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TRACK CHANGE VERSION

A Local Plan for

# Lancaster District

2020 – 2031

Plan period 2011 - 2031



**SUBMISSION VERSION**

**Part Two: Climate Emergency review of  
the Development Management  
Development Plan Document  
[March 2022] – Single Track Change Version**

Submission Version

# Contents

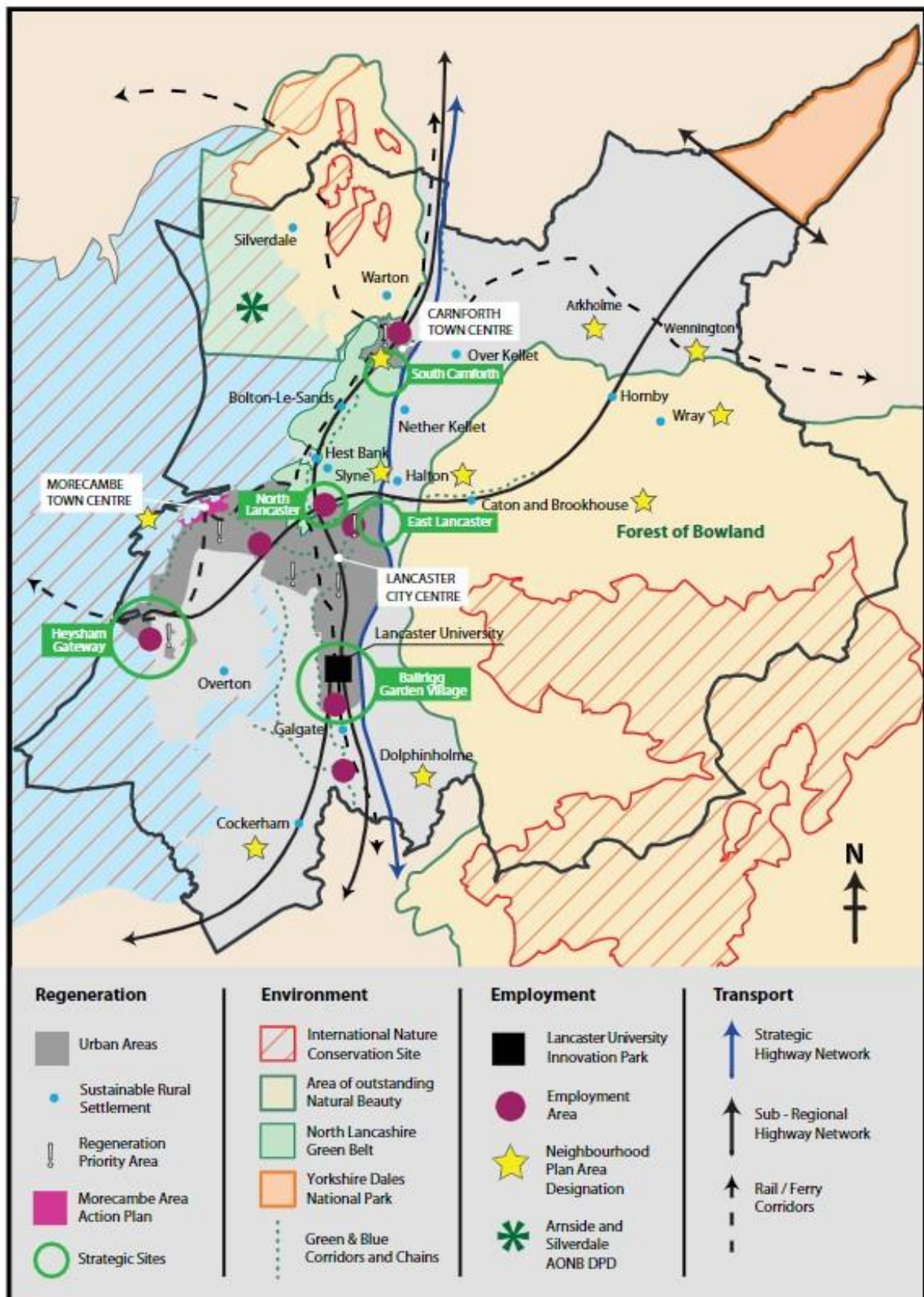
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## KEY DIAGRAM FOR LANCASTER DISTRICT



# 1. Introduction

## **Background**

- 1.1 It is a statutory responsibility of the Council to prepare a local development plan (a Local Plan) for their area. The local development plan should set out how development needs will be met, which land should be protected for its environmental, economic or social importance and a local planning framework to determine planning applications.
- 1.2 The Local Plan is prepared in the context of national planning guidance provided by the Government. In March 2012, the National Planning Policy Framework (the Framework)<sup>1</sup> was published, which replaced the guidance in Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) and Planning Policy Guidance Notes (PPG). The aim of the Framework is to provide a more concise and easy to understand approach to the planning system, and to deliver sustainable development. **The NPPF was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019 and 20 July 2021. This report relies upon the 2021 version of the NPPF. Therefore, all subsequent references to the NPPF in this report are references to the 2021 version, where previous versions of the NPPF are referred to this will be made clear.**
- 1.3 The Local Plan for Lancaster District provides a new planning framework for the area. The preparation of this Development Management Development Plan Document (DPD), along with other key documents including the Strategic Policies & Land Allocations DPD, Arnsdale & Silverdale AONB DPD<sup>2</sup>, Lancaster South Action Plan DPD, Gypsy and Traveller Site Allocations DPD and Morecambe Area Action Plan DPD<sup>3</sup> ~~will form~~ **the new adopted** Local Plan for Lancaster District for the period 2011 – 2031.
- 1.4 The Council ~~has already~~ **had previously** made progress in the preparation of a local development plan for the district, with the adoption of a Development Management DPD<sup>4</sup> and Morecambe Area Action Plan DPD in December 2014.
- 1.5 This document represents the **Climate Emergency review of the Local Plan. It reviews the Second Edition of the Development Management DPD which** ~~and will seek to review and updated~~ policy where necessary and **add** further policy approaches where it ~~is~~ **was** felt appropriate to do so or where new policy supplements policies and allocations within other development plan documents – in particular the Strategic Policies and Land Allocations DPD.

## **New paragraph 1**

**The Climate Emergency review of the Local Plan began following the adoption of the current**

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<sup>1</sup> National Planning Policy Framework (DCLG 2012)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> Arnsdale & Silverdale AONB DPD (Lancaster City Council 2019)

<http://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd>

<sup>3</sup> Morecambe Area Action Plan DPD (Lancaster City Council 2014)

<http://www.lancaster.gov.uk/business/regeneration/morecambe-area-action-plan>

<sup>4</sup> Development Management DPD (Lancaster City Council 2014)

<http://www.lancaster.gov.uk/planning/planning-policy/development-management-dpd>

Local Plan on 29<sup>th</sup> July 2020, upon which the Council entered into an immediate partial review of the Local Plan. Therefore, this DPD and the Strategic Policies and Land Allocations DPD have been updated to reflect the Climate Emergency declaration made by Lancaster City Council on 30<sup>th</sup> January 2019.

## 2. The **Climate Emergency** Review of the Local Plan for Lancaster District 2011 – 2031

- 2.1 The Local Plan for Lancaster District 2011 – 2031 ~~will~~ **is** comprised ~~of~~ a number of documents. The Development Management DPD ~~will set~~ **sets** out the generic policies that ~~will be~~ **are** used by both Development Management Officers and the Planning Committee to determine planning applications. The Strategic Policies & Land Allocations DPD ~~will identify~~ **ies** land to meet future development needs and land that should be protected for a specific environmental, economic or social value. These two documents represent the key strands of the ~~new~~ Local Plan for the district.
- 2.2 The **Climate Emergency Review of the** Development Management DPD and **Climate Emergency Review of the** Strategic Policies & Land Allocations DPD are accompanied by a suite of further DPDs that are essential to the success of the development plan. The Morecambe AAP DPD identifies strategic interventions that will assist in the ongoing regeneration of the town centre. The Arnside & Silverdale AONB DPD allocates land to meet local development needs within the defined AONB area and provide bespoke development management policies for this locality; this DPD has been prepared jointly by Lancaster City Council and South Lakeland District Council.
- 2.3 Upon the adoption of the Strategic Policies & Land Allocations DPD and the Review of the Development Management DPD the City Council ~~will withdraw~~ **withdrew** the Lancaster District Core Strategy (2008), the remaining Saved Spatial Policies in the Lancaster District Council Local Plan (2008) and the First Edition of the Development Management DPD (2014) as material planning considerations. From that point onwards, planning decisions ~~will rely~~ **have relied** on the new, **adopted** Local Plan for Lancaster District 2011 – 2031.
- 2.4 It is important that the Local Plan, the policies it contains and the allocations it makes are read as a whole and not in isolation. Development proposals should have due regard to all relevant policies and allocations in the Local Plan.
- ~~2.5 Until this adoption process is completed the Lancaster District Core Strategy will remain the strategic basis for planning decisions and the allocations found in the Saved Version of the Lancaster District Local Plan remain pertinent.~~
- 2.6 For more information on the progress of plan preparation, ~~or more details how existing documents will be superseded,~~ then visit the Council's website at [www.lancaster.gov.uk/planningpolicy](http://www.lancaster.gov.uk/planningpolicy).

### 3. Objectives of the **Climate Emergency** Review of the Development Management DPD

- 3.1 The **Climate Emergency Review of the** Development Management DPD provides detailed policy guidance on a range of planning matters, whether they are environmental, social or economic and ~~will be~~ **are** a material consideration in the determination of planning applications. This DPD ~~will be~~ **is** applicable to any location in the district and any type of development proposed (unless other policies elsewhere within the Local Plan indicate otherwise) and ~~will be~~ **are** supplemented in some areas by other locationally specific policy, for example the Arnside & Silverdale AONB DPD or neighbourhood plans.
- 3.2 The policies within the Development Management DPD reflect national planning policy and are in accordance with the guidance set out in both the Framework and National Planning Practice Guidance (PPG)<sup>5</sup>. The aim of this DPD (along with all documents making up the local development plan) is to interpret the approach of national policy and apply it to local circumstances. Policies within this DPD also make use of a range of other related strategies, policies or programmes that will influence future planning decisions, for example Lancashire County Council's Minerals and Waste Local Plan<sup>6</sup>.
- 3.3 The objectives of the Development Management DPD were first set out within the First Edition adopted in 2014. Following their re-appraisal it ~~is still~~ **was still** felt that they remained **relevant** and that the principles of all development should seek to achieve the objectives set out in Table 1 below.

1	That development makes an overall positive contribution to the delivery of sustainable communities, the economy and the environment.
2	That development contributes to the needs of local communities and delivers sustainable development.
3	That development is well designed, sympathetic to the natural and built environment and is planned and constructed in a sustainable manner.

**Table 3.1:** Objectives for the Development Management DPD

- 3.4 The DPD objectives ~~will be~~ **are** delivered through the appropriate application of the policies contained within this document and ~~will~~ assist in the delivery of sustainable development, which is one of the cornerstones of national planning policy. The success of the policies within the document ~~will be~~ **are** measured by regular monitoring through the Authority Monitoring

<sup>5</sup> National Planning Practice Guidance (DCLG 2014)

<http://planningguidance.communities.gov.uk/>

<sup>6</sup> Lancashire County Council Waste and Minerals Local Plan (Lancashire County Council 2013)

<http://www.lancashire.gov.uk/council/planning/local-planning-policy-for-minerals-and-waste.aspx>

Report (AMR)<sup>7</sup>, which identifies a series of targets and indicators to measure the effectiveness of policy implementation.

## 4. Housing

- 4.1 The National Planning Policy Framework<sup>8</sup> (NPPF) sets out the requirements for local authorities to identify, and set policies to respond to, housing need in order to support the delivery of sustainable, inclusive and mixed communities.
- 4.2 The Council seeks to ensure that everyone has the opportunity to live in a decent home which meets their needs, at a price they can afford, in a community that they are proud of. In order to achieve this, the Local Plan for Lancaster District will look to deliver in the region of 10,500 new homes between 2011/12 and 2030/31 on both brownfield and greenfield sites across the district. Policies H1 and H2 of the Strategic Policies & Land Allocations DPD<sup>9</sup> directs housing to areas that have been identified as having capacity to accommodate future growth with a focus on growth in Lancaster and Carnforth. Policy SP6 of the Strategic Policies & Land Allocations DPD seeks to ensure that housing growth across the district makes provision for an appropriate mix of high quality housing, including affordable housing that meets evidenced district need but is also tailored to local circumstance.
- 4.3 The policies set out in this chapter seeks to implement strategic housing policies to ensure that:
- The optimum housing capacity that can be achieved on individual sites;
  - Individual sites maximise their contributions towards the delivery of a wide range of affordable housing and, collectively, to assist in meeting Lancaster District's identified housing needs, including affordable housing;
  - Specialist forms of housing are encouraged to meet identified local needs; and
  - Conversions, basement extensions, private rented sector housing and houses in multiple occupation are appropriately managed.
- 4.4 The Council has allocated a range of sites within the Strategic Policies and Land Allocations DPD to meet the Council's Local Plan housing requirement. The delivery of these allocated sites is a priority for this Council having been assessed and concluded to be suitable for residential accommodation and deliverable within the plan period. It is also important to note the provision of locally bespoke housing policy which is contained in the Arnsdale & Silverdale AONB DPD<sup>10</sup> and, where appropriate, Neighbourhood Plans.
- 4.5 Whilst allocated sites are prioritised, the Council anticipates that proposals for windfall development will continue to come forward. Where they are deemed to comply with the relevant

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<sup>7</sup> Lancaster District Authority Monitoring Reports (Lancaster City Council)  
<https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information>

<sup>9</sup> Strategic Policies and Land Allocations DPD (Lancaster City Council 2020)  
<http://www.lancaster.gov.uk/planning/planning-policy/land-allocations-dpd>

<sup>10</sup> Arnsdale and Silverdale AONB DPD – (Lancaster City Council 2019)  
<http://www.lancaster.gov.uk/planning/planning-policy/arnsdale-and-silverdale-aonb-dpd>

policies within the Local Plan, windfall development will make a valuable contribution to Lancaster District's overall housing supply over and above sufficient allocated sites and providing a reasonable level of contingency against the delivery of the district's housing requirement.

### **New Residential Development**

## **POLICY DM1: NEW RESIDENTIAL DEVELOPMENT AND MEETING HOUSING NEEDS**

The Council will support proposals for new residential development that:

- I. Ensure that available land is used effectively, taking into account the characteristics of different locations and the specific circumstances of individual sites including viability; and
- II. Are located where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development in accordance with other relevant policies, particularly Policy DM44.

### **Housing Needs**

The Council will support proposals that seek to promote balanced communities and meet evidenced housing needs by supporting proposals that accord with the Council's latest Strategic Housing Market Assessment. There may be circumstances where it would not be appropriate to provide for the full range of housing needs identified in the Strategic Housing Market Assessment, for example:

- III. Small schemes of fewer than 10 units where delivering a broad range of housing may be limited by physical constraints;
- IV. Sites in or close to town centres within the district where lower densities or larger homes may not be appropriate;
- V. Sites where the need to sustain or enhance the setting of a heritage asset may be of particular importance and requires a bespoke approach to housing mix; and
- VI. Sites in rural locations, where there is an up-to-date village or parish housing needs assessment that is a more appropriate indication of housing need.

The precise mix of housing types and tenures will be agreed at the time of application taking account of all relevant factors.

- 4.6 New housing development should use land efficiently whilst respecting and where possible enhancing the local context. It is expected that residential densities will maximize the opportunity of the site to use land efficiently.
- 4.7 New residential development should be located in sustainable locations where it can be satisfactorily supported by necessary infrastructure requirements such as utilities, transport and

digital infrastructure and is accessible to important services including (but not limited to) education, healthcare, community facilities and open space.

#### Meeting Housing Needs

- 4.8 Residents of the district should have the opportunity to live in housing that meets their own household's needs, whether this is for families, single people or older people etc. Communities should be inclusive, mixed and sustainable. Therefore, residential development proposals should plan for a mix of housing that enables choice within schemes taking account of local circumstances.
- 4.9 Paragraph 159 of the **2012** Framework requires Local Planning Authorities to understand and plan for the current and future housing needs of the area. This requires local planning authorities to gather evidence and implement policies through the Local Plan which provides for the full range of housing needs, covering the scale, mix and type of housing (including affordable housing) and the needs of different groups in the community.
- 4.10 The Strategic Housing Market Assessment (Part II)<sup>11</sup> brings together relevant information from a range of sources, with information obtained through a household survey. This provides a robust evidence base to enable the Council to assess both the district wide need and the needs of different areas within the district to understand the type of housing and tenure required.
- 4.11 Evidence in the assessment shows that the majority of properties in the district are houses (69.0%), with the majority of properties having either two or three bedrooms (70% of housing stock). The housing stock within the district varies by locality. The needs of a community may be different in one part of the district to another, for example the need for smaller housing in south Lancaster to meet the needs of young people. However, overall there is a need for a diverse range of house types and sizes within the district.
- 4.12 The Table 4.1 presents an indicative approach to housing mix across the district as identified within the Strategic Housing Market Assessment (Part II). However, there will be other important site-specific factors such as area specific needs, market conditions etc. The Council will bring forward an updated Housing Need Supplementary Planning Document<sup>12</sup> to provide greater detail whilst retaining important flexibility on housing mix and size.

Property Type	Market (%)	Affordable (%)
House (2 bedrooms)	20	30
House (3 bedrooms)	35	20
House 4+ bedrooms	25	5
Bungalow	10	10
Flat/apartment (may include 1 bedroom houses)	10	35
Total	100	100

**Table 4.1:** Table to show the indicative approach to housing mix across the District (Lancaster CC 2018)

<sup>11</sup> Strategic Housing Market Assessment (Part II) (Arc4 2018)

<https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information>

<sup>12</sup> Housing Needs Supplementary Planning Document

<https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan>

- 4.13 The Council also recognises that there may be other evidence available on housing needs, such as local surveys carried out by parish councils that focus on the needs of households within a defined area such as a rural settlement or parish. Such surveys can be a valuable source of information on local need providing they are carried out in accordance with a robust methodology and the results are statistically valid. In order to support the Arnsdale & Silverdale AONB DPD Lancaster City Council and South Lakeland District Council jointly commissioned a housing needs survey specifically for the parishes within the AONB, which was undertaken in 2014<sup>13</sup>.
- 4.14 Proposals for housing within the Arnsdale & Silverdale AONB should be considered in the context of the Arnsdale & Silverdale AONB DPD, proposals for housing in the Forest of Bowland AONB should be considered in the context of this district-wide Local Plan, in particular Policy DM6 of this DPD.
- 4.15 In relation to the need and demand for affordable housing in the district, the Council also holds its own intelligence through the Housing Register and choice based lettings scheme<sup>14</sup> and shares intelligence with partner Registered Providers where they maintain their own register.

### Housing Standards

## **POLICY DM2: SPACE AND ACCESSIBILITY HOUSING STANDARDS**

The Council in accordance with national policy and practice guidance has considered the overall need and viability across the district and has chosen to implement optional housing standards on new residential development. Proposals for residential development will be supported where:

- I. All new dwellings (market and affordable) meet the Nationally Described Space Standard (or any future successor)
- II. At least 20% of new affordable housing and market housing on schemes of more than ten dwellings will be expected to meet Building Regulations Requirement M4(2) Category (accessible and adaptable dwellings).

Applicants will be expected to design schemes in accordance with the nationally described space standards, including sufficient built-in storage. Applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement.

Where it can be demonstrably argued through the provision of evidence by an applicant and agreed with the Local Planning Authority that building homes to Nationally Described Space Standards will result in schemes being unviable, consideration will be given to how

<sup>13</sup> Arnsdale and Silverdale AONB DPD – Housing Needs Survey (Cumbria Rural Housing Trust 2014)

<http://www.lancaster.gov.uk/planning/planning-policy/arnsdale-and-silverdale-aonb-dpd>

<sup>14</sup> Housing Register and Choice Based Lettings

[www.idealchoicehomes.co.uk](http://www.idealchoicehomes.co.uk)

**viability constraints may be overcome, which may result in flexibility being given to the requirements of the policy.**

**A flexible approach will be taken to the delivery of accessible and adaptable dwellings under Building Regulation M4(2) where exceptional circumstances are demonstrated, such circumstances could include site topography or vulnerability to flooding.**

- 4.16 In 2015 the Government rationalised housing and energy standards<sup>15</sup>, by reducing the number of standards applied within the planning system, leaving many areas such as energy performance to Building Regulations rather than planning. The intention of this has been to reduce burdens on developers and to stimulate housing growth. There are now four areas where local planning authorities can opt to implement standards that exceed the minimum Building Regulations, these are water efficiency, access, renewable energy provision and adaptable homes including wheelchair accessibility homes and Nationally Described Space Standards. Where these standards are implemented the Council must demonstrate that a need exists and that development would be viable.
- ~~4.17 The district is not currently located in an area of water stress and as such optional water efficiency standards will not be implemented locally. The Council will monitor the situation with regard to water stress, to ensure that local policy remains up to date.~~
- 4.18 Over the lifetime of the Local Plan the population of the district will see a significant increase in older people, with an expected increase of 30% of those aged 65 and over, and 59% of those aged 80 plus. The household survey of 2017 carried out as part of the Strategic Housing Market Assessment identifies that the majority of older people, where possible, want to remain in their own homes. At times this may require adaptations to homes to ensure they remain suitable for people across their lifetimes including where there is a change in health or mobility.
- ~~4.19 The Council understands from the Spring Statement 2019 that a future Homes Standard will be brought in by the Government in the coming years (by 2025), to increase energy efficiency standards beyond that currently required under mandatory Building Regulations Part (L) by removing traditional fossil fuel heating systems in new dwellings. Until such a time, the Council will encourage proposals which seek to go beyond required standards (i.e. in meeting the energy efficiency savings equivalent to the now abolished Code Level 4 of the Code for Sustainable Homes).~~
- 4.20 Building Regulation M4(2) is an optional Building Regulation which exceeds the mandatory standards M4(1), the Regulation enables adaptations to the home, for example, the provision of a stair lift or shower room and for level access from the driveway to the home. Implementing these standards means that people can adapt their home to meet their needs without having to move.
- 4.21 In recognising the ageing population of the district and the needs of all people regardless of age who may have a mobility impairment, the Council considers it important to implement the optional building regulation M4(2) with evidence in the Strategic Housing Market Assessment (Part II) identifying a figure of 20% to be appropriate and viable taking account of current and

<sup>15</sup> National Housing Standards (DCLG 2015) <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

future population needs. This figure applies for both market and affordable housing across any proposed scheme. In the interests of supporting the delivery of smaller schemes and the recognition that costs are often harder to absorb, the requirement will only apply to schemes of more than ten dwellings.

