the mass and height, the ridgeline will now be no higher than 8.3m, which combined with reduces finished floor levels (FFL) centrally within the site (36.45m AOD FFL), this reflects the

summary of the original LVIA, as all ridgelines in this central area will be 44.75m AOD or less. For comparison, the proposal is akin to those previously approved in terms of ridge height, with the existing dwellinghouses running parallel to the east proposal having ridge heights circa 43.6m.

- 5.4.3 The taller properties are located centrally, with lower properties north and south along this west facing row, facilitated by FFLs and habitable spaces within the roofspaces, and a bungalow to the southmost property. At the northern end of the site, proposed properties are taller than those previously approved, with a 1.5 storey dwelling (habitable rooms in the roof space) replacing a split-level property, largely offset by the lower (34m AOD) FFL. Whilst the semi-detached affordable homes are marginally taller and proposed a higher AOD, resulting in a circa 0.5 metre increase ridge height that previously approved, these located to the west of the site and in the context of existing dwellings of similar ridge height, therefore this change would not exacerbate visual or landscape harm.
- 5.4.4 Despite significant design changes, the amended scheme has a sufficiently slightly reduced height in key areas, with the ridge heights continuing to follow the general drumlin topography. It is considered that this offsets the impacts of these larger footprint, and more densely spaced dwellings. Combined with woodland features to the north and south to frame the drumlin and hedgerow planting to be controlled through planning condition, the proposal would define some key characteristics of the landscape character, reducing the visual impact from wider views. Full details of landscaping should be controlled through planning condition, to ensure planting in communal areas to soften the broader appearance of the development, particularly when views from the west.
- 5.4.5 The external elevations of dwellings are largely considered to be well-designed and congruent interpretation of existing dwelling design. The proposed bungalow has an unusually low pitch north side projection, which would likely appear odd. However, due to orientation and position within the site, this is considered unharmed in the broader context of the proposed development and wider landscape.
- 5.4.6 Some samples of external materials have been provided. However, these are not sufficient for the purpose of agreeing such details, nor altering previously attached planning condition. Whilst a roof slate has been provided, the Spanish slate provided is considered too reflective, shiny and flat in this setting and for such large roofscapes proposed. This slate was similarly rejected at a nearby development 'The Meadows'. Other details submitted are insufficient, but acceptable materials and boundary treatments could be agreed later through a planning condition, notwithstanding the details provided, to be agreed prior to development of dwellings above ground level.
- 5.4.7 Subject to agreeing these details, the proposal is considered to only modestly detract from the National Landscape from proximate viewpoints. Great weight is attached and amplifies the harm identified; however this is no additional weight beyond that attached to the approved fallback scheme that this submission seeks to vary.
- 5.5 **Residential amenity Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM57 (Health and Well-Being), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities) and Section 12 (Achieving well-designed places), and Nationally Described Space Standards (NDSS).**
- 5.5.1 The submitted layout plan indicates that the proposed gardens are suitably compliant, and all dwellings proposed exceed Nationally Described Space Standards, with most units far exceeding these minimums. The split-level gardens to the semi-detached dwellings is not ideal, but is an improvement upon the previously approved scheme. It is considered that the large size mitigates the split level required to accommodate the existing topography of this area. The scheme would be a habitable, and high quality, environment for future occupants. There are sufficient separation distances between clear glazed windows of existing and proposed dwellings to avoid privacy, overbearing or overshadowing existing dwellinghouses.
- 5.5.2 The site is within close proximity to residential dwellinghouses, in a rural location at the edge of a village. Whilst it has been concluded that the development itself would avoid undue adverse harm to neighbours, construction phases can be disruptive, particularly in quiet rural locations such as this. Construction management information has been submitted as part of this application, which are largely agreeable, but omits restrictions on hours of construction. Subject to a planning condition to

ensure avoidance of construction activities at unsociable hours (early mornings, late evenings and anytime on Sundays and public holidays), in addition to the submitted information, this is considered to minimise and mitigate such disturbance to an acceptable degree.

5.6 **Biodiversity, trees and surface water drainage** Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure), DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland) and DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural environment)

5.6.1 The proposed biodiversity impacts are unaltered from the previously approved development, which can be implemented as a fallback (subject to discharge of conditions/obligations). This proposal provides a landscaping scheme, which raises no issue in itself, although the details are insufficient in themselves to control implementation and maintenance of these, which should be controlled through planning condition. Details of bat boxes have been provided, which can be controlled for implementation through planning condition. Subject to such conditions, the development will achieve ecological enhancement.

5.6.2 The submission includes drainage details, which are for infiltration as the optimal solution within the SuDS hierarchy. These details are considered to be acceptable for implementation and maintenance, although a condition requiring verification of the implementation of these remains a requirement prior to first occupation. Subject to such conditions, the proposal will be sustainably drained through an appropriate infiltration scheme.

5.6.3 Some further landscaping and tree impact documentation has been submitted as part of this application. Unfortunately, these do not sufficiently address the requirements of existing planning conditions to vary these. The proposed landscaping is agreeable as an indicative scheme, but lacks precise details of what would be planted and how this would be maintained. In terms of impacts on existing trees, the submitted arboricultural information details retention of trees conflicting with the sought vehicular access, confusing details of precisely where tree protection measures would be located, and no details of how works within such protection areas would be carried out.

5.6.4 It is anticipated that an updated Arboricultural Method Statement will be submitted prior to committee date, which can be reported as a verbal update. If this is not received, or matters protected existing trees are not satisfactorily addresses, related conditions could be re-attached as prior to any commencement for tree protection measures. The full details of landscaping can be controlled through pre-occupation/completion for full landscaping details and maintenance, as this mitigation can only realistically be provided on-site in the first planting season following completion of development, once construction activities have ceased.

5.6.5 The National Landscape is a 'sensitive area' in the EIA Regulations 2017, and therefore must be screened to determine whether the proposal is EIA development. This has been undertaken separately, concluding that the potential for likely significant effects in EIA terms is limited, and impact upon the landscape can be addressed through the planning process without the submission of an Environmental Statement.

5.7 **Highways, open space and accessibility matters** Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreation Facilities), 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), DM64 (Lancaster District Highways and Transport Masterplan), Appendix D (Open Space Standards and Requirements) and Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD policies SP10 (Improving Transport Connectivity), T2 (Cycling and Walking Network), National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport)

5.7.1 The proposed access point to the broader cul-de-sac development seeking consent is similar in location and design to that previously approved as part of the parent consent. Beyond the site access, within the development the proposed cul-de-sac narrows slightly to 5 metres wide, with a

pavement on the southern side. Given the edge of village location, and cul-de-sac road arrangement, this is considered to be an acceptable approach, subject to full details of surface materials. Surface material should suitably differentiate the narrower road, and use of this for pedestrians, along with some differentiation of the paved area. This is necessary to ensure vehicle speeds will be suitable for the arrangements proposed. Parking provision and EV charging can be controlled through condition to ensure implementation.

- 5.7.2 Beyond the site, whilst pavements along Station Road had originally been sought, these are not feasible due to highway and bridge width. The side walking area has been repainted within the last few years, and the conditional requirement for this within the parent consent is no longer necessary. Limited details of signage for the bridge narrowing, other signage and street lighting for the proposed access and highway junction have been detailed as part of this application, which should continue to be controlled through planning condition for further details. Whilst the inability to improve walking facilities along Station Road is unfortunate, walking provision around the site is anticipated to improve through a progressing Lune Valley Greenway project. This project is beyond the development site, and being brought forwards by other organisations, however the application positively incorporates this project. This is through an obligation to allow non-motorised movements through the site, to ensure the proposed development can link into this wider project if this comes to fruition in the medium term. This obligation, combined with cycle parking to still be provided, is considered suitable encouragement of sustainable travel methods in this rural location.
- 5.7.3 The aforementioned access route is expected to traverse secured public open space (POS) areas and the proposed cul-de-sac private road, with no implication on private domestic gardens and dwellinghouses within the proposed layout. The POS provision and contributions can similarly be controlled within a new legal obligation, to be delivered triggered to occupation and completion, with details of maintenance and access to these communal areas in perpetuity through this mechanism