- 4.22 In exceptional circumstances it may not be appropriate to implement the housing standards on a proposed scheme. However, this will be agreed in discussion with the Council at the time of an application.
- 4.23 The Strategic Housing Market Assessment (Part II) has identified a low level of household need for wheelchair accessible or adaptable properties. There are significant costs involved in building homes which meet wheelchair adaptable (able to be adapted for a wheelchair user) or accessible (built ready for wheelchair use) standards. In 2013 for a three bedroom home costs were projected on average to be in the region of £10,000 for a wheelchair adaptable home and £25,000 for a wheelchair accessible home. In light of these costs, the low level of need and the limited viability in building homes to such a standard, the Council offers strong support to proposals which are built to these standards but the Council has not made a specific requirement for them to form part of future market residential schemes.
- 4.24 Evidence has shown that developers in general are not building to current Nationally Described Space Standards. Smaller new homes such as those with 1, 2 and some 3 bedrooms fall considerably short of the space standards (including storage space). As such, the Council believes there to be a need for the Nationally Described Space Standard to be implemented locally as space inside the home can be an important determinant on quality of life<sup>16</sup>. Therefore all new residential dwellings will be required to be built to the Nationally Described Space Standard (or any future successor). There may be instances where it would not be appropriate to build to such standards, this may for example include specific needs. Each case will therefore be considered on its own merits.

### **Affordable Housing Requirements**

## **POLICY DM3: THE DELIVERY OF AFFORDABLE HOUSING**

**The Council will continue to support and promote the delivery of new affordable housing within the district through a variety of differing tenures.**

**The tenure of affordable housing will need to conform to the definition of affordable housing as defined by Annex 2 of the National Planning Policy Framework. Should the definition of affordable housing be revised through changes to the National Planning Policy Framework, proposals will need to accord with the revisions to this Framework.**

### **Affordable housing thresholds**

<sup>16</sup> Housing standards and evidence research Space Standards: the benefits, University College of London for CABE April 2010

<http://webarchive.nationalarchives.gov.uk/20110118111541/http://www.cabe.org.uk/files/space-standards-the-benefits.pdf>

Proposals for new residential development will be required to contribute towards the provision of affordable housing and meet the requirements set out in the table below. The Council will consider detailed proposals for new housing development that falls into Use Class C3 with reference to the following requirements:

AFFORDABLE HOUSING TARGET BY DEVELOPMENT TYPE			
LANCASTER, CARNFORTH AND RURAL WEST*			
Greenfield	15 Units and Over	On-site	30%
Greenfield	10-14 Units	On-site	20%
Brownfield	10 Units and Over	On-site	20%
MORECAMBE, HEYSHAM AND OVERTON			
Greenfield	10 Units and Over	On-site	15%
RURAL EAST**			
Greenfield	10 Units and Over	On-site	40%
Brownfield	10 Units and Over	On-site	30%

Nil contribution will be sought on schemes of less than 10 units outside of the district's two Areas of Outstanding Natural Beauty, nor will any contributions be sought on schemes in any part of the district which comprise solely of apartment-led development, nor brownfield development in Morecambe and Heysham. No affordable housing will be sought from proposals located within the boundaries of the Morecambe Area Action Plan.

*\*Rural West Includes the wards of Ellel and Bolton-with-Slyne*

*\*\*Rural East includes the wards of Halton-with-Aughton, Kellet, Lower Lune Valley and Upper Lune Valley (excluding any part of the Forest of Bowland AONB).*

Affordable Housing requirements within the Arnside & Silverdale AONB are identified within the Arnside & Silverdale AONB DPD and requirements for the Forest of Bowland AONB are identified under Policy DM6 of this DPD.

#### Affordable housing requirements

The provision of affordable housing will be required to accord with the following criteria:

- I. Affordable housing shall remain affordable in perpetuity unless there are justified reasons which would require otherwise, in such circumstances this justification will need to be agreed with the Local Planning Authority at the time of application;
- II. The size, type, tenure and the means of delivery will accord with the most up to date Strategic Housing Market Assessment or an up-to-date village or parish housing needs assessment that is a more appropriate indication of housing need.
- III. Where affordable housing is being delivered, the Council will seek to ensure an appropriate tenure mix using the following percentages as a guide (sizes and types as set out in Policy DM1 of this DPD)
  - 60% affordable / social rent and 40% **affordable homes for sale** ~~intermediate-tenure~~;
  - 50% affordable or social rent and 50% **affordable homes for sale** ~~intermediate-tenure~~.
- IV. Accommodation provided will be required to be genuinely available to those households who have been identified as being in housing need;
- V. Housing must be well integrated into the design of an overall scheme and be consistent with market housing in quality of materials, design and open spaces.

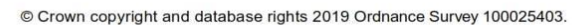
**VI. Financial contributions towards the provision of affordable housing will be calculated in accordance with the methods detailed in the emerging Viability Protocol SPD.**

**Loss of affordable housing**

Proposals to vary or remove restrictive occupancy conditions will be required to make a financial contribution towards affordable housing in accordance with the emerging Viability Protocol SPD (where a contribution has not already been made).

**Viability**

Where compelling and detailed evidence demonstrates that the provision of affordable housing in accordance with the above requirements would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may, in agreement with the Council, provide fewer affordable dwellings than would ordinarily be acceptable, review the tenure or mix of dwellings, or provide a financial contribution in lieu of onsite provision. Such evidence must include an open book financial viability appraisal which will need to accord with guidance in the emerging Viability Protocol SPD.



***Figure 4.1: Affordable Housing Requirements in Lancaster District (Lancaster CC 2019)***

- 4.25 Ensuring that residents are able to live in a home which meets their living needs at a price they can afford is an important Council priority. Median house prices are more than 5 times median incomes within the district, whilst lower quartile house prices are also more than 5 times lower quartile incomes. This leaves the housing market inaccessible for many people within the district, particularly those households on lower incomes.
- 4.26 Therefore a high level of affordable need exists within the district, with an annual imbalance identified in the Strategic Housing Market Assessment (Part II) of 376 affordable homes each year, taking account of current and future need and the average level of supply. The Council therefore considers it to be very important that effective policies are implemented through the Local Plan to ensure new development contributes towards the delivery of housing for all sections of the community, which includes the provision of affordable housing.

*Affordable Housing Thresholds*

- 4.27 The level and threshold of affordable housing within the District's two Areas of Outstanding Natural Beauty are considered under separate Local Plan policies. Proposals within the Forest of Bowland AONB are considered against criteria in policy DM6 of this DPD, whilst proposals within the Arnsdale and Silverdale AONB are considered against policy AS03 of the Arnsdale and Silverdale AONB DPD. In accordance with national policy, outside of the districts two Areas of Outstanding Natural Beauty, affordable housing provision will only be sought on major developments. As a result of marginal viability, affordable housing will not be sought on schemes which are for apartments only or schemes which are located on brownfield sites located in Morecambe, Heysham and Overton Wards.

*Amount of Affordable Housing*

- 4.28 The majority of new affordable housing is expected to be delivered through Section 106 agreements on market housing schemes brought forward by private sector house builders. The Council through Local Plan viability testing recognise the challenge of bringing forward new housing within the district when also taking into account the need for new infrastructure. Viability considerations alongside the considerable physical constraints that exist within the district means that it is unlikely that all the affordable housing imbalance will be met through the Local Plan. However, the Council has an ambition to deliver as much of the affordable imbalance as possible and therefore has set requirements that will be challenging for developers whilst still being considered to offer competitive returns.
- 4.29 Affordable housing requirements for the two Areas of Outstanding Natural Beauty within the district are set out within separate policies. Please refer to Policy DM6 for the Forest of Bowland AONB. For proposals within the Arnsdale & Silverdale AONB please refer to Policy AS03 of the Arnsdale & Silverdale AONB DPD.

*Tenure*

- 4.30 The 2018 Strategic Housing Market Assessment (Part II) identified an affordable housing need for a split of 56% social/affordable rented and 44% for sale intermediate tenure. It is recognised that such a figure may not easily be translated into real life development schemes and therefore the Council will accept proposals which provide for between 60% social/affordable rented and 40% for sale intermediate tenure, and 50% social/affordable rented and 50% for sale intermediate tenure, provided that the sum total is 100%. This provision exceeds national policy.
- 4.31 With regard to starter homes, the Council has considered the incomes required to access starter homes where a 20% discount would be applied to the market value of a property, and does not

consider that it would meet local needs when compared with other forms of affordable home ownership tenures. However, the Council recognises the duty to promote starter homes in the Housing and Planning Act 2016, and therefore promotes alternative means of low cost home ownership through a preferred tenure of shared ownership as defined by Annex 2 of the NPPF. Following the Affordable Homes Update Ministerial Statement and the Planning Practice Guidance on First Homes published on 24<sup>th</sup> May 2021, the Council expects affordable homes for sale to be delivered as shared ownership, as defined by Annex 2 of the NPPF and First Homes as defined in the Planning Practice Guidance. 25% of affordable homes provided as a developer contribution in accordance with policy DM3, shall be delivered as First Homes, the remaining proportion of affordable homes for sale (25%) shall be delivered as shared ownership. The shared ownership element will ensure that homes are available to a wider range of residents at a range of values to meet local needs.

- 4.32 The Council requires rented affordable and social housing in all instances to be delivered in partnership with Registered Providers. Exceptions to this are for community-led development as classified under Policy DM12 of this DPD or, affordable rent delivered as part of a Build to Rent scheme. The Council requires a minimum of 50% nomination rights and already has robust nomination agreements in place with all partner Registered Providers with the exception of community led developments, which are set out in more detail via Policy DM12 of this DPD. The Council see this approach as the preferred method of delivery.
- 4.33 Where practicable, the Council will ensure that the homes remain affordable in perpetuity. This will not be possible for shared ownership homes or for some homes that are grant funded by Homes England, or where tenants can exercise the right to buy.

Loss of Affordable Housing

- 4.34 Proposals that would result in a net loss of existing affordable dwellings must provide the equivalent number of replacement affordable dwellings on the site, as well as any affordable dwellings generated from additional market dwellings.
- 4.35 If it can be justified that the equivalent number of replacement affordable dwellings cannot be achieved on the original site, then the dwellings must be provided on an appropriate alternative site subject to satisfying all other relevant planning policy. The replacement of off-site affordable dwellings will be in addition to any other affordable dwellings generated from any new market dwellings on both the original and the alternative site and should be considered to be of equivalent value / suitability.

Vacant Building Credit

- 4.36 In line with National Planning Practice Guidance, a 'vacant building credit' will be applied to appropriate developments where a vacant building is either converted or demolished. This credit will be equivalent to the gross internal area of the building to be demolished or brought back into use. This credit does not apply when a building has been 'abandoned'. The Council may at its discretion choose not to apply vacant building credit where it is clear that a building has been made vacant for the sole purposes of re-development or the building is covered by an extant planning permission or one that has expired within the last twelve months for the same or substantially the same development.

Development Viability in relation to Affordable Housing

- 4.37 The Council recognises that the delivery of affordable housing can, in certain circumstances, place strain on the viability of development, particularly where genuine site abnormalities can result in financial pressure to deliver housing. In such cases and where it is appropriately evidenced through an open book approach, the Council may agree to deviations from the proposed requirements for affordable housing provision to ensure that housing delivery is achieved. The degree to which proposals deviate from the requirements set out in Policy DM3 will be weighed against the benefits of any resulting scheme.
- 4.38 Where the Council requires independent advice through a qualified Chartered Surveyor to validate an Affordable Housing Statement, viability appraisal and any other evidence submitted by the developer/applicant that seeks to provide a different provision of affordable housing to that required by this policy, reasonable costs will be met by the developer/applicant. The purpose of this will be to determine whether the affordable housing provision compromises scheme viability, and where appropriate to inform an alternative contribution.
- 4.39 The Council intends to bring forward a Supplementary Planning Document setting out a viability protocol which will provide detailed guidance on how site specific viability matters will be appraised.

Managing Housing Development outside Main Urban Areas

## **POLICY DM4: RESIDENTIAL DEVELOPMENT OUTSIDE MAIN URBAN AREAS**

The Council will support proposals for residential development outside of the main urban areas of the district where they reflect sustainable patterns of development and accord with the Council's settlement hierarchy, as described in Policy SP2 of the Strategic Policies & Land Allocations DPD.

Proposals for new housing in other settlements which have not been identified as sustainable settlements will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need. Proposals lacking sufficient justification will be considered using the Rural Exceptions Sites criteria set out in Policy DM5 of this DPD.

New Homes in Isolated Locations outside Settlements

Proposals for new homes in locations outside of identified sustainable settlements or other rural villages are unacceptable unless they meet the special circumstances set out in Paragraph 55 of the **2012** Framework.

Rural Estates

Proposals for new housing on land in the ownership of the specified large privately owned rural estate must be accompanied by an estate masterplan that represents a clear strategy for enhancing or maintaining the vitality of the local community and demonstrates how their

housing needs will be addressed. Estate masterplans must demonstrate that they have the support of the local community and must be prepared in consultation with the Council.

**General Requirements for Rural Housing**

In all cases, proposals for new residential development on non-allocated sites must:

- I. Be well related to the existing built form of the settlement;
- II. Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- III. Be located where the environment and infrastructure can accommodate the impacts of expansion;
- IV. Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape; and
- V. Consider all other relevant policies, in particular Policy DM44 and policies contained within the Arncliffe and Silverdale Area of Outstanding Natural Beauty DPD.

- 4.40 The district contains large areas of open countryside and a significant number of rural settlements. A sizeable component of the district's population currently live within those rural areas. The scenic beauty of the district's landscapes through its natural assets and thriving local communities mean that the rural areas of the district are likely to remain popular, growing and sustainable locations for people to live throughout the plan period. The ability of the district to meet the aspirations and needs of its population is contingent upon the approach that is adopted towards development in rural areas.
- 4.41 The appeal of the district's rural areas, combined with the needs of a growing population, mean that the Council will need to carefully manage development within rural areas in order to appropriately protect the character and distinctiveness of rural areas whilst allowing for growth.
- 4.42 The Council expects that development opportunities for residential development outside urban areas will be brought forward in line the Strategic Policies and Land Allocations DPD, and where applicable Neighbourhood Plans. Whilst this is accepted to be the preferred approach, the Council recognises that in some circumstances acceptable development proposals may come forward outside of the locations identified within the plan-making process in unexpected, but not less sustainable, locations.
- 4.43 In such circumstances the Council will require the exceptional nature of such proposals to be demonstrated with due regard to the district's housing needs, five year housing land supply and the evidence within the Strategic Housing and Employment Land Availability Assessment (SHELAA)<sup>17</sup>. The degree to which such proposals accord with the policy provisions of the Local Plan in general and represent sustainable development by helping to meet housing needs, thereby re-balancing the housing market and enhancing local services will be considered in the determination of such proposals.

**Sustainable Settlements**

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<sup>17</sup> [Local Plan and Planning Policy - Lancaster City Council](#)

- 4.44 The Council will support proposals for new housing development in rural areas in sustainable settlements as identified in Policy SP2 of the Strategic Policies and Land Allocations DPD. Proposals should demonstrate that they will have clear benefits for the local community, and in particular will meet rural housing needs according to robust evidence (such as the Strategic Housing Market Assessment Part (II) undertaken by Arc4 in 2018 or Parish level surveys or successor housing needs studies undertaken by the City Council). The Council will also support proposals that are locally developed and driven by rural communities where they deliver sustainable development and accord with the requirements of the Local Plan.
- 4.45 Residential development in sustainable settlements within Areas of Outstanding Natural Beauty will be supported subject to constraints of the protected landscape and where a landscape capacity approach has been taken. As a result proposals in the settlements of Silverdale and Warton should be considered in the context of the Arnside & Silverdale AONB DPD. Policy DM6 will be a key consideration for housing development proposals in the settlements of Caton, Brookhouse, Hornby and Wray (all allocated within the Forest of Bowland Area of Outstanding Natural Beauty), unless policies within Neighbourhood Plans state otherwise.

#### Rural Estates

- 4.46 The Council recognises there may be justification for new homes on land owned by the large private estates located in rural and upland parts of the district. Proposals for new homes must genuinely address local housing need and demonstrate community 'buy-in'. To properly achieve this, applicants should prepare an estate masterplan that has been subject to consultation with the local community and the Council. This document must be submitted alongside planning applications and should represent a clear strategy for enhancing or maintaining the vitality of the local community.

#### New Homes in Isolated Locations outside Settlements

- 4.47 Much of the district is rural and the Council will seek to ensure it is protected for its intrinsic value by restricting the development of isolated dwellings in the countryside. However, there may be special circumstances as set out in paragraph 55 of the 2012 Framework. It will be for applicants to demonstrate that there are exceptional circumstances for a new dwelling to be located within an isolated location, for the purposes of clarity the Council identify the definition of isolated to mean the connections with identified settlements within the district.

#### Rural Exception Sites

### **POLICY DM5: RURAL EXCEPTION SITES**

**In rural locations where housing would not normally be acceptable under policies DM1 and DM4 proposals for Rural Exception Sites will be supported where:**

- I. Housing meets the needs of the local community (either through evidence in the Strategic Housing Market Assessment or other local housing needs assessment or any other suitable evidence undertaken as part of a neighbourhood plan);**
- II. Proposals are either adjacent, or well related to, existing settlements enabling residents to access education, employment and other important facilities;**

- III. Proposals are for small schemes of ten dwellings or fewer, unless if it is demonstrated that a higher level of need for affordable housing exists within the Parish;**
- IV. All homes are affordable in perpetuity, comply with the most up-to-date definitions of affordable housing and are constructed to the most relevant design and quality standards (at the time of delivery); and**
- V. Occupancy is restricted to current residents of the defined Parish or those that have an existing family or employment connection unless otherwise agreed by the Local Planning Authority;**
- VI. The proposal can demonstrate that the development can be delivered.**

**On occasions where exceptional circumstances exist a proportion of the new homes proposed on a Rural Exception Site may be for open market housing. These circumstances are:**

- 1. Where site constraints result in significant abnormal costs;**
- 2. Where a Registered Provider is able to justify that open market housing is essential to the delivery of affordable housing on the site.**

**Any open market housing being proposed must be part of a viability appraisal, submitted by the applicant, which demonstrates that it is the minimum required to achieve site viability.**

- 4.48 Rural Exception Sites can often be the only means of delivering affordable housing in some rural settlements. They are small sites that would not normally be suitable for open market housing, but where exceptions may be made for affordable housing in perpetuity. Such sites should address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.
- 4.49 The Council will therefore support proposals for housing on rural exception sites on the basis that homes are affordable in perpetuity and available to the local community. Proposals should address local housing needs according to evidence on rural affordable need in the relevant sub area within the Lancaster Strategic Housing Market Assessment (Part II) or other robust local evidence of housing needs. This means that rural exception sites should be located where they will enhance or maintain the vitality of rural communities and enable residents to access important facilities such as education, healthcare and employment. Proposals should involve rural communities in order to ensure that they will provide for local housing needs.
- 4.50 Occupancy will be controlled via a Section 106 agreement to ensure that the housing remains affordable in perpetuity to meet local needs preventing the housing from being sold at open market rates in the future.

## Housing Provision in the Forest of Bowland AONB

### **POLICY DM6: HOUSING PROVISION IN THE FOREST OF BOWLAND AONB**

Within the Forest of Bowland AONB, the number, size, types and tenures of all homes provided should closely reflect identified local needs in accordance with current housing needs evidence at the time of the application. This includes the Strategic Housing Market Assessment and other robust local housing needs assessments, for example, where there is an up-to-date village or parish housing needs assessment that is agreed to be a more appropriate indication of housing need.

Proposals for new housing development will be supported where they deliver no less than 50% affordable housing. Only where this is demonstrably unachievable will a lower percentage be supported, for example where there are viability issues this will need to be demonstrated through the applicant submitting a financial viability appraisal.

Given the evidence of affordable need within the Forest of Bowland AONB, proposals of two to five dwellings will be expected to provide a financial contribution towards affordable housing in the form of a commuted sum in lieu of on-site provision of affordable housing.

Contributions will be sought per unit of affordable housing that would have been provided. Proposals for six or more dwellings will be required to provide affordable housing on the application site. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.

#### **Major Development**

Proposals for major development will not be permitted in the AONB, unless the proposal can be demonstrated to be in the public interest and exceptional circumstances exist.

Whether a proposed development constitutes major development will be a matter for the relevant decision taker, taking into account the individual characteristics and circumstances of the proposal and the local context. In determining whether a proposed development constitutes major development the Council will consider whether by reason of its scale, form, character and nature, the proposal has the *potential* to have significant adverse impact on the natural beauty of the AONB.

In determining whether exceptional circumstances exist, the Council will consider:

- I. The need for the development, including any national considerations, and the impact of permitting or refusing it upon the local economy; and
- II. The cost of, and scope for, developing outside the designated area, or meet the need for it in some other way; and
- III. Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which it could be moderated.

- 4.51 As the AONB is a protected landscape, sites that are suitable for housing should be developed specifically to meet local affordable or other locally identified housing needs. To do otherwise would 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 AONB designation. This policy seeks to ensure that the approach to housing delivery in the AONB reflects the local needs within the AONB and better ensures that new development supports the AONB's primary purpose and Special Qualities.
- 4.52 Rather than identify specific types to meet particular needs, which can change over time, the policy requires that proposals show how they reflect local needs as identified in the most recent and up-to-date AONB-specific housing needs evidence. A requirement for 50% of new homes to be affordable has been identified because the AONB is a sensitive landscape protected at a national level. It is inappropriate to use those sites that are suitable for development in the AONB to deliver development that does not meet local affordable or other local needs.
- 4.53 Priority will be given to the delivery of affordable housing and maximising the potential for meeting identified local needs and local affordable needs from appropriate individual development opportunities. Proposals will be expected to demonstrate that densities make best and efficient use of land and reflect local settlement character.
- 4.54 Affordable housing needs are forecast to apply over a period of time and not all the identified need is required straight away. The delivery of affordable housing should be phased in line with demand to ensure that the market is not over-supplied at any time. This can be done by working closely with and between housing developers, landowners and appropriate Registered Providers of affordable housing.
- 4.55 The difficulties of providing on-site affordable housing for very small schemes are recognised and therefore proposals of two to five dwellings will be expected to make a financial contribution in lieu of on-site provision of affordable housing. This will be sought per unit of affordable housing that would have been provided. Proposals for six or more dwellings will be required to provide affordable housing on site.
- 4.56 Policy DM6 does not control the occupancy of new properties other than by the requirement to restrict affordable housing to those with a local connection. Although additional occupancy restrictions have been applied elsewhere, this has been in areas where evidence shows that significantly high proportions of second homes and holiday lets than are present within the Forest of Bowland AONB. However, where development proposals offer occupancy controls that help meet local housing needs, this will be looked at favourably as part of the overall consideration of the scheme.
- 4.57 National planning policy does not allow major new development in the Areas of Outstanding Beauty other than in exceptional circumstances because of the likely harm it would cause to the nation's long-term interest of conserving these places. Proposals are subject to the most rigorous examination and have to demonstrate that they are genuinely in the nation's interest if they are to proceed.
- 4.58 Whether a proposed development constitutes major development will be a matter for the

relevant decision taker. Major development in the Forest of Bowland AONB is defined as development has the potential to have a serious adverse impact on the landscape, wildlife, cultural heritage or special qualities of the AONB because of its scale, form, character and nature. Examples may include quarrying, medium and large scale housing development, commercial development that is out of keeping with the landscape, caravan sites, new roads, tall vertical structures and high voltage overhead power lines. Development could have the potential to have a significant impact on the special qualities of the AONB if it is located inside or adjacent its boundary or within the setting of the AONB.

#### **Purpose-Built Student Accommodation**

### **POLICY DM7: PURPOSE BUILT ACCOMMODATION FOR STUDENTS**

**Proposals for new purpose built student accommodation will be supported where they satisfy the requirements of all relevant policies in the Local Plan and meet the following criteria:**

- I. Are located on campus, within or directly adjacent to Lancaster city centre and not on allocated housing sites that would deliver residential development (unless stated as part of a mixed use development within the specific site allocation policy development principles of the Strategic Policies and Land Allocations DPD);**
- II. Development proposals should be appropriate to the character of the local area in terms of design, layout and materials used;**
- III. Proposals should meet the criteria set out in Appendix G;**
- IV. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;**
- V. High density developments will be encouraged but only in locations where they are compatible with the existing townscape;**
- VI. Proposals should demonstrate that they would not lead to an unacceptable increase in anti-social parking in the surrounding area;**
- VII. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area; and**
- VIII. Ensure students can be housed in quality accommodation all new development will be required on completion to sign up to the Lancaster University Homes Standard or any future successor.**

**Self-contained ‘warden’s accommodation’ created as part of proposals for new student accommodation where it has been demonstrated necessary, will be conditioned for use by the warden and are therefore not required to contribute towards affordable housing.**

**Proposals for student accommodation should, through its layout and design, be adaptable so that it provides opportunity to be used flexibly for alternative future uses.**

**Such proposals may be supported where they would provide an appropriate standard of self-contained accommodation (in accordance with Appendix G of this DPD) in a sustainable location and would accord with all other relevant planning policies.**

- 4.59 Student numbers in Lancaster have shown an increase over recent years particularly from international students with an anticipated increase of an additional 4,000 new students by 2025 from the UK and abroad. While development at Lancaster University has increased the capacity to house students on campus, accommodation off campus continues to be operationally important in order to ensure all first year students can be offered accommodation on campus at the start of their course.
- 4.60 The city centre is considered to be an acceptable location for new student accommodation. Most parts of the city centre are within reasonable walking distance of the University of Cumbria and have good public transport and cycling connections to Lancaster University. A specific policy approach to concentrate new student accommodation within the city centre will ensure that the district benefits from concentrating activity and spend in this central location. It is also important that new investment protecting the student experience takes place in the city centre to enhance the attractiveness of the university for external students choosing to study in Lancaster and wanting to live in the city centre. Other locations outside of the city centre and university campuses will not normally be suitable for student accommodation unless it can be clearly demonstrated that there will be no adverse impacts on residential amenity, anti-social behaviour and will not disperse accommodation too widely.
- 4.61 The need and demand for student housing and the extent to which the Council will support proposals will be kept under review having regard to the overall impact on local housing markets. At the present time, proposals to provide additional purpose built student housing should help to protect the supply and access to housing in traditional residential areas in South Lancaster.
- 4.62 New student accommodation can also help make a positive contribution to the mix of uses within the city centre and by doing so is less likely to result in harmful impacts on residential amenity. However new student accommodation proposed in the Lancaster Conservation Area must be sympathetic to the character of the existing, surrounding built form and wider setting. Similarly proposals that seek to re-use a Listed Building, or would affect the setting of Listed Building should be sympathetic to the character and features of the heritage asset.
- 4.63 The Council, Lancaster University and the University of Cumbria always aim to ensure that students are able to live in a pleasant and appropriate environment conducive to well-being and study and is managed by a fit and proper landlord. In achieving this the Lancaster University Homes Standard is the main student housing accreditation scheme within the City, partnered by all three organisations. The scheme provides certification of properties and ensures quality is achieved in student housing across the City. To continue to ensure this is the case, all new developments will be required to sign up to the Lancaster University Homes Scheme.

**Accommodation for Older People and Vulnerable Groups**

## **POLICY DM8: ACCOMMODATION FOR OLDER PEOPLE AND VULNERABLE COMMUNITIES**

The Council will support the development of residential accommodation for a range of vulnerable communities in the district where there are proven needs for such accommodation.

### **Accommodation for Older People**

Proposals for accommodation for older people will be supported subject to any proposal meeting the following criteria:

- I. Meets the genuine needs of older people and makes a positive contribution towards meeting the identified need for specialist housing for older people as identified in the latest Strategic Housing Market Assessment;
- II. Is well located to shops, public transport, community facilities and medical services including Primary Health Care facilities that can be reached easily by those without access to a car;
- III. Accords with the requirements of Policy DM2 in relation to accessibility and internal space standards;
- IV. Contributes towards the provision of affordable housing in accordance with Policy DM3 of this DPD (in relation to Use Class C3 only);
- V. Proposals to provide and/or extend residential care homes should be supported by the relevant Commissioning Manager and confirmed in writing;
- VI. The provision of sufficient car parking in accordance with Appendix E of this DPD;
- VII. Provides suitable open space / grounds that can be used by residents for sitting, relaxing and gentle exercise; and
- VIII. Resists development that would lead to a reduction in the number of extra care premises unless it can be demonstrated that a replacement facility will be provided or that such a use was not viable or no longer fit for purpose.

### **Accommodation for Vulnerable Groups**

Proposals for accommodation for vulnerable groups will be supported subject to the proposal meeting the following criteria:

- IX. The proposal meets genuine housing needs of the intended occupiers;
- X. Provides the appropriate standards regarding accessibility, facilities, independence, support and/or care needs;
- XI. Is well located to shops, public transport, community facilities and the social networks appropriate to the needs of the intended occupiers;
- XII. Is affordable in the context of financial support available to the intended occupiers;
- XIII. Is accompanied by a care plan and needs risk assessment setting out the type and level of support to be provided clearly demonstrating that any perceived risk can be managed appropriately in the proposed setting;
- XIV. Facilitates move-on accommodation where appropriate;

**XV. That priority is normally given to vulnerable people who have a local connection to Lancaster District over and above households that are otherwise the responsibility of or are owed assistance by another Local Authority; and**

**XVI. All proposals have the full support of the relevant Commissioning Manager in writing for the relevant vulnerable group and the plans align to Commissioning Plans.**

**Proposals for accommodation for vulnerable groups must be explored and delivered by a Registered Provider unless there is exceptional justification that is appropriately evidenced.**

- 4.64 The district has an ageing population, with the 65 years plus age group forecast to grow by 62% and the 86 years plus age by 138% in the period 2008 to 2033. This poses a significant challenge as these households are more likely to have a need for specialist accommodation as well as support services and adaptations to their homes to enable them to enjoy a good quality of life. The Lancaster District Strategic Housing Market Assessment (Part II) highlights that the future accommodation needs of older people will be best met through sheltered housing or independent accommodation with visiting support. The Council will therefore support proposals that provide these types of accommodation.
- 4.65 It is important that proposals for new older people's accommodation are situated in accessible locations, close to existing services including healthcare facilities, public transport routes and shops and other services in order that residents can live as independently as possible. Family and friends who may not have access to a car should also be able to visit residents. Provision should also be made for communal open space in order to promote the health and wellbeing of residents.
- 4.66 Proposals for self-contained accommodation for older people that fall within Use Class C3 must contribute towards the provision of affordable housing in accordance with Policy DM3. Bespoke market housing schemes for older people, particularly provided in the form of apartment blocks, are often unsuited to providing on-site affordable housing. Where on-site affordable housing cannot be practically achieved, a financial contribution will be expected and calculated against the overall number of market units being provided.
- 4.67 Proposals to provide residential care homes for the elderly should be supported by the relevant Commissioning Manager (health and social care or local authority), and confirmed in writing and align to Commissioning Plans and relevant standards.
- 4.68 The different communities that live in the district have varying requirements in relation to accommodation needs. Vulnerable groups in particular have specific requirements that often involve the provision of on-site/visiting care and support, which can either be in the form of short term or longer term accommodation or residential rehabilitation facilities. It is important that all proposals have the full backing of the relevant Commissioning Managers (for health and social care or local authority) and can demonstrate how they address the agreed priorities and relevant commissioning models. This is explored in more detail in the Lancaster District Housing Strategy and Housing Action Plan 2012 – 2017<sup>18</sup> or future successor strategies.

<sup>18</sup> <http://www.lancaster.gov.uk/planning/housing-strategy>

- 4.69 Vulnerable groups include people with learning disabilities, mental illness, physical disabilities, refugees and asylum seekers, homeless households, young people leaving care, people suffering domestic abuse, people with a history of substance misuse, and people with a history of offending.
- 4.70 The Council will support proposals for new provision that will meet the genuine housing needs of the intended occupiers. Proposals for accommodation for vulnerable groups should be explored and delivered through Registered Providers before any consideration would be given to private sector/private finance schemes that generate higher rents and housing benefit requirements.

**Accommodation for Gypsies and Travellers, and Travelling Showpeople**

## **POLICY DM9: ACCOMMODATION FOR GYPSY AND TRAVELLERS AND TRAVELLING SHOWPEOPLE**

Proposals which may come forward in advance of the preparation of the Gypsy and Traveller Site Allocations DPD or are in sustainable locations not identified for allocation post adoption of the DPD, will be supported subject to the criteria set out below:

**General Development Principles**

Proposals for new or expanded Gypsy and Traveller, and Travelling Showpeople sites will be supported where they:

- I. Demonstrate that the intended occupants meet the definition of Gypsies and Travellers and Travelling Showpeople in Annex 1 of Planning Policy for Traveller Sites or have a culturally identified need under the Equality Act 2010; and
- II. Provide no more than 15 permanent residential Gypsy and Traveller pitches and 5 permanent Travelling Showpeople plots; and
- III. Are in a sustainable location. Preference will be given to new sites within the urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, sites in Sustainable Settlements in accordance with the Settlement Hierarchy set out in Policy SP2 of the Strategic Policies & Land Allocations DPD will be considered where it can be demonstrated that appropriate sites cannot be provided within the specified urban areas and that the proposal would neither dominate nor be disproportionate to the scale of the existing community.

**Locational Requirements**

Proposals for new or expanded Gypsy and Traveller and Travelling Showpeople sites will be expected to take into account the following locational requirements:

- IV. That proposals can achieve safe and satisfactory access onto the highway network which is also suitable for use by trailers and caravans;
- V. The site is located within reasonable proximity (preferably within walking distance) of public transport facilities and services in order to access GP and other health services, education, employment and training, and other essential services;

- VI. The site is in a location where it will not cause significant harm to the amenity of neighbouring properties;
- VII. The site is situated in a location that would enable satisfactory living conditions for intended occupants including appropriate consideration of flood risk, land contamination, land stability, and the integrity of important nature sites; and
- VIII. The site is not located in areas where there are potential amenity or land compatibility issues (e.g. proximity to waste disposal facilities, electricity pylons, and industrial areas). Where potential conflict is identified individual risk assessments must be carried out to identify whether mitigation can be achieved.

#### **Design Principles**

Proposals for new Gypsy and Traveller and Travelling Showpeople sites will be supported where they:

- IX. Are well planned and include soft landscaping and play areas for children where it would not be possible to access existing provision safely;
- X. Make adequate provision for vehicular parking, turning areas and servicing;
- XI. Provide adequate access to all emergency vehicles; and
- XII. Provide adequate utilities, sanitation facilities, a mains water supply and drainage.

New sites for Travelling Showpeople will be allowed to include mixed use yards, to accommodate both caravans and space for storage and equipment but must also meet criteria (I) to (XII).

#### **Transit Provision**

New transit sites for Gypsy and Travellers will only be considered acceptable where they meet criteria (I) to (XII). However, new transit sites must provide no more than 5 pitches. In addition, applicants must demonstrate that they can and will enforce a suitable time limit on how long pitches are occupied.

#### **Safeguarding Pitches**

All proposals that would result in a loss of Gypsy and Traveller pitches and Travelling Showpeople plots will not be permitted unless alternative and improved provision in either an equivalent or improved location is achieved that meets an identified need, with no net loss of pitches / plots.

- 4.71 There are currently 21 Gypsy and Traveller sites in the district (including one transit site at Carr Lane, Middleton) providing in the region of 82 pitches. The majority of these sites are privately run. However there are 19 social pitches provided at the Mellishaw Lane site which are managed by the Council on behalf of Lancashire County Council.
- 4.72 Planning Policy for Traveller Sites (2015) requires the Council to set pitch targets for Gypsies and Travellers and plot targets for travelling showpeople that address the likely permanent and transit site accommodation needs of Travellers in the district. The 2017 Lancaster District Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) has informed the Council of the need for additional pitches that will be kept under review in the light of changing

conditions and definitions in National Planning Policy for Gypsies and Travellers. The accommodation needs of Gypsies and Travellers within the district are considered under Policy SP6 of the Strategic Policies and Land Allocations DPD. The Council is also committed to bringing forward a Gypsy and Traveller Site Allocations DPD which will allocate land to meet the accommodation needs over the lifetime of the Local Plan.

- 4.73 Until such time as the Gypsy and Traveller Site Allocations DPD is adopted it will be necessary to take a proactive criteria based approach to proposals which come forward for development of new or expanded sites. There may also be circumstances where proposals come forward for new or expanded sites which have not been identified for allocation post the adoption of the emerging DPD, where this is the case such proposals will be supported where they meet the criteria within this policy.
- 4.74 There is a preference for new sites to be located in the urban areas of Lancaster, Morecambe, Heysham or Carnforth as this is where services are generally best provided such as healthcare, education etc. However, it is recognised that identifying sites for gypsy and traveller uses is challenging, with the Council having already undertaken two call for sites exercises. Therefore where proposals come forward in Sustainable Settlements which are in the rural area and meet the other criteria set out in other relevant policies, the Council may consider these favourably if it can be demonstrated that no suitable sites exist in the urban area.

#### **Residential Accommodation for Rural Workers**

### **POLICY DM10: ACCOMMODATION FOR RURAL WORKERS**

Proposals for residential accommodation for rural workers will be supported in principle subject to the following criteria:

#### **Permanent Dwellings**

Proposals for new permanent dwellings will only be permitted where they support existing agricultural / forestry / rural based employment activities on well-established agricultural / forestry holdings and rural based businesses provided they meet the following criteria:

- I. There is a clearly identified existing functional need that passes the policy test relating to functional need set out in Appendix F of this DPD;
- II. The need relates to a permanent full-time worker, or one who is primarily employed in agriculture, forestry or rural based businesses and does not relate to a part-time requirement;
- III. The unit and agricultural / forestry / rural based business activity concerned is economically viable and has been established for at least three years;
- IV. The functional need could not be fulfilled by another dwelling or by converting an existing suitable, underused or redundant building on the agricultural unit, except where the use of such a dwelling or building already contributes to the vitality of the business;
- V. There is no other suitable and available accommodation in the area that is suitable and available for occupation by the workers concerned; and

- VI. New dwelling(s) are sited to minimise the impact on the surrounding area, well designed and well-related to existing agricultural buildings or other dwellings related to the business.

***Temporary Dwellings***

If a new dwelling is essential to support a new rural activity, whether on a newly-created agricultural or other rural-based business unit or an established one it should normally for the first three years be provided by a caravan or wooden structure that can be easily dismantled and/or removed. Proposals for temporary dwellings will be expected to satisfy the following criteria:

- VII. Clear evidence is provided by the applicant of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- VIII. There is a clearly identified existing functional need that passes the policy test relating to functional need set out in Appendix F of this DPD;
- IX. Clear evidence is provided by the applicant that the proposed enterprise is economically viable;
- X. The functional need could not be fulfilled by another dwelling on the agricultural or rural based business unit, or any other accommodation in the area that is suitable and available for occupation by the workers concerned; and
- XI. New dwelling(s) are sited to minimise the impact on the surrounding area, are well designed and well-related to existing agricultural buildings or other dwellings.

When the permission granted for a temporary occupational dwelling expires, a proposal for a permanent dwelling must satisfy criteria (I) to (VI). After three years, if there is no planning justification for a permanent dwelling, then the temporary dwelling must be removed. Successive extensions to a temporary permission will not be granted.

Proposals for permanent and temporary occupational dwellings will be subject to appropriate planning conditions. The removal of conditions relating to occupancy on temporary occupational dwellings will not be permitted and on permanent occupational dwellings will only be permitted in exceptional circumstances as set out in Appendix F of this document providing that:

- XII. The applicant can demonstrate that there is no longer a long-term need for the occupational dwelling on the particular enterprise on which the dwelling is located; and
- XIII. The applicant can demonstrate that the occupational dwelling has been marketed at a realistic price that takes account of planning conditions, has been marketed within the appropriate media over a period of at least 12 months and that no reasonable offer has been refused, so to demonstrate that there is no demand for the dwelling in the area.

- 4.75 One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable certain land-based workers to live at, or within the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for

such workers to live in nearby towns or villages or suitable existing dwellings, so to avoid new and potential intrusive development in the countryside. However, there are some cases where the nature and demands of work make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of enterprise concerned and not on the personal preferences or circumstances of any individuals involved, in order to justify dwellings that would otherwise not be permitted in such locations.

- 4.76 Proposals for both permanent and temporary dwellings for rural workers should also have due regard to all other relevant policies within this DPD, in particular (but not exclusively) Policy DM46 relating to landscape impacts, DM29 relating to the design of development and Policy DM33 relating to flood risk.

#### **Residential Moorings on Lancaster Canal**

### **POLICY DM11: RESIDENTIAL MOORINGS ON LANCASTER CANAL**

**The Council will support the provision of new additional moorings on Lancaster Canal to meet evidenced and identified needs. Any proposals will be expected to address the following criteria:**

- I. That there are no significant impacts to navigational safety along the Lancaster Canal and satisfy the operational requirements of the Canal & River Trust;**
- II. It can be demonstrated that appropriate facilities and servicing is provided either on-site or in close proximity to the site, including refuse disposal, sewerage disposal, a facilities buildings (which should incorporate toilets, showers and a laundry facility) and re-fuelling facilities;**
- III. Proposed moorings should be located in places which provide reasonable access to basic key services, public transport routes, education and health facilities;**
- IV. Adequate access and parking is provided to the site, particularly in relation to emergency services; and**
- V. There will be no significant adverse effect on the amenity, biodiversity, water resources or heritage value of the Canal and its surroundings.**

- 4.77 This policy should be read in conjunction with Policy T3 of the Strategic Policies and Land Allocations DPD which relates to Lancaster Canal. The Canal, whilst providing value in heritage, nature and leisure terms, is also to some people a place they call home.
- 4.78 Galgate Marina is now the sole permanent mooring within the District on the Lancaster Canal after the closure of the moorings in Carnforth in 2017. Evidence identifies a need for around 8 additional permanent moorings over the course of the plan period.
- 4.79 The Council encourage the provision of moorings within the District and will support boaters,

landowners, navigation authorities and other interested parties to increase the supply of residential moorings in sustainable and appropriate locations along the Canal within the District. However, given the low level of need specific allocations for moorings have not been made.

- 4.80 Any new moorings should not conflict with the Canal & River Trust's operational requirements or impede navigational safety or recreational access along the Canal. Proposals should also ensure that they do not have a detrimental effect on amenity, water quality, character and appearance of the locality, biodiversity and nature conservation value of the canal and its surroundings.
- 4.81 For planning applications relating to permanent residential mooring, adequate supporting infrastructure, including details regarding arrangements for waste disposal, recycling and wide accessibility (if appropriate) should be addressed. With regard to car parking, such facilities will only be required where the scale or nature of the proposal is significant enough to generate the need for car parking to be provided.

#### **Self-Build, Custom Build or Community-Led Housing**

### **POLICY DM12: SELF BUILD, CUSTOM BUILD AND COMMUNITY-LED HOUSING**

**Planning applications for self, custom or community-led housing, built by individuals or groups of individuals for their own occupation will be supported by the Council where they are located in sustainable locations.**

**Developers of strategic sites and other smaller sites will be encouraged to investigate the possibility of making provision for a proportion of serviced plots of land to contribute towards meeting the evidenced demand for self, custom or community-led housebuilding in the district.**

**Serviced plots of land will also be supported on other allocated sites where overall, this would not result in an over-provision of this type of housebuilding when compared to the Council's supply/demand evidence.**

**The Council will seek to identify plots for self and custom build housing where the need is clearly identified via the Self Build Register. The Council will support proposals from community groups seeking to provide affordable housing units and who will implement their management and lettings arrangements (providing these meet a local need and comply with other relevant planning requirements and policies, including Policy DM44).**

- 4.82 The Self Build and Custom Housebuilding Act 2015<sup>19</sup>, with its accompanying Regulations, requires Councils to have a register of all of those who wish to acquire a plot for self-build or custom-build dwellings, and imposes a "duty" to grant sufficient sites to meet the need for plots expressed by the register. The Council holds a register of potential interest in self or custom build plots across the district. Planning Practice Guidance clarifies that evidence of demand from the registers should inform Local Plan policies, supplemented by other evidence.