6.0 Conclusion and Planning Balance

- 6.1 In conclusion, the proposal continues to provide 9x dwellings of an appropriate mix within the sustainable rural village of Hornby, improving pedestrian linkages over the existing bridge between the southern (Butt Yeats) area and the northern area of Hornby. Significant weight is given to the provision of housing in a sustainable rural location, particularly given the lack of 5-year housing supply within the district. Whilst the affordable housing provision is beneath the policy requirement of 50%, this proportion has been demonstrated as unviable. The only viable provision of 2x shared-ownership affordable dwellings also ways in favour of the proposal, providing much needed affordable provision within a rural village location, with positive mix between the two units. The inclusion of a bungalow within an appropriate housing mix to address local needs weighs further in favour of the proposal, with economic and social benefits of housing provision.
- 6.2 The development within the Forest of Bowland NL will result in localised landscape harm, which has been minimised through the varying heights of housing reflecting the parallel drumlin, with natural materials and high-quality landscaping to be controlled through planning condition. It is worth noting that there is an extant consent for a similar housing proposal within this site area. Whilst great weight is attached to the localised landscape harm to the protected landscape, this has been minimised to modest harm through design and conditions. Even once amplified by the great weight attached to such landscape harm, the aforementioned social and economic benefits of housing provision in this location is considered to outweigh this harm at a time of housing shortage.
- 6.3 Although larger and higher density dwellings are proposed, the design and external appearance of dwellings is largely congruent and appropriately high quality. Subject to details of external materials and landscaping, the sought variations do not materially diminish the previously approved scheme. The proposal causes no undue harm to ecology, amenity and drainage. The proposal is considered to weigh in favour of approval.

Recommendation

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting, and the conditions listed 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 and the following planning conditions:

The legal agreement shall secure:

- Provision of two shared-ownership Affordable Housing units (to be provided on site) in accordance with an Affordable Housing Scheme to be submitted and approved by the Council
- Provision of on-site Amenity Greenspace.
- Setting up of a Management Company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure and on-site open space.
- Securing a public access route for non-motorised walking, wheeling through the site if this links to public access through land immediately adjacent to the site.

List of conditions:

Condition no.	Description	Type
1	Timescale	Control condition backdated to original permission
2	Accord with amended plans	Control condition
3	Details and sample external materials, windows (incl setback), rainwater good etc pre-commencement	Pre-commencement above ground
4	Off-site highway improvement details and implementation pre-commencement	Details prior to implementation/first use/completion
5	CMP (including pre-works photographic survey and s/w management) pre-commencement – detail construction hours	Control condition, implemented throughout construction
6	AIA mitigation, submit TPP and AMS	Pre-commencement
7	S/W drainage scheme and maintenance	Control condition, implemented prior to first use
8	S/W drainage verification	Details prior to first use/completion
9	Foul drainage scheme	Control condition, implemented prior to first use
10	Landscaping and maintenance pre-commencement details, implemented first planting season	Details prior to implementation/first use/completion
11	Visibility splays pre-commencement details, implemented prior to first use	Details prior to first use/completion
12	EV charging details pre-commencement	Control condition, implemented prior to first use
13	Implement boundary treatments	Details prior to implementation/first use/completion
14	Waste collection area for plots 1 and 2, details,	Control condition, implemented prior to first use
15	Parking and access provision prior to first use and retention	control condition
16	Implement and retain field access prior to first occupation and retain	control condition
17	Watching brief and unforeseen contamination, accordance with submitted report	control condition

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

21/01370/FUL – Delegated Report