<sup>19</sup> <http://services.parliament.uk/bills/2014-15/selfbuildandcustomhousebuilding.html>

- 4.83 At present both evidence from the register and evidence from the Strategic Housing Market Assessment (Part II) indicates limited demand within the District for self and custom build housing. The evidence generally indicates that there is a wide search area across the District as well as a desire for larger properties of three or more bedrooms. The Assessment also identified that those who do have a desire for self or custom build housing are generally on high incomes.
- 4.84 Whilst suitable opportunities may exist for larger self or custom build properties to be constructed, the thrust of the policy is to support opportunities for individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership.
- 4.85 The Council has been identified as a Local Authority directly affected by second homes ownership and qualified for an allocation of Community Housing Fund grant in 2017/2018 to support community led developments. The Council may work directly with and provide funding for community groups wishing to advance community led developments, particularly for proposals that will deliver affordable housing that will meet a local need. A grant policy was approved by Cabinet in August 2017. As the delivery of affordable housing will be an important element of community led developments, community groups by nature are encouraged to have their own bespoke management and letting arrangements for affordable units, so there is no requirement for units to be owned and/or managed by Registered Providers (although community groups may wish to deliver schemes in partnership with Registered Providers at their own discretion).
- 4.86 The Council considers self, custom or community build to be an additional source of supply of conventional housing and a further housing choice. The sites required to accommodate self or custom build units are likely to be sites with limited large scale housing potential but could, with the input of an innovative architect, provide an exemplar and bespoke housing scheme that would provide high quality accommodation at a lower cost than conventional market housing.
- 4.87 There is also potential through the construction phase of self, custom or community build development to support the local economy by providing work for local builders and tradesmen and maximising the use of local supply chains. Where appropriate, the Council will seek to secure benefits to the local economy through the use of planning obligations.
- 4.88 On larger sites primarily brought forward for open market housing there may be opportunities to devote part of the site for custom, self-build or community led housing. Developers could offer certain plots for sale, with servicing, or offer a custom-building service themselves, offering a bespoke or catalogue product. Although it is recognized that it may be outside the preferred business model of some developers, the policy is intended to provide encouragement to those developers who may see custom building as an opportunity to develop bespoke design-and-build services as part of their product offer.
- 4.89 Whilst the Council will be generally supportive of proposals for self or custom build units, it is important that applications for self or custom build do not compromise the ability of the Council to meet its overall housing needs, particularly in the areas of growth identified via strategic planning policy. Therefore applications for this type of housing will be subject to the same requirements of all housing schemes, including density, design and environmental performance.

- 4.90 In accordance with the national policy, the Council is committed to collecting evidence to understand the need for self and custom build and plan for the identification and allocation of sites should the need arise to a level where this can be justified. The Council will monitor expressions of interest and direct people to the Council's Self Build Register<sup>20</sup> and wherever possible to individual landowners.

### **Residential Conversions**

## **POLICY DM13: RESIDENTIAL CONVERSIONS**

Proposals that involve residential conversions must meet the following criteria:

- I. Provide accommodation that will address local housing needs and imbalances in the local housing market;
- II. Contribute towards the provision of affordable housing in accordance with Policies DM3 and DM6 and the relevant policies of the Arnsdale & Silverdale AONB DPD;
- III. Not result in a significant detrimental impact on the amenity of nearby residents and the character and appearance of the street scene; and
- IV. Satisfy all other relevant planning policy including the requirements of Appendix H where appropriate.

### **Houses of Multiple Occupation (HMOs)**

The Council considers the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities. In doing so, the Council have adopted an approach of a general presumption against new housing in multiple occupation within the district. Proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable. This includes proposals for changes of use to HMOs, or extensions to existing HMOs.

The Council are considering the merits of bringing forward Article 4 directions to manage the amount of small HMOs being developed (i.e. those where 3 to 6 people live separately within the same dwelling house).

Proposals may on exception be considered acceptable where:

- V. Effective measures are proposed to minimise noise and other forms of disturbance to neighbouring residential properties;
- VI. Suitable means of storage including refuse, recycling and bicycle storage is provided;
- VII. The proposal would not harm the character of the building or surrounding area;
- VIII. The proposal would not result in unacceptable impact on parking including unacceptable levels of on-street parking;
- IX. The proposal would not result in the creation of sub-standard living conditions.

<sup>20</sup> <http://www.lancaster.gov.uk/planning/planning-policy/custom-build-and-self-build-homes>

- 4.91 Residential conversions can have significant sustainability and regeneration benefits, and can help to preserve local character in both urban and rural locations. The Council will generally support such proposals where there will be a positive contribution to sustainable development.
- 4.92 Applicants are encouraged to consider the potential impacts of reconverting multiple residential dwellings back to a single dwelling on meeting local housing needs and the effect this may have on any potential imbalances in the local housing market.
- 4.93 Houses in Multiple Occupation (HMOs) can help to address the housing needs of single people. However large concentrations of HMOs in a small area can impact on the character of a residential area and give rise to an inappropriate mix of residents. This has been the case in Morecambe where many HMOs have been created as a result of unauthorised and sub-standard adaptations of former hotels and guest houses. Furthermore, areas of Lancaster have seen high concentrations of HMO's which can have a negative effect on local amenity. Therefore, proposals that fall outside of permitted development rights and therefore require planning permission will not be accepted.
- 4.94 Proposal for residential conversions through the re-use of disused buildings in isolated rural locations (such as isolated field barns) are dealt with by Policies DM4 and DM49 of this DPD.

## 5. Employment and Economic Growth

- 5.1 Lancaster District is strategically located with the M6 motorway, West Coast Mainline and Port of Heysham all being located within the district. Access to the strategic transport network means that the district is well linked to Scotland and the wider North West region including Liverpool, Leeds and Manchester. This accessibility has been improved further following the opening of the Bay Gateway Link Road. The strong accessibility clearly makes this area an attractive place for business to invest.
- 5.2 The district has a range of economic assets – large and small, some allocated and some un-designated – that should be protected and offered the opportunity to grow in order for the district to be economically prosperous both now and into the future.
- 5.3 In total there are approximately 78,100<sup>21</sup> economically active people within the district.. Unemployment remains close to the national average, though parts of both Lancaster and Morecambe do suffer from higher than average levels of deprivation and, in particular, levels of unemployment.
- 5.4 To assist with the delivery of economic growth, development proposals that seek to create new employment opportunities and investment within the district will be supported by the Council, subject to consideration of the impacts on their surroundings.

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<sup>21</sup> Employment Land Review (Turley Economics 2015)

<https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information>

### Proposals involving Employment Land and Premises

## **POLICY DM14: PROPOSALS INVOLVING EMPLOYMENT AND PREMISES**

Proposals for new employment premises should preferably be located on allocated employment sites, as identified in Policy EC1 of the Strategic Policies and Land Allocations DPD. Where this is demonstrated not to be practical or achievable then proposals should be located within, or be well connected to, the main urban area or sustainable settlements identified in the Settlement Hierarchy in Policy SP2 of the Strategic Policies and Land Allocations DPD.

### *Proposals for Employment Purposes on Non-Allocated Employment Sites*

Proposals for employment generating uses (B1, B2, B8 and appropriate sui generis uses) that seek to utilise previously developed land or existing premises outside of allocated employment areas will be supported by the Council provided that the following criteria are addressed:

- I. That there is sufficient access and capacity in the local highways network to accommodate the proposed use, including provision for cycling and walking;
- II. That the proposal includes a robust sequential test which demonstrates that consideration has been given to alternative suitable sites within the district. The test should firstly focus on opportunities within allocated employment areas and secondly on existing non-allocated employment areas;
- III. Proposals should be located in accessible places with good connections to public transport and provide sufficient car parking in accordance with Appendix E;
- IV. That there is no significant detrimental impact on local residential amenity or the natural environment; and
- V. The proposal is in accordance with the design guidance set out in Policy DM29 of this document and any other relevant accompanying design guidance.

Any proposals for employment uses within rural areas of the district will be expected to comply with Policies DM44, DM46, DM47 and DM48 of this document. Proposals in the Arnsdale & Silverdale AONB should address the requirements of Policy AS10 of the Arnsdale & Silverdale AONB DPD.

Proposals that, by their very scale and nature, generate significant traffic movements may also be required to provide a travel plan, in accordance with Policy DM63 of this document, which sets out how excessive travel movements can be mitigated and sustainable travel patterns encouraged. The requirement for a travel plan will be assessed on a case-by-case basis.

### *Loss of Employment Land and Premises for Alternative Uses*

The Council will seek to protect land allocated for employment purposes under Policies EC1 and EC2 of the Strategic Policies & Land Allocations DPD for their identified employment purpose. Outside of allocated employment areas, the Council will seek the retention of land

**and buildings that are in an active employment use, have a previous recent history of employment use, or still has an economic value worthy of retention. Proposals that involve the use of employment land for alternative uses, such as residential, will only be permitted where one of the following criteria are met:**

- VI. It has been demonstrated, through satisfactory and robust marketing which has taken place over a reasonable period of time (at least 12 months) that an ongoing employment use of the site / premises is no longer appropriate and viable. The marketing should include information on all offers made, together with copies of the sales particulars to demonstrate that the site / premises has been marketed using appropriate media sources at a realistic price for both the existing use and for redevelopment (if appropriate) for other employment uses; or**
- VII. The location has such exceptionally severe site restrictions, due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate; or**
- VIII. The re-use of the employment land meets the wider regeneration objectives set out in the Local Plan in relation to Policy EC5 of the Strategic Policies and Land Allocations DPD and where it is clearly demonstrated that the benefits of the proposal outweighs the loss of the site for employment purposes.**

- 5.5 Proposals that re-use previously developed land and / or existing buildings for employment purposes, which are not formally allocated for employment, will be supported in principle by the Council where it represents sustainable development. Proposals for employment generating uses in non-allocated employment areas should ensure that there are no significant detrimental impacts resulting from the proposal, particularly in terms of accessibility, residential amenity and the local environment.
- 5.6 Where it is anticipated that development proposals will generate significant footfall and traffic movement, special attention should be given to the accessibility of the site, via public transport or through cycling and walking. In particular cases the Council may require proposals to be accompanied by a travel plan in accordance with Policy DM63 of this document, which should seek to mitigate and reduce traffic movements generated by the proposal. Such requirements will be assessed and agreed on a case-by-case basis depending on the potential impacts of the proposal.
- 5.7 The Council recognises the importance that employment land has within the local economy. Business and commercial premises provide job opportunities for local people and present opportunities for investment into the local economy. The cumulative loss of employment sites will have an adverse effect on business, economic growth opportunities and on the character of the district.

*The Protection of Employment Land and Premises*

- 5.8 In accordance with paragraph 22 of the 2012 National Planning Policy Framework<sup>22</sup> (the Framework), the Council will not seek to retain employment uses that have no reasonable prospect for employment purposes, whether this is due to economic factors, site location or the

<sup>22</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

condition / state of the buildings on the site. However, there is an expectation from the Council that any proposals that involve the loss of employment / commercial premises or land should clearly demonstrate that such uses are no longer appropriate or viable for the site to satisfy the requirements of national guidance.

- 5.9 Applications should be supported by information which clearly demonstrates that the premises or site has been marketed for employment purposes for a realistic period, normally for a minimum of 12 months, at a realistic price. The Council will determine if the marketing has been sufficient and appropriate. Any proposals that do not include this supporting information will generally be refused planning permission unless exceptional circumstances are demonstrated. This is particularly the case where the land / premises in question have been allocated for employment uses in the Strategic Policies and Land Allocations DPD.
- 5.10 The marketing of the premises / sites should be for its existing use or for an acceptable alternative employment generating use. Only when such alternative uses have been realistically considered and found not to be practical will proposals to re-use employment land for non-employment generating uses, such as residential, be considered.
- 5.11 The Strategic Policies and Land Allocations DPD has established an approach to future employment land provision through the plan period, ensuring that any employment land that has no realistic opportunity to return to an employment generating use has been allocated for alternative purposes. Therefore, the identified employment land stock allocated in the Strategic Policies & Land Allocations DPD is considered to be of value and should be retained. In times of limited demand relating to the economic recession, employment land should not be simply released for other uses because this reduction in demand is likely to be relatively short-term and the loss of employment land to non-employment uses (such as residential) is irreversible. The Council will also be mindful of the need to retain industrial land for a range of employment and economic needs.
- 5.12 Local service trades such as builders' yards, car repair or skip hire provide a useful service to local residents and other businesses in the district, as well as providing a source of local employment opportunities. Small firms such as these often find it difficult to acquire suitable affordable premises and the high value of land for other uses consequently creates pressure for the redevelopment of land for higher quality and priced accommodation even though many starter businesses require cheaper accommodation and smaller incubator units. Attempts to market premises should be undertaken on the basis of their present condition and use, and not on their potential for redevelopment in the future to other uses, or by proposing housing as the only viable option for the future.
- 5.13 Many employment areas within the district present opportunities for regeneration and remodeling, providing more modern employment facilities than currently exist, such opportunities are identified as Regeneration Priority Areas in Policy EC5 of the Strategic Policies and Land Allocations DPD. The Council will support proposals that can genuinely demonstrate that regeneration of an employment site for a mixture of uses can provide significant economic regeneration benefits to the locality.

### Small Business Generation

## **POLICY DM15: SMALL BUSINESS GENERATION**

The Council will support proposals that involve the creation or sustainable expansion of small businesses within the district, subject to the following criteria being met:

- I. The site is located within the built-up areas of Morecambe, Lancaster, Heysham, Carnforth or a sustainable settlement, an identified employment area or a site specifically allocated for that type of use or is part of a suitable and sustainable farm diversification scheme within a rural area; or
- II. The proposal is for the sustainable expansion of an existing business within its existing site, subject to compliance with other policies within this document; or
- III. The proposal is for the conversion or re-use of suitable existing buildings in accordance with all other relevant policies within this document.

The Council will seek to promote the role of home-working within the economy, through improvements to telecommunications infrastructure and small-scale extensions to existing residential dwellings. The Council will not support proposals for residential development that are contrary to policies within the Local Plan and the Framework purely on the basis that they would assist in the delivery of home-working.

- 5.14 Small business enterprises and emerging economic sectors fulfil an important role in the district's economy and can help promote sustainability by providing jobs in urban and rural locations as well as contributing to the diversity of employment within more urbanised centres. Paragraph 21 of the [2012](#) Framework recognises the importance of small businesses, suggesting that Local Plans should '*support existing business sectors, taking into account whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area*'.
- 5.15 In response to this policy position within the Framework, Policy DM15 will seek to encourage the sustainable growth of new business and emerging economic sectors [particularly the opportunities in the green economy and created by implementing the Council's climate emergency policies](#) in both urban and rural locations. It is anticipated that a sympathetic policy approach and maintaining a flexible supply of land / buildings for business uses will be important in assisting the recovery of the local economy. Such an approach will allow for existing established businesses to grow sustainably and will help new business opportunities wishing to invest in the local area and create jobs for local people.
- 5.16 The Council recognises the growing role that home-working can provide within the local economy, particularly in rural areas of the district. The ability of people to work from home can have many positive sustainability benefits including the reduction in the use of private vehicles and therefore the Council will promote home-working where appropriate. There are a number of barriers to home-working in the district, in particular accessing good broadband links, however there are a range of projects, such as B4RN, which are seeking to improve rural broadband provision.

- 5.17 In accordance with Policy DM59 of this document the Council will assist where possible in the improvement of these telecommunication links. Whilst the Council will seek to promote the principles of home-working within existing dwellings, the Council will not support proposals for residential development that, in normal circumstances would be contrary to other policies within the Local Plan, on the basis that the new dwelling will provide opportunities for home-working.
- 5.18 Whilst at a national level priority is given toward economic recovery, it is important that within the planning system a balance is retained between the need to create investment and jobs and the need to protect the character and amenity of the district. Therefore whilst this policy offers significant support for economic growth, any proposals should have due consideration to all relevant policies within this DPD, particularly to specific impacts on the locality resulting from potential development. Proposals in the Arnsdale & Silverdale AONB area should have due regard to the content of Policy AS10 of the Arnsdale & Silverdale AONB DPD.

## 6. Town Centres and Retailing

- 6.1 The district's town centres are vital for the well-being of local residents and the local economy. They also play an important role in the wider economy within South Cumbria and the North Lancashire sub-region. It is important that they develop in a way that allows them to meet future changes and challenges without losing their distinctive character.
- 6.2 This district is characterised by a large rural hinterland that relies on key services being provided in larger urban areas, particularly Lancaster. Focusing development in town centres will result in significant sustainability benefits, including a reduction in the need to travel. However, main town centre uses are appropriate within the defined boundaries of the three main town centres (as defined in Policy TC1 of the Strategic Policies & Land Allocations DPD) and should not result in densities and uses that would damage local amenity.

### Town Centre Development

#### **POLICY DM16: TOWN CENTRE DEVELOPMENT**

Proposals for retail development will be supported where they are located within defined Primary Shopping Areas, as set out on the Local Plan Policies Map or are in accordance with relevant retail policies or where the proposal accords with other policies contained elsewhere in the Local Plan.

##### *Proposals for Main Town Centre Uses in City or Town Centre Locations*

Proposals for other main town centre uses (as defined in the National Planning Policy Framework) will be supported where they are located within the defined town centre boundary and accord with other policies elsewhere in the Local Development Plan.

Proposals for residential development within city or town centre locations will be considered favourably provided that they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within a designated retail

frontage. Such proposals should include a separate and secure access, preferably to the rear of the property that does not result in a net loss of ground floor retail space.

Development proposals for main town centre uses will be supported in city or town centre locations subject to environmental, safety and amenity considerations where it can be demonstrated that the scale and type of development proposed is directly related to the role and function of the locality and contributes towards creating a strong sense of place through high quality design.

Proposals for retail development that are located between the Primary Shopping Area (PSA) and the city or town centre boundary will also be supported where it is demonstrated that the proposal cannot be suitably accommodated within the PSA and will bring positive economic regeneration benefits.

**Proposals for Main Town Centre Uses outside of City or Town Centre Locations**

Development proposals for main town centre uses that are not located in city or town centre locations (as defined in Policy TC1 of the Strategic Policies & Land Allocation DPD), or are not in accordance with specific policies in the Strategic Policies and Land Allocations DPD, will be expected to demonstrate that the sequential test has been applied to identify the proposal's site, as set out in paragraph 24 of the **2012** National Planning Policy Framework. Proposals for main town centre uses that are not located in defined city or town centre locations, or are not in accordance with specific policies within the Local Plan should seek to address the following issues:

- I. Ensure that a thorough assessment of the suitability, viability and availability of locations for main town centre uses has taken place, having particular regard to the nature of the need that is being addressed;
- II. Ensure that all town centre options have been thoroughly assessed before less central sites are considered;
- III. Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge-of-centre locations that are well connected to the centre by means of good pedestrian and public transport networks; and
- IV. Ensure that in considering sites on the edge of existing centres, developers and operators have demonstrated flexibility in terms of scale and format.

**Retail Impact Assessment**

The Council will not expect or require Impact Assessments for proposals which are located within the defined city or town centres of Lancaster, Morecambe or Carnforth.

Outside of city and town Centre boundaries for Lancaster, Morecambe and Carnforth (as defined on the Local Plan Policies Map), the Council will require an impact assessment in accordance with paragraph 26 of the **2012** Framework for any proposals which will result in the creation of over 500sqm of gross floorspace.

- 6.3 To retain and develop their vibrancy and vitality, town centres must have an appropriate mix of retail, leisure, cultural and service provision. This must be at an appropriate level to the scale and type of the centre and not of a kind that would damage the ability of the surrounding area, or other centres, to function. The size of units is also important – new development in some centres (particularly in relation to Lancaster) will need to consider the development of larger retail units. However, smaller units and a greater mix of shops that *‘promote competitive town centres that provide customer choice and diverse retail offer and which reflect the individuality of town centres.’* (Paragraph 23 of the [2012](#) National Planning Policy Framework<sup>23</sup>) should be retained.
- 6.4 Development should make efficient use of buildings and / or land. This could be achieved by creating development that is at an appropriate density or by ensuring that space above ground floor level is well used, for example by having office space above shops in the core of the town centre, or residential uses above shops in other parts of the centre.

#### The Sequential Test

- 6.5 Town centre uses should be directed to city or town centre locations. Where proposals seek to deliver these uses outside city or town centres, the sequential test set out in paragraph 24 of the [2012](#) Framework will be applied.
- 6.6 Significant weight will be given to the scope, application and outcome of the sequential test. Applications that fail to undertake such a test and do not demonstrate flexibility in respect of sequentially preferable sites may lead to refusal of planning permission. Consideration should also be given to the advice set out with regards to town centres within National Planning Practice Guidance<sup>24</sup>.

#### Retail Frontages in City or Town Centres

### **POLICY DM17: RETAIL FRONTAGES**

#### Primary Retail Frontages

Primary Retail Frontages, as defined on the Local Plan Policies Map for Lancaster, are identified because of their importance within their town centre location. The issue of retail frontages for Morecambe is addressed in the Morecambe Area Action Plan DPD<sup>25</sup>. To ensure vitality and viability, development proposals within primary retail frontages that involve the change of use of ground floor premises to non-A1 uses will only be permitted where:

- I. All adjoining frontages have an A1 retail use or contain uses that generate active street frontages during normal daytime trading hours; and
- II. The proposal ensures that all uses on the ground floor provide an active street frontage that would be open during normal daytime trading hours; and

<sup>23</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>24</sup> <http://planningguidance.communities.gov.uk/>

<sup>25</sup> <http://www.lancaster.gov.uk/sites/regeneration/morecambe-area-action-plan>

- III. The proposal would not result in the proportion of non-A1 uses exceeding 20% of continuous retail frontage.

**Secondary Retail Frontages**

Within other key retail frontages the Council will seek to retain an appropriate mix of 'A' Class uses whilst permitting a limited number of non-A1 uses. Proposals that involve the change of use of ground floor premises to non-A1 will not be permitted unless all of the following criteria have been satisfied:

- IV. An adjoining building is in an A1 retail use or includes a use that generates an active street frontage during normal daytime trading hours.

The proposed use should support the retail function and character of the town centre and its vitality and viability. In seeking to achieve this the Council will consider the following:

- V. Whether the proposed use would provide a service to shoppers;  
VI. Whether the proposed use of the ground floor would provide an active frontage; and  
VII. Whether the proposal has a significant adverse effect on the character of the street or locality or the amenity of neighbouring residents or businesses.

Proposals for hot-food takeaways and betting shops should have due regard to Policy DM20 of the Development Management DPD.

**Note:** A continuous retail frontage is defined as a row of four or more units in A1, A2, A3 or other main town centre uses of which the A1 frontage element is greater than 50%. A frontage may cross both an alley or wrap around a corner.

- 6.7 The frontages policy acts to highlight areas in city or town centres where retail (A1) uses would be best located. It also serves to protect existing retail uses from inappropriate or insensitive development. This policy builds on national guidance to help regenerate and reinforce the vitality and viability of existing centres as expressed in paragraph 23 of the [2012 Framework](#). The primary purpose of this policy is to promote city and town centre A1 retail uses along primary frontages within the defined town centre boundary, which can generate active street frontages during normal daytime trading hours.
- 6.8 The shopping frontages are defined on the Local Plan Policies Map, which accompanies the Strategic Policies & Land Allocations DPD. These have been designated within the provisions of paragraph 23 of the [2012 Framework](#) which states that Local Plans should 'define the extent of the town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.'
- 6.9 The Local Plan Policies Map identifies primary shopping frontages within the central areas of Lancaster. The designations for Morecambe town centre are dealt with by the Morecambe Area Action Plan. Due to the scale and size of Carnforth town centre no frontages have been designated in this location. The approach to retail frontages is a long standing policy that has

assisted in the consolidation of town centres and helped to define their function.

- 6.10 Secondary frontages near the edge of Lancaster's Primary Shopping Area are also identified on the Local Plan Policies Map. Their role is to support the key shopping frontages and they are areas where some degree of diversification would be supported, whilst ensuring their primary town centre function is retained.
- 6.11 The primary frontages are in central locations that form the core of a centre, and as such they are mostly A1 retail. The loss of A1 space will generally be resisted and conversions to A1 generally supported. However, the Council acknowledges the contribution that non-A1 units can make to a healthy town centre particularly where they provide an active street frontage during the day. Where the policy indicates that A1 uses should be retained, conversions that involve the reduction of A1 floor space by changing the use of part of a unit will have to maintain a suitably sized and viable unit on the frontage and not detract from the centre's vitality and viability.
- 6.12 The Council, via future reviews to its evidence base, will give consideration to the need and desirability of reviewing the percentage of continuous retail frontage required via criterion (iii) and (v) of Policy DM17.
- 6.13 Secondary Retail Frontages have been designated on parades that, whilst not within the core of the town centre, still play an important supporting role to the retail centre. These areas are predominantly occupied by retail uses, although the Council will support a degree of diversification in some circumstances. Additionally, Secondary Retail Frontages may have been identified in areas where diversification has already taken place. In these instances the policy recognises the importance of diversity but also prevent any further reduction in the retail character of that frontage. Secondary Frontages designations also prevent the clustering of non-A1 uses forming, for example the proliferation of hot-food takeaways that could encourage the consumption of non-healthy food and could create local amenity issues.
- 6.14 The retail frontages policy primarily protects the ground floor and street frontage part of the unit. Although the Council will seek to avoid the reduction of the overall retail floorspace, particularly in Lancaster City Centre (apart from where exceptional circumstances are demonstrated) it acknowledges that retail may not always be the most effective use of the upper floors of certain buildings. Providing that the ability of the ground floor unit to act in a retail capacity is not compromised, changes of use from retail on other floors would not be contrary to the frontage policy.
- 6.15 In the other areas of Lancaster and Carnforth not covered by designated frontages vacant shop units can provide employment and business opportunities. This may assist in providing opportunities for small businesses and enterprises. The Council will consider favourably proposals where buildings can be converted satisfactorily provided that the proposed use will not adversely affect residential amenity, the functioning or appearance of the shopping centre and where appropriate there is sufficient off-street car parking and servicing.

### Local Centres

## **POLICY DM18: LOCAL CENTRES**

Within local centres, which are defined on the Local Plan Policies Map and Policy TC1 of the Strategic Policies & Land Allocations DPD, the Council will allow commercial, community and other non-residential uses on the ground floor where it retains an active street frontage.

Proposals that involve the loss of retail uses or the consolidation of individual units into larger units within local centres will be considered appropriate where:

- I. The proposed use is proportionate to the scale, role and function of the existing local centre and is compatible with a shopping frontage and provides a direct service to the general public;
- II. The proposal would not harm the vitality and viability of the local centre or result in a significant break in the active street frontage which is to the detriment of the function and role of the local centre;
- III. Equivalent provision exists within reasonable walking distance, or forms part of the proposal;
- IV. The use would not result in the loss of local pedestrian accessible shopping facilities;
- V. A shop front display is provided; and
- VI. There would be no adverse impacts on the amenity of local residents, road safety, car parking or traffic flows would result.

- 6.16 Local centres are important for basic local service provision and enable opportunities for local trade and commercial activity to serve the local community without the need to travel to the nearest town centre. Proposals for small-scale, convenience shopping, business and community facilities (such as doctors or dentists) will be encouraged within local centres, particularly where there is no such facility within easy walking or cycling distance of a residential area.
- 6.17 When a change of use is proposed within a local centre, the new use must demonstrate that it would provide a local service which supports the vitality of the local centre, provide active street frontage and have no adverse effects on the amenities of residents, road safety or traffic flows.

### Retail Development outside Defined Centres

## **POLICY DM19: RETAIL DEVELOPMENT OUTSIDE DEFINED CENTRES**

Outside of defined city, town and local centres, the development of main town centre uses (as defined by Annex 2 of the **2012** Framework) will be supported provided that:

- I. The proposal generates no more than 150sqm gross floorspace in total;

- II. The proposal is located within the urban area of the district or within a sustainable settlement (as defined in Policy SP2 of the Strategy Policies and Land Allocations DPD;
- III. The proposal can be easily and safely accessed by foot and by cycle from the surrounding area; and
- IV. It will be compatible with surrounding land uses and will not detract from residential amenity and/or road safety.

Retail proposals that exceed 150sqm will be directed towards defined centres as identified in the Local Plan Policies Maps. The cumulative impact of proposals will be considered in terms of the implications on the vitality and viability of defined centres in the locality.

- 6.18 It is recognised that not all retail development takes places within defined centres and therefore the Council will support small-scale retail development that demonstrates a local benefit and its proposed use serves the community.
- 6.19 It is recognised that not all retail development takes places within defined centres and therefore the Council will support small-scale retail development that demonstrates a local benefit and its proposed use serves the community.

#### **Hot-Food Takeaways and Betting Shops**

### **POLICY DM20: HOT FOOD TAKEAWAYS AND BETTING SHOPS**

The City Council will support proposals for hot-food takeaways within identified centres unless:

- I. It would result in a clustering of A5 hot food takeaway uses to the detriment of the character, function, vitality and viability of the defined centre and would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings; or
- II. There are two or more consecutive A5 hot food takeaway uses in any one length of frontage. Where hot food takeaway uses already exist in any length of frontage, a gap of at least two non-A5 uses shall be required before a further A5 hot food takeaway use will be permitted in the same length of frontage; or
- III. It would result in additional hot food takeaways in a ward where more than 15% of year 6 pupils or 10% of reception pupils are classed as obese.

Consideration should be given to other relevant policies within this DPD, in particular Policy DM57.

The City Council will support proposals for betting shops within identified centres unless:

- IV. It would result in a clustering of betting shops to the detriment of the character, function, vitality and viability of the defined centre or would have an adverse impact on the standard of amenity within the local area; or

**V. There are two or more consecutive betting shops in any one length of frontage. Where betting shops already exist in any length of frontage, a gap of at least two units shall be required before further betting shop uses will be permitted in the same frontage.**

- 6.20 The high concentration of hot-food takeaways in a small geographic area can lead to significant amenity issues in the locality in terms of litter, noise, traffic and odour which can have wider detrimental impacts on the visual amenity of an area. The Council will therefore carefully consider applications for new hot food takeaways to deter clustering of such uses.
- 6.21 Beyond local amenity issues, national planning policy is clear that through both the plan-making process and decision-taking processes the aim should be to deliver healthy, inclusive and safe places which, particularly in relation to public health, enable and support healthy lifestyles especially where this addresses identified local health and wellbeing needs. Examples of how this could be achieved include access to a healthier range of food.
- 6.22 The National Institute for Health and Care Excellence (NICE) guidance on the prevention of cardiovascular disease states that food from takeaways and the ‘informal eating out sector’ comprises a significant part of many people’s diets and indicates that local planning authorities have powers to control fast-food outlets. It recommends that local planning authorities should be encouraged to restrict permissions for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools as well as consider the concentration of fast food outlets in specific areas to address disease prevention.
- 6.23 Lancashire County Council’s Public Health Team have prepared a Public Health Advisory Note on ‘Hot Food Takeaways and Spatial Planning’ which was published in late 2017. This builds on the direction given at a national level and provides greater encouragement to local planning authorities to manage the level of new hot food takeaways to stop the proliferation of such uses which are particularly prevalent in areas of deprivation. This is highlighted with the use of the FEAT mapping tool<sup>26</sup> in relation to the location of takeaways.
- 6.24 As Table 6.1 displays both Lancashire and Lancaster have significantly more fast food outlets per 100,000 population than England. Fast food outlets are defined as premises that prepare and supply food that is available quickly covering a range of outlets including (but not limited to) burger bars, kebab and chip shops, fish and chip shops. It excludes outlets classed as bakeries, as well as those considered to be cafes and restaurants. However, in the case of large fast food chains, all outlets including those classed as cafes and restaurants are included in the figures.

	2012		2016		DIFFERENCE	
	Count of Outlets	Rate per 100,000 population	Count of Outlets	Rate per 100,000 population	Actual	%
ENGLAND	40,486	77.5	47,928	87.8	+7,442	16%
LANCASHIRE	1,028	87.9	1,282	121.9	+254	20%
LANCASTER	119	84.4	127	89.9	+8	6%

**Table 6.1:** Table to show the levels of fast food outlets at National, Sub-Regional and Local Levels (Source: Public Health England).

<sup>26</sup> <https://www.feat-tool.org.uk/>

- 6.25 Improving the health and wellbeing of communities in the district is a key objective of the Local Plan, only way this can be achieved is to encourage healthy eating. Large concentrations of hot food takeaways within our commercial centres and surrounding schools can have the opposition effect by encouraging unhealthy eating habits. Approximately 58% of adults in Lancaster District are classified as overweight or obese (2017/18). Child excess weight is of particular concern as excess weight in reception year children was significantly worse than England's average from 2014/15 to 2016/17 and currently stands at 21.6% for the district. 32.4% of year 6 children in the district are currently classed as overweight or obese<sup>27</sup>.
- 6.26 In Lancaster District, the ward level percentage of obese children in reception year varies between 6.1% and 12.2% (2013/14 to 2015/16), this compares to an England average of 9.3%. The percentage of obese children in year 6 in Lancaster varies between 11.4% and 22%, this compares to an England average of 19.3%. Therefore, the aim of this policy is to help assist in reducing these levels by restricting new hot food takeaways within wards where more than 15% of year 6 pupils or 10% of reception pupils are classed as obese<sup>28</sup>.
- 6.27 In making decisions on hot food takeaways, the Council will have regard to the content of the County Council's Public Health Advisory Note and seek advice and guidance from the Lancashire County Council Public Health team in relation to obesity levels within young people.
- 6.28 An over-concentration of hot food takeaways can also have a detrimental impact upon the vitality and viability of centres. They can give rise to complaints about noise, disturbance, odour and litter. In assessing proposals within town centres and local centres (as identified via Policy TC1 of the Strategic Policies and Land Allocations DPD), consideration will therefore be given to the detrimental impact that an over-provision of A5 uses may have. Through assessments of local centres prepared in 2017, the Council has a good understanding of the number of A5 units within its identified main centres and local centres.

#### **Advertisements and Shopfronts**

### **POLICY DM21: ADVERTISEMENTS AND SHOPFRONTS**

#### **Advertisements**

**Advertisements should be well designed and appropriately sited in order to positively contribute to a safe and attractive environment.**

**All forms of advertisements that require consent must not cause a public safety hazard or contribute to clutter or loss of amenity. Schemes that are submitted should meet the following criteria:**

- I. Be of a high quality design and sensitive to the visual appearance of the building on which it is to be sited and the surrounding street scene, in the daytime and the night-time, especially in relation to the surrounding historic environment;**

<sup>27</sup> <https://fingertips.phe.org.uk>

<sup>28</sup> <https://www.localhealth.org.uk/>

- II. Be appropriate to its setting and location and have due regard for local distinctiveness;
- III. Not contribute to an unsightly proliferation or clutter of signage in the vicinity;
- IV. Not cause a hazard to pedestrians or road users;
- V. Not cause a visual intrusion by virtue of light pollution into adjoining residential properties or unnecessarily cause poorly directed light pollution elsewhere; and
- VI. Be appropriate and relevant to the business or premises for which it has been created.

#### **Shopfronts**

The creation of new shopfronts, or the replacement / alteration of an existing frontage should be well designed to reflect the character of the surrounding area. It should seek, where possible, to enhance the visual amenity of the local area. In particular, proposals should have regard to:

- VII. The architectural merit of the existing shopfront and the character of the wider area;
- VIII. The suitability of the overall form, materials, scale and architectural detail in relation to the appearance of the building.

Further guidance on both shopfront and advertisement design can be found in the 'Shopfronts and Advertisements' Supplementary Planning Document (SPD) which will be a material consideration in proposals of this nature.

- 6.29 Advertisements can be one of the most dominant elements of the environment in which we live. The provision of high quality well designed advertising space on the frontage of shops and businesses can play a key role in attracting customers and growth for a business. However, the over-use of advertisements, or their inappropriate location, design and / or illumination can have significant impacts on the locality in which they are situated. For instance the Council will not usually support the use of internally illuminated advertisements in Conservation Areas.
- 6.30 In the wrong places, advertisements and signage can have a negative impact on highway safety and visual amenity. The installation of new advertisements will be supported where it is clear that there will be no negative impacts on the visual environment of the area and there is no danger of distraction to highway users or other public safety concerns.
- 6.31 As a general rule, advertisement displays will be restricted to shopping, commercial, and industrial or transport locations where they comply with the above criteria and do not cause excessive visual clutter. The Council's level of control over this issue is limited because a number of advertisements do not require formal consent. The use of A-boards, advanced directional signage and signage which is poorly related to development will not be supported.

#### **Shopfronts**

- 6.32 Shopfronts are an important aspect of the district's different shopping areas, making a valuable contribution to their visual character and appearance. The Council's primary objective is to ensure that shopfronts respect the building of which they are a part of and their location, particularly within Conservation Areas. A well designed shopfront will give a good impression of

the business and the wider town centre. The Council believes that if all the shopfronts are of a high standard this will benefit the wider retail environment and as a consequence benefit all traders.

- 6.33 Changes to shopfronts can have a significant impact on the appearance of a building and the surrounding retail area but also on their economic vitality and viability. By planning positively to enhance the visual character and appearance of shops the Council will ensure town centre locations remain economically viable into the future.
- 6.34 The Council formally adopted a Supplementary Planning Document (SPD) on Advertisement and Shopfront Design<sup>29</sup> in spring 2016, it is anticipated that this will be updated following the adoption of this DPD. Any proposals that involve the creation of new advertisements and shopfronts should give regard to the content of this document.

## 7. Leisure and Culture

- 7.1 The Council believes that there are opportunities to encourage and enhance further growth in the district's leisure economy, with attractions including the historic City of Lancaster, the coastal town of Morecambe, the rural landscapes of the Lune Valley and the protected landscapes of the Arnsdale & Silverdale and Forest of Bowland AONBs.

### The Creation of New Leisure Facilities and Attractions

#### **POLICY DM22: LEISURE FACILITIES AND ATTRACTIONS**

##### Major Facilities

Proposals for major leisure facilities or attractions (excluding visitor accommodation) that involves more than 1,000sqm of floorspace or 1 hectare or more of land will be permitted where the site is:

- I. Within the identified town centre boundary of Lancaster and Morecambe, preferably in a brownfield location within Morecambe in accordance with Policy EC5 of the Strategic Policies & Land Allocations DPD, which can provide a catalyst for regeneration within the locality; or
- II. Supported by a specific site allocation in the Strategic Policies & Land Allocations DPD; or
- III. Part of an identified direction of mixed-use growth set out elsewhere within the local development plan.

Proposals in rural areas will also be supported where it is demonstrated through a robust assessment that a rural location is necessary for the facility / attraction and that it cannot be located in a more sequentially preferable town centre location. Proposals will be supported where:

<sup>29</sup> <https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan>

- IV. It is for the expansion of an existing leisure facility or attraction in the countryside and is in scale and character with its location and complies with other relevant policies within this Development Management DPD; or
- V. It is for the conversion of suitable existing buildings in the countryside and the proposal complies with other relevant policies within this Development Management DPD.

**Minor Facilities**

Proposals for minor leisure facilities or attractions involving less than 1,000sqm of floorspace or 1 hectare of land or less, will be considered favourably where it meets criteria (I) to (III) and where the proposal:

- VI. Is located within an identified town centre boundary, preferably in a brownfield location, or within a complex of existing rural buildings;
- VII. Is accessible by a variety of modes of transport, including public transport;
- VIII. Does not result in an adverse impact on the visual amenity of the locality; and
- IX. With regard to rural buildings, the proposal satisfies the relevant criteria of Policy DM49.

Proposals for leisure uses (both major and minor facilities) that are located outside of defined town centre locations should address the relevant requirements of Policy DM16 of this DPD in relation to the Sequential Test and Impact Assessment.

Developments that are likely to increase harm through visitor pressure upon internationally designated wildlife sites or designated landscape areas will not be supported.

- 7.2 The Council will support the development of leisure facilities and attractions in sustainable locations within the main urban settlements, primarily within sustainable town centre locations or edge of town centres where the sequential approach has been followed in accordance with paragraph 24 of the [2012](#) National Planning Policy Framework. This will have the primary aim of directing appropriate and desirable leisure facilities towards Morecambe to assist regeneration within the town. A key focus for Morecambe is the natural environment associated with Morecambe Bay.
- 7.3 Policy DM22 provides a positive framework for the promotion of leisure facilities and attractions for the benefit of both local people and visitors to the district. Directing most of the leisure / visitor related development to the main settlements of Morecambe and Lancaster can assist in strengthening their viability as town city or town centres, ensuring that facilities can be accessed by a range of transport modes and continue to protect the natural environment.
- 7.4 The Council recognises the benefits that the leisure economy can have on the rural economy through the creation of new businesses, new jobs and more investment within the local area. Therefore, the development of leisure facilities and attractions in the countryside will be supported in principle, but only in appropriate locations and to an appropriate scale, where it is

demonstrated that adverse impacts are minimised and proposals are in accordance within other policies within this document.

- 7.5 For the purposes of clarity, the term ‘leisure attractions and facilities’ should include major visitor attractions and major leisure / sporting attractions.

#### Visitor Accommodation

### **POLICY DM23: VISITOR ACCOMMODATION**

#### Hotel Accommodation

Proposals for hotel development will be supported where they are located within a defined town centre, as set out on the Local Plan Policies Map or are in accordance with the relevant policies within the Strategic Policies and Land Allocations DPD.

Proposals that involve the development of hotel uses located outside of the defined town centre boundaries, and which are not in accordance with relevant policies within the Strategic Policies and Land Allocations DPD, will be expected to demonstrate, through the use of the sequential test, that no sequentially preferable sites exist, whether this be in a town centre or, in the case of out-of-centre proposals, that no preferable edge-of-centre locations exist. Flexibility should be demonstrated in relation to format and scale of proposals.

All proposals for hotel development will be expected to demonstrate that the location is accessible by a range of transport modes and public transport.

#### Other Visitor Accommodation

Proposals for other visitor accommodation, including bed & breakfast and self-catering accommodation (excluding caravan sites, camping pods, log cabins and chalets which are addressed under Policy DM52 of this DPD) will be acceptable where the proposal:

- I. Is on a site within the existing built-up area of Lancaster, Morecambe, Heysham, Carnforth or sustainable settlement that provides a sufficient level of basic service provision, preferably on previously developed land; or
- II. Is on a site that has a specific land allocation or an identified direction of mixed growth set out elsewhere in the Local Plan; or
- III. Provides accommodation of an appropriate nature and scale to meet the needs of an existing visitor facility or attraction and is located adjacent to the facility or attraction; or
- IV. Involves the conversion or re-use of a suitable existing rural building(s) and the proposal complies with other relevant policies within this document, particularly the criteria set out in Policy DM49.

Developments which are likely to increase harm through visitor pressure upon internationally designated wildlife sites or in protected landscapes will not be supported.

**Proposals for other visitor accommodation within the Arnsdale & Silverdale AONB will be considered against the relevant policies in the Arnsdale & Silverdale AONB DPD.**

- 7.6 To promote the district of Lancaster as an attractive destination for visitors, it is essential to offer a good range of quality accommodation in attractive, accessible locations. Government guidance considers that hotels, which are identified as a 'main town centre use' within the Framework, should be located in sustainable town centre locations. Therefore, proposals for hotels should be focused in the main centres of Lancaster, Morecambe and Carnforth in the first instance. Should an edge-of-centre or out-of-centre location be proposed, that the sequential approach set out in Paragraph 24 of the **2012** Framework will be applied. Town centre locations are the highest priority for the provision of new accommodation, as these will best facilitate linkages with shops, restaurants and other facilities.
- 7.7 Visitor accommodation can take many forms ranging from substantial hotels through to smaller bed & breakfast establishments to holiday cottages. Proposals for smaller-scale visitor accommodation may be acceptable beyond town centres and into rural locations, provided that their scale is in keeping with the surrounding area. This may be as a guest house or farm-related visitor facilities, particularly where proposals can aid agricultural diversification and involve the re-use of existing buildings that are worthy of retention.

#### **The Creation and Protection of Cultural Assets**

### **POLICY DM24: THE CREATION AND PROTECTION OF CULTURAL ASSETS**

#### **The Creation or Improvement of Cultural Assets**

Proposals that involve the creation of new cultural facilities, or the improvement / expansion of existing facilities will be supported subject to the following issues being addressed:

- I. The proposal should demonstrate that it will deliver benefits to the wider economy;
- II. Any proposed enhancements to an existing facility will result in the improvements of the cultural offer;
- III. The proposal should be located in an accessible and sustainable location that can be accessed by a range of transport methods, including public transport;
- IV. The proposal should ensure that there is no negative impact to the local amenity of the area, particularly in terms of the impacts on residential amenity and highway safety; and
- V. The proposal would help to secure the future of an existing heritage asset through its conservation and enhancement.

#### **The Protection of Existing Cultural Assets**

The Council will seek the protection of existing cultural assets in the district that are considered to be of value to the local and / or wider community. Any proposals that involve the re-use of existing cultural facilities for alternative uses will be required to demonstrate

**that the previous use of the premises is no longer viable through a robust marketing exercise of no less than 12 months, and that the facility is no longer of value either economically or to the local and / or wider community.**

- 7.8 Culture, leisure and the arts play an important role in the district, both for the benefits they provide to the local economy (particularly the visitor economy) and the community well-being of the people who visit, live and work within the district.
- 7.9 For the purposes of clarity, the term cultural asset is used to describe a range of facilities including theatres, museums, live music venues, community halls, cinemas and other public meeting venues. In particular, cultural assets can be a building or structure that establishes a society's social roots and history.
- 7.10 The Council will also support (subject to the consideration of all other relevant policies) the creation, expansion or improvement of existing cultural assets within the district. Any proposals should demonstrate that the creation of a new facility will deliver wider benefits to the local economy, through financial investment into the locality or through the creation of jobs for local people. In the case of improvements to an existing facility the proposal should deliver an improvement to the cultural offer that the existing facility currently provides.
- 7.11 New cultural facilities should be sited in locations that are highly accessible, with a preference towards town centre locations, or where geographically necessary, within sustainable settlements. New facilities and any proposed expansions to existing facilities should ensure that there is minimal impact on local amenity. Any proposals should positively contribute towards the visual amenity within the locality through the positive use of design.

#### **The Evening and Night-Time Economy**

### **POLICY DM25: THE EVENING AND NIGHT-TIME ECONOMY**

**The Council will encourage and support the sustainable growth of the district's evening and night-time economy, which will contribute to the vitality of town centres, subject to addressing the following considerations:**

- I. The design of development and management arrangements particularly focusing on public safety, crime prevention and reduction of anti-social behaviour where relevant;**
- II. That there will be no significant individual or cumulative affect on the surrounding character of the area and residential amenity;**
- III. Arrangements for mitigating pollution including, odour and noise, are provided in a way that minimises visual and environmental impact;**
- IV. Access requirements for people of all ages and abilities are provided where relevant; and**
- V. The day time use does not detract from the character and amenity of the surrounding area, shops and services, by creating an active ground floor street frontage.**

**Development proposals will not be permitted in locations where they exacerbate existing problems when considered against the criteria set out above. Proposals for hot food takeaways should be also considered against Policy DM20 of this DPD.**

- 7.12 Evening activities that take place after 5pm provide a fundamental part of maintaining a strong and successful town centre because they extend vitality beyond the normal working hours, making town centres more attractive places to live and work. It is important, however, that these uses are carefully balanced so that evening and night-time uses are complementary to, rather than conflict with, other town centre uses.
- 7.13 The evening and night-time economy in Lancaster and Morecambe has grown over many years with growth in the food and drink sector. When managed correctly a successful evening and night-time economy becomes part of a town's character and atmosphere. It also contributes to creating jobs, increasing visitor numbers and providing opportunities to showcase a wide range of arts and cultural events.
- 7.14 The Council will plan positively for a range of complementary evening and night-time uses, including arts, culture and entertainment uses (such as cinemas, theatres, restaurants, bars and nightclubs) that can appeal to a wide cross-section of the population and a variety of age groups.
- 7.15 The promotion of an evening and night-time economy in the main urban settlements needs to be appropriately managed to ensure that community safety is protected and anti-social behaviour is not increased. Proposals should be sited in appropriate locations, away from the primary shopping area and primary frontages, considering the cumulative impact on the character and function of the town centre, crime and local amenity.
- 7.16 In some town centre locations the clustering of evening and night-time uses has led to an adverse impact on local amenity. Proposals that exacerbate existing problems will be resisted by the Council.

#### **Public Realm and Civic Spaces**

### **POLICY DM26: PUBLIC REALM AND CIVIC SPACE**

**The Council will expect development proposals to make a positive contribution to their surroundings. This should be achieved through the use of good design, layout and high quality materials, to create positive, safe and attractive streetscapes that contribute to the visual amenity of their locality and encourage good accessibility and connectivity between buildings and urban spaces.**

**Improvements proposed by development to public realm and civic space should seek to address issues of provision, rationalisation and maintenance of street furniture, signage, lighting and paving, to improve the streetscape and produce a high quality, accessible environment.**

**Exceptionally, where the overall benefits justify the development, proposals that have an adverse impact on public realm, connectivity or civic spaces will be expected to contribute towards the delivery of improvements to public realm and civic space elsewhere.**

- 7.17 The creation of high quality streets and spaces in the district, particularly in urban locations, is an important way of creating a distinctive sense of place. Improvements and enhancements to public realm and civic space will be supported and it will be expected that new development proposals should contribute to such improvements, either directly through the development proposal or through financial contributions to wider regeneration and improvements within the locality.
- 7.18 To deliver such improvements, the Council will work with all relevant stakeholders to improve the accessibility and quality of the urban environment. This will be achieved by addressing the following issues: provision, accessibility, rationalisation and maintenance of street furniture, street clutter, lighting, planting, signage and paving, in order to reduce street clutter, improve the streetscape and produce a high quality urban environment that is accessible to all.
- 7.19 Pedestrian linkages within and around defined town centre areas should, where possible and appropriate, be strengthened to increase accessibility to pedestrians, cyclists and all vulnerable groups. New development should improve accessibility directly through to their proposals. Town centre developments and major developments that have an impact on the town centre will be encouraged to contribute towards wider regeneration schemes within their locality, for example the Square Routes and 'Beyond the Castle' projects in Lancaster<sup>30</sup> and future public realm works associated with the implementation of the Morecambe Area Action Plan DPD<sup>31</sup>. Projects such as these, whether they are public or private that have significant benefits to public realm, will be supported by the Council.
- 7.20 High quality spaces can play an important role in the delivery of green infrastructure in the district; accordingly the application of this policy should consider the guidance set out in Policy DM43 of this document which relates to green infrastructure provision.

#### **Open Spaces, Sports and Recreational Facilities**

### **POLICY DM27: OPEN SPACE, SPORTS AND RECREATIONAL FACILITIES**

#### ***Protection of Open Space, Sports and Recreational Facilities***

The Local Plan Policies Map identifies a range of designated open spaces, sports and recreational facilities within the district which have been provided for their important value. Proposals that seek to protect and enhance existing designated open spaces, sports and recreational facilities shall be supported by the Council. The Council will not permit the loss of designated open space, sports and recreational facilities unless:

<sup>30</sup> <http://www.lancaster.gov.uk/business/regeneration>

<sup>31</sup> <http://www.lancaster.gov.uk/sites/regeneration/morecambe-area-action-plan>

- I. An assessment has been undertaken to demonstrate that it is surplus to requirements;
- II. An assessment has been undertaken to demonstrate that it no longer has an economic, environmental or community value, which shall be evidenced based and include consultation with key stakeholders and the local community;
- III. An assessment of the environmental, climate mitigation and climate adaptation value has taken place;
- IV. The loss resulting from development would be replaced by equivalent or better, high quality provision in a suitable location;
- V. The development is for alternative open space, sports and recreation provision, the benefits of which clear outweigh the loss.

Development proposals that are adjacent to designated open spaces, sports and recreational facilities will be required to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value and functionality of the space. The Council will only permit development that has identified negative impacts on open space, sports and recreational facilities where appropriate mitigation measures or compensation measures have been provided.

The Council will protect amenity spaces, particularly in the main urban settlements of Lancaster, Morecambe, Heysham and Carnforth that are not specifically designated as open space but have an economic, environmental, climate mitigation, climate adaption or social value to the community they serve. Development of such sites will not be encouraged unless appropriate re-provision is provided or it is clearly demonstrated to the satisfaction of the Council that the land in question does not provide any social, economic, environmental or climate mitigation/adaptation social value.

#### *The Creation of New Open Space, Sports and Recreational Facilities*

Development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site. Development proposals should give due consideration to the standards and thresholds set out in Appendix D of this DPD in relation to open space requirements or, where appropriate, site specific policies contained within the Strategic Policies & Land Allocations DPD.

Any provision made for open space, sports or recreational facilities should be fully accessible to the public without any restrictions, and will be provided in addition to any private amenity space or landscaping. Proposals should not have an adverse impact on surrounding residential amenity in terms of light and noise disturbance, with any potential impacts being appropriately mitigated against. The design should also be in accordance with the requirements set out in DM43. The management and maintenance of open space, sports or recreational facilities should address the requirements of Appendix D of this DPD and be set out in the Green and Blue Infrastructure Management and Maintenance Plan.

7.21 The provision of open spaces, sports and recreational facilities, for the benefit of local amenity

and as a source of recreation and activity, is vitally important to aid the well-being of local residents and create a positive sense of place. This fosters a sense of community and increases local engagement which is important for climate resilience in the face of extreme weather events. Additionally, open spaces, sports and recreational facilities are important infrastructure for mitigating and adapting to climate change. Among other climate benefits, they act as rainwater reservoirs during extreme weather events, provide shade and evaporative cooling, and act as areas for carbon sequestration. Furthermore, they can support habitat connections and contribute to increasing biodiversity. The climate change mitigation/adaptation value of green and blue infrastructure can be assessed using the GBI toolkit, developed as part of the Green and Blue Infrastructure Strategy, which can also help with the design of green and blue infrastructure to help deliver multifunctional spaces.

#### New paragraph 2

It is therefore important to ensure that the design of open spaces, sports and recreation provision is in accordance with policy DM43 (Green and Blue Infrastructure). The multifunctional uses and subsequent benefits that open spaces can provide is highlighted through the Council's Green and Blue Infrastructure Strategy, and so at the design stage consideration must be given to the additional benefits and uses that could be delivered within the space, particularly in relation to climate change mitigation and/or adaptation. Consideration should also be given to how the new open space relates to the existing wider green and blue infrastructure network and designed accordingly to reap the most benefits in terms of the enhancement and extension of the existing network.

- 7.22 The Council have prepared and published a new Open Space Assessment for the district (prepared by KKP consultants and published in 2018) and a Playing Pitch and Outdoor Sports Strategy (also published by KKP consultants and published in 2018). These provide an up-to-date position on open space and recreational matters which will be relevant in the determination of future planning applications.
- 7.23 At this point in time it remains the position that a deficiency applies across most of the urban areas of the district. Therefore the Council's approach will be to resist development that would result in the loss of open space, sports and recreational facility provision, in particular spaces that have an environmental, climate change mitigation/adaptation or community value. The Council believe this to be a vital piece of evidence in understanding the current demands and future needs for a range of open space types. The Council expects development proposals to seek to address deficiencies in open spaces where necessary and appropriate to do so, making use of the most up-to-date Council evidence on public open space and playing pitch provision.
- 7.24 Not all open space is important for recreational, environmental and community uses, nor does it necessarily contribute to the visual amenity of the locality. Existing open spaces may also offer the opportunity to contribute to necessary development, improvements to the urban environment or enhancements to existing open spaces. Therefore, where exceptional circumstances are demonstrated, consideration will be given to proposals that involve the loss of identified open spaces. However, in determining whether open space should be released for development, community involvement will be central to the decision-making process. This must be undertaken by the developer / applicant in advance of the submission of the planning application.

- 7.25 The Council will seek to retain all open space, sports and recreational facilities where they are concluded to have a value, either to the local community that they serve or for other environmental values, **including climate change mitigation and adaptation value**. Community ownership of open spaces, sports and recreational facilities will be encouraged by the Council. The management and improvement of such assets should be championed through the local communities in which they serve and are of value to. The Council will seek to work in partnership with the local community to assist with the ongoing maintenance of open space, sports and recreational facilities.
- 7.26 Proposals will be expected to have due regard to the inclusion of open spaces, sports and recreational facilities within the development that is appropriate in scale and nature to what is being proposed. Proposals should be considered against the requirements for on-site provisions and off-site financial contributions that are set out in Appendix D of this DPD. The requirements set out in Appendix D are based on national standards and will be used as a basis for negotiations between the local planning authority and applicants. Consideration should also be given to the content of the Council's Planning Advisory Note (PAN) on this matter, or successor documents.
- 7.27 In considering the issue of viability, development proposals should consider whether it is appropriate to provide either on-site provision or financial contributions to the enhancements and improvements of existing nearby facilities. This is set out in more detail via the Council's Planning Advisory Note on this matter. Dialogue is recommended between applicants and the Council to inform the understanding over open space requirements in the local area. Issues of viability will be given due consideration within the negotiation process.
- 7.28 Whilst commercial development is unlikely to give rise to the need for open space provision, landscaping will form a key element of any proposal, **and consideration must also be given to the additional green and blue infrastructure uses and benefits that could be provided**.
- 7.29 Development that forms part of a strategic land allocation, as identified in the Strategic Policies & Land Allocations DPD should take direction from the specific policies relating to the site (and Masterplan / Development Brief where applicable) in relation to open space, sports and recreational facility requirements.

## 8. Education and Skills

- 8.1 The district is home to a number of higher education establishments. The wider development plan will seek to support sustainable growth at these establishments throughout the plan period to encourage both increased job growth and opportunities for appropriate skills and training for young people. Further detail on how the development plan will support growth in these establishments is set out in the Strategic Policies and Land Allocations DPD.

### Policy DM28: Employment and Skills Plans

**In major\* development schemes the Council will, depending on the size and scale of a proposal, expect an applicant to undertake and implement an ‘Employment and Skills Plan’ that will set out opportunities for, and enable access to, employment and the up-skilling of local people through the construction phase of the development proposal. In such cases where this is considered to be appropriate, reference should be made to requirements of the adopted Supplementary Planning Document (SPD) on this matter.**

*\*With regard to Employment and Skills Plan, major development is defined as above 1,000sqm of new commercial floorspace or 20 or more new dwellings.*

- 8.2 To achieve sustainable economic development, applications for major development will be expected to develop and implement an ‘*Employment and Skills Plan*’ (ESP) identifying opportunities for employment and the up-skilling of local people through the implementation of their development proposal. The ESP should be informed by priorities identified through liaison with the Council and local employment and skills agencies. The target outcome of the ESP will be commensurate with, and assessed against, construction industry standard benchmarks of the employment / skills outcomes expected from the particular size and type of construction proposed.
- 8.3 New development in the district can contribute towards providing training and employment opportunities for local residents. To ensure that development is not overburdened, employment and skills plans will only be requested from developments of a certain scale and also those where the Council have a leading role and/or interest. This will cover residential and commercial development (i.e. office, retail and leisure, hotels, industrial and warehousing).
- 8.4 The Government defines major development as 10 or more residential units or more than 1,000sqm of commercial floorspace. It is considered that the development of 10 residential units is relatively small with regards to this issue and therefore requiring employment and skills plans from these developments could prove over burdensome. The Council therefore suggest that a more appropriate threshold for residential development would be 20 or more units.
- 8.5 It is therefore proposed that the following thresholds in Table 8.1 should be applied in relation to the preparation and implementation of an Employment and Skills Plan.

<b>Residential Development</b>	20 or more residential units
<b>Commercial Development</b>	The creation of 1,000sqm of new commercial floorspace.

**Table 8.1:** Thresholds for the delivery of Employment and Skills Plans

- 8.6 Flexibility will be applied when considering the application of Employment and Skills Plans to development proposals which exceed the thresholds set out in table 1. The Council recognises that not all development proposals will suit the application of Employment and Skills plans (for example the developer may already have an appropriate training scheme in place) nor will the Council seek to overburden development in accordance with paragraph 153 of the **2012** National Planning Policy Framework. However, all proposals which exceed the thresholds set in table 9.1 will be considered in relation to their suitability to undertake an Employment and Skills Plan.

- 8.7 The Council have published a Supplementary Planning Document (SPD) on this matter which should be given due consideration where an ESP is required.

## 9. The Design of Development

- 9.1 This policy sets out the key design principles that the Council will look to apply to new development within the district. The policy addresses a range of issues and seeks to ensure that development adds positively to the wider environment having regard to the existing character and quality of the area. The Local Plan should be read as a whole with additional detail in some areas provided within other policies of the Strategic Policies & Land Allocations DPD and Development Management DPD.
- 9.2 The Council will expect evidence of these considerations to be provided in the accompanying 'Design and Access Statement' as identified in the Council's Validation Guide. Further information on the key principles outlined in Policy DM29 has been provided in a Planning Advisory Note (PAN) on residential design<sup>32</sup>. This provides additional guidance on the key design principles that the Council will look to apply to proposals.

### **POLICY DM29: KEY DESIGN PRINCIPLES**

#### ***General Principles***

New development should be as sustainable as possible and make a positive contribution to the surrounding landscape and / or townscape. The Council will expect development to:

- I. Contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale;
- II. Ensure opportunities are taken to maximise solar gain and solar electric/thermal energy generation through the site layout, and building orientation and design for the purpose of energy efficiency and energy generation;
- III. Ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution;
- IV. Ensure that safety and security are fully considered through the design process;
- V. Promote diversity and choice through the delivery of a balanced mix of compatible buildings and uses; and
- VI. Create buildings and spaces that are adaptable to changing social, environmental, climatic, technological and economic conditions; and
- VII. Meet the requirements of Policy DM30c 'Sustainable Design and Construction', ensuring development contributes to both mitigating and adapting to climate change, and is resilient to the ongoing and predicted impacts of climate change.

#### ***Accessibility and Highway Safety***

- VIII. Ensure that roads are designed to prioritise the safety of the most vulnerable road users (for example walkers, cyclists, those using adaptive mobility, children);
- IX. Be accessible to all sectors of the community, including people with disabilities;

<sup>32</sup><https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan>

- X. Promote and enhance access and permeability by creating places that connect with each other and existing services, and are easy to move through;
- XI. Incorporate suitable and safe access to the existing highway network and road layout design, in line with the latest standards;
- XII. Ensure that highway safety and efficiency is maintained or improved; **and that modal shift and active travel are enhanced;** and
- XIII. **Demonstrate how the development will maximise opportunities for accessible travel, and cycling and walking linkages through and to/from a site to promote sustainable and healthy active travel.**

***Green and Blue Infrastructure and the Natural Environment***

- XIV. **Incorporate green and blue infrastructure, as an integral part of the development to maximise the functionalities, benefits and values that green and blue infrastructure can provide and enhance with regards to climate change, recreation, ecology, landscape, active travel, the historic environment, and water management;**
- XV. Deliver net gains in green **and blue** infrastructure, and retaining and enhancing, ~~where possible,~~ appropriate amounts of garden / outdoor space for occupiers of both proposed and neighbouring uses, **as well as providing opportunities for food growing space and the incorporation of space for onsite composting;** and
- XVI. Provide sufficient landscaping areas / buffer zones and appropriate levels of open space provision to mitigate development impacts on adjoining sensitive uses and the open countryside.

***Other Environmental Considerations***

- XVII. Minimise impacts on air quality (including odour), noise and light pollution;
- XVIII. Locate new development sensitive to pollution in locations where existing sources of noise, light or air pollution can be satisfactorily mitigated;
- XIX. Improve existing ground conditions and protect existing soil quality through addressing and remediating contaminated land and land instability issues where they exist;
- XX. Enhance opportunities for protected species such as bats and swifts through the inclusion of appropriate roosting habitats;
- XXI. Incorporate sustainable surface water drainage through appropriate management techniques maximising, ~~where possible,~~ their opportunity to deliver amenity and biodiversity enhancements. Consideration should also be given to the direction of Policy ~~DM35~~ **DM30b** in relation to water efficiency matters;
- XXII. Incorporate electric vehicle charging points in line with the guidance contained within ~~Policy DM31,~~ **Policy DM62** and the forthcoming Supplementary Planning Document on this matter; **and**
- XXIII. Incorporate appropriate waste and recycling facilities with consideration given to the content of the Planning Advisory Note on this subject

Where major development proposals are likely, due to their size, location and scale, to have an adverse impact on the local built environment, the Council will encourage applicants to make use of Design Panels to assess such impacts at the pre-application stage. The views and recommendations of Design Panels will be given due consideration in the decision making process.

### **Gateway Locations**

New development located at the entrances / gateways to major settlements (Morecambe, Lancaster and Carnforth) must be of a high standard of design and contribute towards creating a positive statement when entering these settlements. This approach is of particular importance on the southern and northern approaches to Lancaster via the A6; the eastern approaches to Lancaster via the A683 (Caton Road & Parliament Street); and the northern approach to Carnforth via the A6).

### **Site Layout and Design**

The layout of a site and the design of buildings have a significant impact upon how the site addresses climate change. Layout and design should be optimised for energy and heat production, energy efficiency, green and blue infrastructure for carbon and heat capture, sustainable drainage, biodiversity enhancement, food production and recreational, modal shift to sustainable transport and facilities to reduce the need to travel.

### **Ensuring Privacy**

9.3 New dwellings should be as private and free from overlooking and overshadowing as possible. To achieve this, development proposals should give consideration to the following principles:

- There should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces onto a side wall with no such window;
- For every half-metre change in levels between properties, a further 1 metre separation should be provided;
- The main windows of habitable rooms should not be overshadowed by boundary walls, fences or two-storey gable walls; and
- There should be an avoidance of excessively high screening.

9.4 The highlighting of minimum distances does not mean that they will always be acceptable. There may be instances where these minimum distances need to be increased or reduced depending on circumstances, for example site topography or density considerations.

### **Garden Space**

9.5 The Council recognises the importance that private garden space can provide, both to the health and well-being of residents but also the benefits that it can provide to the natural environment, particularly in urban locations. **In developing this approach, the Council has been mindful of the Glasgow Food and Climate Change Declaration<sup>33</sup>, which LCC signed up to in November 2021.** The following levels of provision will be **encouraged expected**:

- With the exception of flats, new houses should look to ensure that at least 50sqm of usable private garden space is provided, which is not directly overlooked by neighbouring properties;

<sup>33</sup> [THE GLASGOW DECLARATION | Glasgowdeclaration](#)

- Rear gardens should look to achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth. This is provided that the garden area still provides a minimum 50sqm of useable, private amenity space (which must be proportionate to the size of dwelling – for example 50sqm for a two-bedroom house and an extra 10sqm for each additional bedroom) and providing neighbouring private amenity open space will not be overlooked;
- Small north facing gardens should normally be avoided;
- Flat developments should provide a reasonable amount of communal amenity space per unit of accommodation. The actual provision required will depend upon the site and building characteristics; and
- Provide opportunities for the growing of food for personal consumption;
- **Provide space for composting infrastructure in individual gardens or community spaces as appropriate;**
- **Include edible plants and trees within the landscaping, and**
- **Private garden space should be free from flood risk and well drained**

#### Accessibility

- 9.6 The Council will ensure that new development is proposed in locations that are sustainable, accessible and well-connected to existing services. **Any proposed development should be accessible to adequate bus, cycling, walking and adaptive mobility links to benefit non-car users. Active travel routes (cycling, walking, adaptive mobility) should also be separated from streets and roads by verges, be linked to existing networks and plan for future linkages. Developments should have access to a wide range of sustainable transport methods without being limited to the use of private cars to access the site (see Policy DM60).**
- 9.7 Proposals for new development should also incorporate safe and appropriate access arrangements that are not detrimental to highway safety and satisfy the local highway authority. **Roads should be designed to prioritise the safety and movement of the most vulnerable road users (for example pedestrians, cyclists, people living with disabilities, those using adaptive mobility aid users, and children). Wherever possible, active travel routes connecting to schools should be separated from roads to support safe, active travel to schools. Main active travel routes should be of sufficient width to accommodate multiple modes of travel (cycling, walking, adaptive mobility) and should be unobstructed (such as by planters, streetlamps, trees, etc.).**
- 9.8 The Council will seek to ensure that all new developments ~~is~~ **are** fully accessible to all members of the community and therefore compliant with the most relevant and up-to-date legislation. **Routes should include measures to ensure that they provide equitable access to the site for all users. This should include the use of tactile pavement and dropped kerbs at junctions and key crossing points.** This is particularly important for public buildings and development that would generate significant footfall.

#### The Natural and Built Environment

It is important that new development protects and enhances the natural and built environment. New development can make a positive contribution to the surrounding landscape or townscape, and the Council will ~~ensure~~ **expect** that new development achieves this by seeking high quality design, layout and landscaping. **Key to which is the delivery of green and blue infrastructure and**

harnessing the multifunctionalities of green and blue spaces through the design of a proposal. As set out in the Council's Green and Blue Infrastructure Strategy, there are six key overarching uses/benefits that green and blue infrastructure can provide that should be carefully considered and, where appropriate, incorporated into the design of development:

- Recreation
- Ecology
- Landscape
- Active Travel
- Historic Environment
- Water Management

New paragraph 3

Consideration should also be given to how green and blue infrastructure, as part of a new development, sits within the context of the existing wider green and blue infrastructure network, and how opportunities onsite could be sought to enhance and extend that network, or, for example, create a stepping-stone habitat. Development proposals should also be in accordance with policy DM43.

New paragraph 4

New low and zero carbon buildings can deliver biodiversity gains, particularly for protected species and thereby contribute to both climate and ecologically sustainable buildings and developments. Creating habitats as an integrated part of buildings supports a whole ecosystem approach to supporting biodiversity and supports global conservation efforts particularly in regard to migratory species. Many protected species rely on built structures as habitats. However, low and zero carbon buildings often, as a nature of their design, do not provide spaces for nesting and roosting. It is therefore critical that biodiversity is considered early in the design process and measures are included to support building-reliant species. Additionally, if nesting and roosting places are considered in the design, the potential for poorly placed nests and roosts affecting human residents can be minimised.

New paragraph 5

Careful consideration should be given to the placement of the nesting and roosting places, as different species prefer different facing aspects. There are technical design guides available, as well as ready-made products, that can be incorporated into buildings to support this aim. For smaller species, there is a wide range of ready-made products for many different species that can be incorporated into the build. Some of these include bat access roof tiles, bat roost bricks, bat roof blocks, enclosed bat boxes, swift boxes, ready-made swallow and house martin nests, house sparrow brick boxes, and sparrow terraces. For larger species, such as barn owls and peregrines, more significant design considerations are often required through built-in design features, although there are also ready-made nesting products available for large species.

**Pollution and Waste Management**

- 9.9 The Council will seek to ensure that new development minimises any adverse impacts arising from pollution, including noise, light, air, odour and ground pollution, through appropriate location, operation and design. Applicants should also consider the impact of existing sources of pollution when locating new development. Clearly, new development that is sensitive to

pollution is not appropriate where existing sources of noise, light or air pollution cannot be satisfactorily mitigated, or where it would prejudice the viability of other important land uses by reasons of its sensitivity to pollution. **It is important to recognise that light pollution not only has impacts on local amenity but also on carbon emissions in terms of energy use and on nocturnal ecology. The forthcoming Sustainable Design SPD will consider impacts of light pollution further.**

- 9.10 New development ~~should also~~ **must** provide for the storage of refuse and recyclable materials in easily accessible and safe locations, having regard to relevant urban design considerations (i.e. not having a significant detrimental impact upon the setting of a property or street scene). To provide further information on how this can be achieved the Council has published a Planning Advisory Note (PAN) 'Waste and recycling provision at domestic dwellings'<sup>34</sup>.

#### Gateway Locations

- 9.11 If new development is to be located in a key gateway location then the Council will seek to ensure that it achieves a high standard of design and creates an attractive, welcoming entrance to key settlements in the district.

#### Design Review Panels

- 9.12 In accordance with paragraph 62 **133** of the National Planning Policy Framework<sup>35</sup> the Council will encourage the use of Design Review Panels to assess the impacts of major development proposals, particularly those which due to their size, scale and location may have an impact on their surroundings. The views and recommendations of these panels will be given due consideration in determining a planning application.

#### Sustainable Design

### **POLICY DM30: SUSTAINABLE DESIGN**

**Sustainable design has an important role to play in improving the overall sustainability performance of new development, offering opportunities to deliver improved efficiency and reduced environmental impacts. The Council is supportive of proposals that deliver high standards of sustainable design and construction.**

**In delivering sustainable development the Council will encourage development to deliver high standards of sustainable design and construction through consideration of:**

- I. Measures to reduce energy consumption and carbon dioxide emissions, and water consumption;**
- II. Opportunities for energy supply from on-site, decentralised, renewable or low carbon energy systems;**
- III. Opportunities to contribute to local and community led energy initiatives;**
- IV. Account of landform, layout, building orientation, massing and landscaping to minimise energy, water consumption and water efficiency measures;**

<sup>34</sup> <https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan>

<sup>35</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- ~~V. Use of materials that reduce energy demand (for example, insulation) and increase the energy efficiency of the building/development; and~~  
~~VI. The reuse of existing resources (including the conversion of existing buildings) where this would be 'fit for purpose'.~~

~~9.13 Sustainable design can make a positive contribution to improving the overall sustainability of the district. Through sensible construction and design, new developments offer opportunities to minimise the use of resources (including energy and water), deliver improved energy efficiency, avoid negative environmental impacts and importantly deliver developments that mitigate and are resilient to the impacts of climate change. Opportunities to improve the sustainability performance of new developments will be encouraged by the Council.~~

~~9.14 Building Regulations establish the minimum requirements that buildings must meet. They ensure that buildings are safe and structurally sound, conserve energy and provide access for those with disabilities. Checking compliance with Building Regulations is a separate process to securing planning approval; however, both processes must be complied with. In the context of sustainable design applicants are encouraged to consider both together at the design stage as this will help to avoid problems, delays and increased costs as proposals are progressed through to application stage.~~

~~9.15 Whilst opportunities to deliver enhancements in renewable energy provision and energy / water efficiency performance of new developments in advance of those required by Building Regulations will be encouraged by the Council, specific local targets have not been set. The Council will continue to support proposals that seek to deliver innovative and high standards of sustainable design and construction, with low carbon and energy efficient developments being encouraged.~~

#### Sustainable Design and Construction- New Development

### **POLICY DM30a: SUSTAINABLE DESIGN AND CONSTRUCTION**

Development should contribute to both mitigating and adapting to climate change to reduce greenhouse gas emissions. Development must utilise the landform, layout, building orientation, massing and landscaping to minimise energy consumption and maximise energy efficiency measures.

#### New Residential Development

New residential development is defined as new dwelling houses, flats (Class C3) and new build Houses in Multiple Occupation (Class C4 or Sui Generis).

Development proposals for all new residential development will be required to achieve the following:

**On adoption of this Local Plan:**

- A minimum 31% reduction in carbon emissions against Part L of the Building Regulations 2013.

**By 01/01/2025:**

- A minimum 75% reduction in carbon emissions against Part L of the Building Regulations 2013 to be achieved through a reduction in energy consumption via a fabric first approach.

**By 01/01/2028:**

- Net zero carbon emissions to be achieved using the approach in the energy hierarchy.

The carbon emission reduction requirements will apply at the date of commencement of each new dwelling.

The carbon reduction requirements must be met by using a fabric first approach and the following energy hierarchy:

- i. Minimise the demand for energy;
- II. Maximise energy efficiency;
- III. Utilise renewable energy;
- IV. Utilise low carbon energy; and
- V. Utilise alternative energy sources.

**New Major Non-Residential Development**

Major development within Use Classes C1 (Hotels) and C2/C2A (Residential Institutions) and major non-residential buildings, excluding uses within Classes B2 (General Industrial), B8 (Storage and Distribution), E(g)(iii) (Industrial Processes) and agricultural buildings, will be required to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum.

**Low Carbon and Renewable Energy**

Proposals must include opportunities for low carbon energy and renewable technologies, or other sustainability measures to be integrated into the build. The design of buildings must facilitate climate adaptation and mitigation measures, as well as ensuring that the structure and fabric can be retrofitted throughout the lifetime of the building.

### **Conversion of Existing Buildings**

Where existing structures are being converted to new uses, the Energy Statement must show that energy demand has been reduced to the lowest practical level using energy efficiency measures, heating/cooling systems have been selected sustainably, and that on-site renewable energy will be installed unless evidenced to be unfeasible.

### ***Future Changes to National Requirements***

In the event that national building regulations are updated or there is any change in planning policy or legislation which require higher standards to be met than those set out in the Local Plan, these will supersede the local policy requirement. Any change in the implementation of this policy will be set out in further guidance published separately by the Council.

### ***Sustainable Design Statement***

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application. The Sustainable Design Statement shall include an Energy Statement.

The submission of an Energy Statement will be required to demonstrate compliance with this policy for all new residential developments and major non-residential developments (including residential institutions – Class C2 and C2A and the non-residential part of mixed-use developments).

The Energy Statement must include evidence to show how the design and build of the development will meet the requirements of this policy, how the energy hierarchy has been used to minimise the impact on viability, how monitoring and evaluation will take place during the construction/built stages and the provision of post occupancy advice to residents, to ensure the performance gap between design and build is minimal. The Energy Statement should include an assessment of whole life cycle emissions.

### **New paragraph 6**

Ensuring that the district's future growth supports climate resilience and is as sustainable as possible is at the forefront of all decisions. Through sensible construction and design, new developments offer opportunities to minimise the use of resources, deliver improved energy and water efficiency, contribute to a healthy environment, increase biodiversity, support residents and users to use active travel, and, importantly, deliver developments that support climate adaptation and mitigation and are resilient to the impacts of climate change. Opportunities to improve the sustainability performance of new developments will be encouraged by the Council.

### **Energy Efficiency and Renewable Requirements in New Buildings**

### **New paragraph 7**

Lancaster City Council commissioned consultants Three Dragons to consider the viability implications of setting energy efficiency and renewable energy requirements in new buildings, with requirements subsequently included in this policy. To ensure that these standards are being met, it is expected that adherence with these standards will be monitored at the construction and post construction phase.

New paragraph 8

Fabric First Approach

There are various ways in which to achieve the carbon reduction requirements in policy DM30a. The Council is prioritising a fabric first approach to reduce the demand for energy and have included an energy hierarchy within the policy. The prioritisation of a fabric first approach will minimise the impact upon viability. The fabric first approach will require developers to consider how new homes are designed and built to improve the performance of the fabric. This will include improved U-values for structure, enhanced attention to airtightness and thermal bridging to reduce the dispersal of heat, orientation of buildings to maximise solar gain with the inclusion of measures to prevent over-heating.

New paragraph 9

Achieving Net Zero

Net zero in the context of Policy DM30a refers to having zero or negative CO<sub>2</sub> emissions associated with a building's annual operational energy consumption. Achieving net zero will require the combination of constructing a highly energy efficient building using a fabric first approach, plus on-site or demonstrated to be connected to off-site renewable electricity generation.

New paragraph 10

Transition Arrangements for Carbon Reduction Measures

The Council wishes to avoid perpetuating the building of new homes without the implementation of appropriate carbon reduction measures into the future. It is appreciated that developers will need time to adapt to the carbon reduction measures within policy DM30a and so the phased introduction of the measures within policy DM30a aims to provide an appropriate transition period. However, on large sites where planning permission is granted using the carbon reduction requirements at the time of the permission, new homes may be built to the lower requirements for several years into the future. To avoid this, the Council will grant planning permissions subject to conditions which will ensure new homes are built in accordance with the carbon reduction requirements at the time they are built.

New paragraph 11

The proposed transitional arrangement for the changes to the Building Regulations will require building/initial notices for each home to be submitted by June 2022 and a commencement made on each home by June 2023. All new homes granted planning permission on or after adoption must be built to meet the 31% reduction in carbon emissions against Part L of the Building Regulations 2013. As the timescales will be similar to the implementation of the Building Regulations, taking into account the time which regularly elapses between a planning permission being granted and homes being built, the impact of the introduction of standard from adoption on developers will be minimal.

New paragraph 12

A 75% reduction in carbon can be achieved using existing or similar building techniques and a technological approach. While this may be a simpler approach than the fabric first approach required by the policy, it is acknowledged that additional technology will have a greater impact

upon viability. The policy therefore requires a fabric first approach to minimise the impact on viability. It is, however, understood that adapting to the fabric first approach will require changes to the way in which homes are designed and built and for this reason the policy delays the introduction of this requirement until 2025. Measures do, however, need to be in place to ensure that new homes built after this date meet this requirement rather than the lower requirement. The same issues apply to the 2028 requirement for zero carbon emissions. For schemes where the build period is likely to extend beyond 2025, developers will be expected to provide details of the phasing.

#### New paragraph 13

The Energy Statement must include the information necessary to show compliance with the carbon reduction requirements in place at the time the planning permission is issued, and a plan for the implementation of the future standards. A planning permission will be subject to conditions requiring the submission and approval of further Energy Statements showing how the 2025/2028 requirements will be met for homes commenced after those dates and to ensure that they are built to meet these requirements.

#### New paragraph 14

##### **Energy Use in New Developments (Energy Hierarchy)**

The location, density, mix of uses, detailed design, orientation and the materials chosen all have a major impact on a building's energy efficiency. The implementation of the Energy Hierarchy (see Fig 9.1) within the design of new buildings ensures that the first consideration is to minimise energy use and demand, for example through building fabric efficiency and connecting the building to active travel networks. Once energy demand has been minimised, energy efficient electrical fittings and efficient heating and hot water systems can then be included, followed by the installation of renewable and low carbon technologies to offset the emissions from the energy that is used on site.

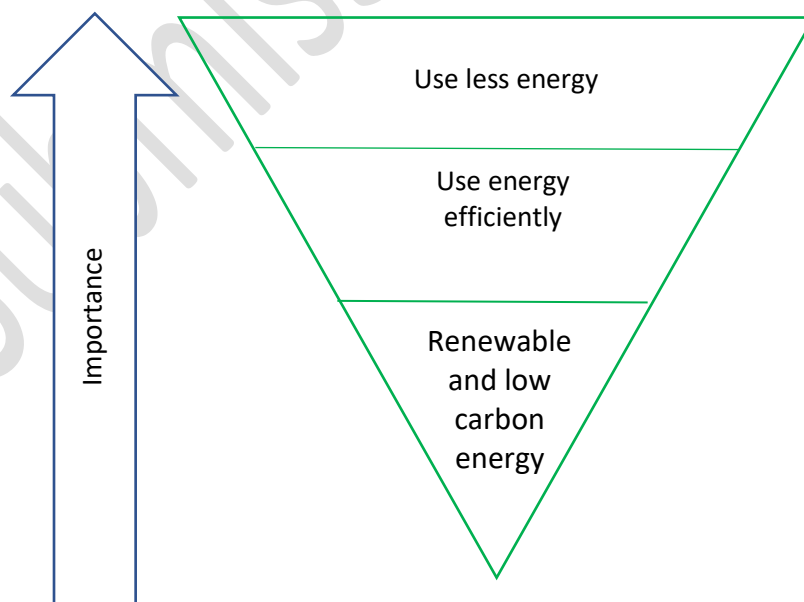


Figure 9.1: The energy hierarchy should be used to guide and prioritise how energy use is minimised and supplied to meet carbon emissions reductions.

New paragraph 15

Schemes should consider the Energy Hierarchy at the start of the design process ensuring that measures to reduce carbon and improve efficiencies are incorporated into the build process:

New paragraph 16

**1. Use Less Energy**

The siting, design, layout and orientation of buildings can have a significant impact on their sustainability. As most energy use in a building is from heating, one of the simplest methods of reducing energy demand is to use passive solar design to provide light and heat through natural sunlight and solar heat gain, thereby reducing the need for artificial light and heat. Not only does this significantly reduce overall energy consumption but it can also offer occupants a pleasant living and working environment.

New paragraph 17

The latest UK climate projections (Met Office, 2019) highlight that across the UK, average temperatures will rise, especially during summer. In line with this and improved fabric efficiency standards, buildings will need greater protection from overheating to prevent uncomfortable internal temperatures. Considerations should be taken for preventing excessive solar gains in summer such as through the use of external solar shading or shutters to mitigate overheating. The building design should support the mitigation of overheating wherever possible, by maximising natural ventilation, reducing internal heat gains from building services and considering construction type, layout and utilizing additional thermal mass in design, for example. The location of external hard surfaces should also be considered to minimise their warming effect, such as when the building is being naturally ventilated. The potential for incorporating features that provide shade, shelter and cooling should be identified. This could include the use of suitable landscaping, green roofs and walls, and local water features.

New paragraph 18

**2. Use Energy Efficiently**

Once the demand for energy has reduced, measures to make the best or most efficient use of energy should be considered. The use of energy efficient lighting and electrical fittings is critical. The energy efficiency of a building is influenced by the use of space, insulation and materials within a building.

New paragraph 19

In order to maximise the efficiency with which energy is used, heat loss from buildings should be minimised. A range of measures can be incorporated into a development to deliver improvements in energy efficiency. For example, high levels of insulation can be integrated into the main building fabric and consideration should also be given to utilising materials with a high thermal mass. These have the capacity to store heat, helping to reduce variations in temperature within a building.

New paragraph 20

**3. Renewable and Low Carbon Energy**

Having considered the above elements of the Energy Hierarchy, Developers should then look at how the remaining energy needs on site can be met through renewable and low carbon energy

sources. Renewable sources of heating and power include ground, water and air source heat pumps, photovoltaics, solar thermal, biomass and wind (large and small scale). Heat pumps can also be used to provide cooling from the ground and water. In some cases, this can be combined with heating to provide seasonal storage of heat. Low carbon sources of heating include energy from waste processes and gas fired combined heat and power.

#### New paragraph 21

District heating is a key way to help deliver efficient, renewable and low carbon heat to residents. For new developments, priority is expected to be placed on how thermal energy can be delivered through heat networks. With changes in climate it may be necessary to cool more buildings and so wherever possible cooling networks are expected to be used.

#### New paragraph 22

##### The Energy Statement

The Council requires that development proposals be accompanied by an Energy Statement, which should be submitted with the planning application. This should set out measures to reduce carbon emissions from energy use. It should:

- Set out how the energy hierarchy has been followed.
- Set out the projected annual energy demands for heating, cooling, hot water, lighting and power from the proposed development against the appropriate baseline (current Building Regulations Part L standards), along with the associated CO<sub>2</sub> emissions.
- Show how these demands have been reduced via energy efficiency measures and set out the CO<sub>2</sub> emissions associated with the remaining energy demand and the percentage (%) emissions saving that will be achieved. The information should include U-values for the structure, air tightness and thermal bridging values, the G-value of glass, ventilation and heat recovery efficiency and water efficiency. A Simplified Building Energy Model (SBEM) for non-domestic buildings, and a Standard Assessment Produce (SAP) for residential development, will be required.
- Set out the choice of heating and cooling systems and how these have been selected, and the residual CO<sub>2</sub> emissions that the development will generate after energy efficiency and sustainable heating/cooling have been taken into account.
- Demonstrate how the incorporation of on-site renewable energy has been maximised to offset residual CO<sub>2</sub> emissions.
- Include details on the monitoring and evaluation that will take place during the construction/built stages to ensure that there is no performance gap between the design, construction, and operation of the building.
- Include an accessible and non-technical operation manual for residents to ensure that on occupation, the building continues to ensure the carbon reduction requirements are met.
- Include a whole life cycle carbon assessment for operation and embodied carbon.

#### New paragraph 23

Where changes in national guidance result in amendments to the Standard Assessment Produce (SAP) for residential development, the Council will accept the latest equivalent standard,

providing the development demonstrates that it is equivalent to, or exceeds the policy standard set out in the Local Plan.

New paragraph 24

PassivHaus

Where proposals which seek to follow the PassivHaus route to meeting the requirements set out in DM30a are proposed, a full Energy Statement will not be required. It will be sufficient to submit the technical information required to demonstrate that the PassivHaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a PassivHaus certifier will be required and secured by condition. Upon completion, a Quality Approved PassivHaus certificate for each dwelling/building will be required. EnerPHit certification from the PassivHaus Trust may be used for applicable conversions and significant retrofit projects.

New paragraph 25

BREEAM

Where proposals seek to achieve BREEAM 'Excellent' or 'Very Good' standard, a full Energy Statement will not be required if Pre-Approval confirmation is available. It will be sufficient to submit the Pre-Approval confirmation with the application and BREEAM Certification post construction.

New paragraph 26

Integration of additional renewable energy and sustainability measures in new development

The Council will expect proposals for new residential development to include opportunities for low carbon technologies or other sustainability measures to be offered to the purchaser at the point of sale. Opportunities to select particular low carbon technologies or other sustainable measures, such as green roofs, should be available to purchasers the same way that other 'optional extras' are presented for example floor type, kitchen units, etc. By offering the opportunity to include such measures and ensuring that the fabric can support future installations at the start of the process, will allow buyers to secure improvements integrated as part of the build rather than retrofitted at a later date. The ability to do this should be made available to purchasers at the start of the process.

## **POLICY DM30b: SUSTAINABLE DESIGN AND CONSTRUCTION - Water Efficiency**

The Council, in accordance with national policy and practice guidance, has considered the pressure on the water supply across the district and has chosen to implement optional water efficiency standards for new residential development.

All new residential developments must achieve, as a minimum, the optional requirement set through the Building Regulations Requirement G2: Water Efficiency or any future updates to the requirement.

All major non-residential development should incorporate water conservation measures so that predicted per capita consumption does not exceed the appropriate levels set out in the applicable BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum.

The design of new developments should maximise the inclusion of water efficiency and consumption measures, such as rainwater/ or greywater recycling, green roofs, low flow taps and showers, low flush toilets, rain gardens and water butts in the construction of new buildings.

#### Sustainable Design Statement

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application.

New paragraph 27

#### Water Efficiency

The effects of climate change have increased the pressure on water resources. This is acknowledged in paragraph 149 153 of the NPPF which states that plans should mitigate and adapt to climate change taking account of water supply. Warmer summers have resulted in increases in water consumption and a reduction in available supply. At the same time, population and housing growth in our District has meant that water companies have been asked to accommodate the new growth, yet at the same time their abstraction licenses are being reduced.

New paragraph 28

Pressure on water supplies can be addressed in part by water efficiency measures to reduce average consumption. Reducing water consumption will also reduce the energy and carbon use associated with the processing of clean water supplies. Improving the energy efficiency of water use, has dual benefits of reducing bills and reducing the amount of water flowing into the sewer system, thereby helping to reduce flood risk. Domestic water consumption can be considerably reduced by building new homes to high water efficiency standards. Appropriate measures to improve water efficiency include, but are not limited to dual flush toilets, low flow bathroom and kitchen fittings, low water consumption appliances, grey water and water recycling systems, water butts and other on-site water retention systems.

New paragraph 29

To address the climate change demands on water supply, both the Environment Agency and United Utilities have requested that the Council adopt the optional water efficiency standards in the Building Regulations, currently at 110 litres/person/day. The National Framework for Water Resources<sup>2</sup> identifies 'that our region faces the second highest pressures on Water Resources' and 'that increased water consumption, driven by population increases, is the largest driver of additional water need in the region. Increased public water supply, drought resilience, increased protection for the environment and the impact of climate change reducing water availability of existing supplies also have impacts on water availability.'<sup>3</sup> Water Resources West state that, 'even with these reductions in consumption [adoption of the water efficiency Building Regulation Requirements] parts of our region will need new water resource to be

developed. If the planned reductions are not achieved, then more significant costly water resources will need to be developed. It is therefore important the measures are taken across the region to support the achievement of the lower capita consumption’.

New paragraph 30

It is important to ensure that new commercial development contributes to reducing additional pressures on the water supply where possible. This policy requires that all new commercial or non-residential development, including all non-C3 use classes, incorporate water conservation measures so that predicted per capita consumption does not exceed the appropriate levels set out in the applicable BREEAM ‘Excellent’ standard. This requirement was previously incorporated within policy DM35.

## **POLICY DM30c: SUSTAINABLE DESIGN AND CONSTRUCTION- Materials, Waste & Construction**

Proposals for major developments should demonstrate how they achieve sustainable and environmentally conscious development, including climate change mitigation and adaptation, taking into account the following:

### Materials, Waste and construction

1. Materials that arise through demolition and refurbishment are reused and recycled wherever possible, including the reuse of excavated soil and hardcore within the site;
2. Proposals for major development must set out how site waste will be managed through the construction phase;
3. The full lifecycle of the building from concept to demolition (and how demolition materials can be used), alongside lifecycle emissions and environmental pollutants, must be considered;
4. Where possible, use local suppliers, renewable and/or low carbon materials and modern methods of construction;
5. Green/blue roofs and/or walls have been incorporated into the structure of buildings where appropriate, to improve water management in the built environment, improve air quality, provide space for biodiversity and aid resilience and adaptation to climate change.

### Sustainable Design Statement

The above issues and requirements are to be evidenced in a Sustainable Design Statement to be submitted with the planning application.

New paragraph 31

New development must also provide for the storage of refuse and recyclable materials in easily accessible and safe locations, having regard to relevant urban design considerations (i.e. not having a significant detrimental impact upon the setting of a property or street scene). To provide further information on how this can be achieved, the Council has published a Planning Advisory Note (PAN) 'Waste and recycling provision at domestic dwellings'.

**New paragraph 32**

During the construction process, better site practices and the re-use of on-site materials can reduce both the need for new primary resources and the need to dispose of on-site waste. The development has a legal duty under the Waste Regulations 2011 to take all reasonable measure to prevent, reuse, recycle and recover waste (in that order).

**New paragraph 33**

Consideration for the full lifecycle of the building accounts for a range of factors including: future-proofing for climate impacts; materials that are easily repairable; use of materials which do not outgas, produce dust, or leach compound which are human or environmental toxins; how uses may change over the building lifecycle; constructing the building to allow for the addition of mitigation and adaptation features in later stages; inclusion of low carbon/carbon sequestering materials; understanding future demolition; and how demolition waste will be processed/recycled.

**Air Quality Management and Pollution**

## **POLICY DM31: AIR QUALITY MANAGEMENT AND POLLUTION**

**All development proposals must demonstrate that they have sought to minimise the levels of air polluting emissions generated and adequately protect their new users, and existing users, from the effects of poor air quality.**

**Development which is located within an Air Quality Management Area (AQMA), or any development which has the potential to, individually or cumulatively, contribute to increasing levels of air pollution, will be required to demonstrate how either on-site or off-site mitigation measures will be put in place to reduce the air quality impact. Any proposal must not significantly worsen any emissions or air pollutants in areas where pollution levels are close to objective / limit value levels.**

**Proposals should contribute towards delivering the actions detailed within the Lancaster District Air Quality Action Plan, once in place.**

**Any proposal must not worsen any emissions or air pollutants in areas that could result in a breach of, or worsen site-level critical loads for ecosystems within relevant Internationally designated nature conservation sites during both construction and operational phases. Air Quality Assessments must be submitted for relevant development proposals, as outlined in the Council's Validation Guide.**

**All development proposals will be expected to take account of the Council's forthcoming SPD on Low Emissions and Air Quality.**

- 9.17 Air quality and pollution are widespread concerns at both district and national level. The Council has a range of activities underway to deal with these issues. There are currently three locations where air quality does not meet the national air quality objectives that aim to protect people's health and the environment. These are the centre of Lancaster, the centre of Carnforth, and Galgate crossroads and each location has been declared an Air Quality Management Area (AQMA).
- 9.18 The largest AQMA is located in the centre of Lancaster, where emissions from vehicles on the one-way system contribute toward high levels of nitrogen dioxide. These designations are regularly monitored, [the recordings of which are set out in the Council's Air Quality Annual Status Report<sup>36</sup>](#), and amendments to these areas (as well as considering the potential for further designations) will be implemented as appropriate. ~~The impact of the Bay Gateway on the three AQMA's is being monitored.~~
- 9.19 The Council has published an Air Quality Strategy<sup>37</sup>. The direction of this strategy has also been incorporated into the Highways and Transport Masterplan for Lancaster District which is available on the Lancashire County Council website.
- 9.20 The Council will ensure that proposals for all new development regardless of location will seek to minimise polluting emissions by applying standard emission reduction measures. The Council will also seek to ensure developments do not have an unacceptable negative impact on local air quality particularly in relation to their impact on AQMA's or on areas where pollution levels are close to air quality objective levels. Similarly, proposals for new development should not put people's health at risk by introducing new exposure to areas where pollution levels are above or close to air quality objective levels. Exposure assessments should be prepared for residential schemes and where appropriate other developments (e.g. offices and day nurseries) within AQMAs in order to protect living conditions for residents and users of the space.
- 9.21 The Council will seek to ensure that proposals for all new development, regardless of location, have sought to minimise the levels of air polluting emissions during the construction and operation phases of development through appropriate on-site and off-site mitigation.
- 9.22 Development which is located in [or close to AQMAs, as set out in the supporting Planning Advisory Note and forthcoming Supplementary Planning Document](#), will be carefully considered in terms of their individual and cumulative impacts within the designated area, and it will be expected that mitigation is put forward to reduce the air quality impact arising from each proposal. The Council will not support proposals which would significantly worsen any emissions or air pollutants where pollution levels are close to their objective limits.
- 9.23 In relation to nitrogen oxide levels, 'significantly worsen' means an increase of  $0.1\mu\text{g}/\text{m}^3$  or

<sup>36</sup> [Air quality reports - Lancaster City Council](#)

<sup>37</sup> <http://www.lancaster.gov.uk/environmental-health/environmental-protection/air-quality/air-quality-reviews-and-assessments>

more in the annual mean nitrogen level (all local AQMA's are designated due to likely exceedance of objective standards for nitrogen dioxide). In relation to nitrogen oxide levels 'close to' objective / limit value levels, this means that the nitrogen dioxide pollution levels are indicated to be at or above 85% of the air quality / limit value.

- 9.24 An Air Quality Assessment (AQA) will be required where proposals are within or have the potential to adversely affect the AQMA, where emissions exceed recommended thresholds or where the proposal is of such a scale that it could itself result in the designation of a new AQMA. Further guidance on this is provided in the Council's Planning Validation Guide. AQAs should include emission and concentration assessments.
- 9.25 The Council ~~will seek to~~ **is working** with Lancashire County Council in the preparation of a new **Air Quality Action Plan, which is closely linked to the new transport proposal being developed for Lancaster.** A Supplementary Planning Document relating to Low Emissions and Air Quality ~~which will be drawn up and linked to based on~~ the outcomes of the District's Air Quality Action Plan. ~~and~~ This will build upon the previous work undertaken to prepare a Planning Advisory Note on this matter.
- 9.26 One of the ways in which the Council will seek to minimise the impact of new development on air quality will be to ensure that development provides a suitable level of infrastructure for the charging of electric / plug-in hybrid vehicles. **To help facilitate this, the Council is preparing a *Promotion of Electric Vehicles and Charging Infrastructure* Supplementary Planning Document to provide further guidance and aid the delivery of charging infrastructure.** The provision of facilities and infrastructure to enable and encourage walking and cycling and the use of lower emission transport options such as ultra-low emission car sharing / car hubs / fleet vehicles, will also be key mitigations measures. Opportunities to secure improvements via Travel Plans will also be encouraged. ~~This could include the establishment of a low carbon fund to help incentivise and fund future households to buy electric/low emission vehicles.~~

#### New paragraph 34

The Planning Practice Guidance clearly states that: *"mitigation options will need to be locationally specific, will depend on the proposed development and need to be proportionate to the likely impact"*. Examples of possible mitigation measures set out in the Planning Practice Guidance include:

- Maintaining adequate separation distances between sources of air pollution and receptors;
- Using green infrastructure, in particular trees, where this can create a barrier or maintain separation between sources of pollution and receptors;
- Appropriate means of filtration and ventilation;
- Including infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points and measures to facilitate and promote cycling);
- Controlling dust and emissions from construction, operation, and demolition; and
- Contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

#### New paragraph 35

Whilst nitrogen dioxide is the pollutant that has led to the designation of the district's three Air Quality Management Areas (AQMA's), of increasing concern is the impact of particulate matter on air quality levels, in particular PM<sub>2.5</sub>, as set out in the Government's Clean Air Strategy and the emerging Environment Bill. The national Clean Air Strategy (2019) clearly sets out aims to reduce existing exceedances of PM<sub>2.5</sub> concentrations across the UK, so that the number of people living in locations above the WHO guideline annual mean level of 10µg/m<sup>3</sup> is reduced by 50% by 2025. On this basis, the Council therefore expects new development to consider the impact of development in relation to both national and WHO air quality standards with the sought outcome of minimising both particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) and nitrogen dioxide (NO<sub>2</sub>) emissions.

- 9.27 Particulate emissions from solid fuel combustion plants are generally greater than emissions from equivalent gas and electric installations and therefore, impact adversely on local air quality. Consequently, in urban areas the use of solid fuel installations in new development will be discouraged.

### **Contaminated Land**

#### **POLICY DM32: CONTAMINATED LAND**

**Where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the following criteria are satisfied:**

- I. All works, including investigation and recording the nature of any contamination, can be undertaken without the escape of contaminants that could cause unacceptable risk to health or to the environment;**
- II. Suitable methods of remediation are proposed, which set out an appropriate method statement for the treatment of contamination to the satisfaction of the Council; and**
- III. It is demonstrated that the development site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment, including the apparatus of statutory providers.**

- 9.28 The Council is not aware of any development sites in the district that are contaminated to such an extent as to render them undevelopable. Nevertheless, the Council is keen to ensure that on derelict or vacant sites which come forward for development can be developed and occupied safely. As the local pollution control authority, the Council is required by the Environment Act 1995 to identify contaminated sites.
- 9.29 Developers should undertake tests during the initial stages of the development process to determine whether any contaminants are present and ensure that their site is suitable for the proposed use. The Council will encourage developers to discuss potential contamination issues with the Council's Contaminated Land Officer at an early stage in the development process.
- 9.30 Potential sources of contamination are varied and can include residual waste from historic land uses such as gas production, industrial uses, landfill sites or sewerage treatment. Risks from contaminated land include materials that are left in the soil that could be released into the air,

leach into the water table or contaminate home grown food. If left untreated such contaminants may affect residents, workers, buildings or services – either on the site itself or nearby.

- 9.31 Care should be taken throughout the development process, including any preliminary investigations, and survey work (such as borehole drilling) that may sometimes release contaminants. Care also should be taken to prevent any substances within the soil from polluting local rivers or groundwater, the Environment Agency are normally consulted with respect to this.
- 9.32 Where investigations conclude that contamination is present, then proposals should set out appropriate remediation measures which seek to address contamination issues. Remediation measures should be set out through a robust method statement about how materials will be handled and removed from the site, which then should be agreed to the satisfaction of the Council's Environmental Health team. Only after such remediation measures are agreed will the site be suitable for use.
- 9.33 Although the Council have yet to identify any contaminated sites that are likely to come forward for redevelopment, Policy DM32 of this DPD sets out criteria that will be applied if proposals emerge.

#### **Development and Flood Risk**

### **POLICY DM33: DEVELOPMENT AND FLOOD RISK**

Proposals will be required to minimise the risk of flooding to people and property by taking a sequential approach which directs development, **including access/egress, play/recreation areas and gardens**, to the areas at the lowest risk of flooding. Consideration **must** ~~should~~ be given to all sources of flood risk.

New development will need to satisfy the requirements of the sequential test and exception test where necessary in accordance with the requirements of national planning policy and any other relevant guidance, **including the Council's Flood Risk - Sequential Test and Exception Test** Supplementary Planning Document. Where proposals fail to satisfy the requirement of these tests they will be refused

The functional flood plain (flood zone 3b as identified within the Council's most up-to-date Strategic Flood Risk Assessment) will be protected from new development. New development must not impede the flow of water within flood zone 3b nor should it reduce the volume available for the storage of flood water. Proposals, other than for necessary essential infrastructure or water compatible uses, will only be permitted in the flood plain in exceptional circumstances.

Proposals for new development in areas at risk of flooding **from all sources**, as defined by National Planning Policy **and surface water and ground water flooding** will be required to meet the following criteria:

- I. Proposals are supported by a Sequential Test, and where necessary Exception Test in accordance with National Planning Policy, **other relevant guidance and the Council's Flood Risk – Sequential Test and Exception Test Supplementary Planning Document**;
- II. An Exception Test is passed for sites allocated in the Local Plan, where new data sources indicate that flood risk has increased since a site was allocated and Table 3: flood risk vulnerability and flood zone compatibility indicates it is necessary<sup>38</sup> ;
- III. Proposals which meet the following criteria are accompanied by a Flood Risk Assessment:
  - a. Where required by National Planning Policy and/or the accompanying guidance
  - b. All development (apart from minor development<sup>39</sup>) in the High Risk Urban Catchments as identified within the Strategic Flood Risk Assessment
  - c. The site is within Flood Zone 1 where any part of the site is identified by the Risk of Surface Water Flooding Maps as being at risk of surface water flooding
  - d. The site is situated over or within 8 metres of a watercourse or where development will be required to control or influence the flow of any watercourse
  - e. Where the site is identified as being at flood risk in the future
  - f. Where the site is at risk of flooding from other sources of flooding or at residual risk
  - g. Where development is subject to a change of use to a higher vulnerability classification which may be subject to other sources of flooding
  - h. Where a site is situated in an area currently benefiting from defences;
- IV. ~~II.~~ That they are supported by an appropriate site-specific Flood Risk Assessment (FRA) which demonstrates that the proposal meets the requirements of National Planning Policy and accompanying practice guidance **and takes into account the effects of climate change**;
- V. ~~III.~~ That safe, suitable and appropriate flood prevention, **resilience, adaptation, and mitigation and emergency plan** measures are agreed, implemented and maintained, including through design and layout, taking Climate Change into account, to ensure that development, **including access/egress, play/recreation areas and gardens**, is appropriately flood resilient and resistant for its lifetime;
- VI. ~~IV.~~ **Proposals reduce the existing causes and impacts of flooding by reducing** ~~There will be no net increase of flooding beyond the site as a result of development (such as increases in surface water run-off and/or the reduction in~~ **increasing** the capacity of flood storage areas);
- VII. ~~V.~~ There is no adverse effect on the operational functions of any watercourse or existing flood defence infrastructure **and opportunities are taken to improve the function of watercourses, such as removing culverts and naturalisation of heavily modified channels and manage peak flows**;
- VIII. That **opportunities are taken to introduce natural flood management techniques on and off the site to reduce flooding**;
- ~~VI.~~ IX. Sites **must** ~~should~~ be drained on a separate system with foul water draining to the public sewer **(or package treatment plant where a public sewer is not available)** and

<sup>38</sup> Planning Practice Guidance Paragraph: 067 Reference ID: 7-067-20140306

<sup>39</sup> Minor development in relation to flood risk as defined in the Planning Practice Guidance Paragraph: 046 Reference ID: 7-046-20140306

surface water draining ~~in the most sustainable way~~, in accordance with the Sustainable Drainage Hierarchy in **policy DM34**; and

- X. VII.** All proposals for new development must take account of the Council's most up-to-date Strategic Flood Risk Assessment (or the most up-to-date Council flood risk assessment available) in combination with any other relevant evidence including that of the Lead Local Flood Authority (Lancashire County Council) and the Environment Agency **and the Council's Flood Risk and Sustainable Drainage Water Supplementary Planning Document**.

**Consideration must be given to the implementation of natural flood management techniques in partnership with the Lune Rivers Trust and other key organisations.**

- 9.34 Lancaster District is an area that is particularly susceptible to flood risk. The district contains a stretch of coastline along Morecambe Bay which lies off the Irish Sea as well as a number of main rivers. In particular the River Lune, which is liable to flood in extreme weather events. The extreme floods of Storm Desmond in 2015 and more recently the flooding in **South Lancaster, Galgate and Halton in November 2017 and flood events that have occurred in other parts of the district since this time**, have highlighted the risk that remains within the district from flooding.
- 9.35 Many of the main settlement areas in the district lie within areas that, to varying degrees, are vulnerable to flooding, such as Lancaster along on the River Lune and Morecambe adjacent to Morecambe Bay, and a number of the sustainable settlements identified under Policy SP2 of the Strategic Policies & Land Allocations DPD. There are approximately 400 homes (**the number remains to be updated**) in the district with a 1% Annual Probability Event risk of fluvial flooding (from rivers). The number of properties at potential risk from surface water is greater still. There are currently no Critical Drainage Areas within the District. However, **the SFRA (2021) identifies High Risk Catchments and policies reflect these higher risk areas**. ~~‡~~The Council will continue to work with the Lead Local Flood Authority and the Environment Agency, to periodically consider the need and appropriateness of this position.
- 9.36 In light of the risk of flooding that exists within the district, the development strategy proposed in the Strategic Policies and Land Allocations DPD seeks to direct the majority of new development to those areas at lowest risk, for example through leaving much of the area falling within higher flood risk zones between Heysham and the River Lune free from development. **Since the sites within the Local Plan were allocated, the Environment Agency flood zones and areas at risk of surface water flooding have been updated. It is therefore necessary to ensure that where the risks of flooding have increased, sites are subject to an exception test in accordance with paragraph 162- 166 of the NPPF. Development not allocated within the Local Plan will be subject to a sequential test in accordance with the Government guidance.**<sup>40</sup>
- 9.37 The Council has prepared an updated Strategic Flood Risk Assessment (Level 1) (**SFRA**) ~~published in November 2017~~ dated **June 2021** which provides recommendations for managing flood risk within the District. The **SFRA Assessment** also identifies those areas within the functional floodplain (Flood Zone 3b). These areas are required to be kept free from development so that they allow the storage of floodwater at times of flooding in a place which avoids risk to people.

<sup>40</sup> <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>

The SFRA assesses the cumulative impact of development and identifies High Risk Urban Catchments, High Risk Rural Catchments and the remaining medium and low catchments in the district. Policy DM33 addresses the recommendations within the SFRA, in particular, the requirement for the submission of a Flood Risk Assessment for a wider range of development reflecting the risks within the district. These include a requirement for the submission of a Flood Risk Assessment to accompany all development applications, apart from minor extensions, in the High Risk Urban Catchments. ‘Minor development’ is defined in the Planning Practice Guidance (Paragraph: 046 Reference ID: 7-046-20140306) as, non-residential extensions with a footprint less than 250 square metres, alterations that do not increase the size of buildings or householder development. The High Risk Urban Catchments are shown on the map 9.2 below. The catchments, culverted water courses and areas benefiting from defences are shown on an interactive map<sup>41</sup>. The remaining constraints which affect when a flood risk assessment will be required can be found on the Environment Agency Website. Policies DM33 and DM34 address the remaining policy recommendations within the SFRA (2021). The Lancaster Surface Water Management Plan will explore the causes of flooding in Lancaster city, options for how surface water can be managed and take forward suitable and deliverable measures in an Action Plan.

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<sup>41</sup> <https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=e49db274222f476ea7045cd4295b8868>.

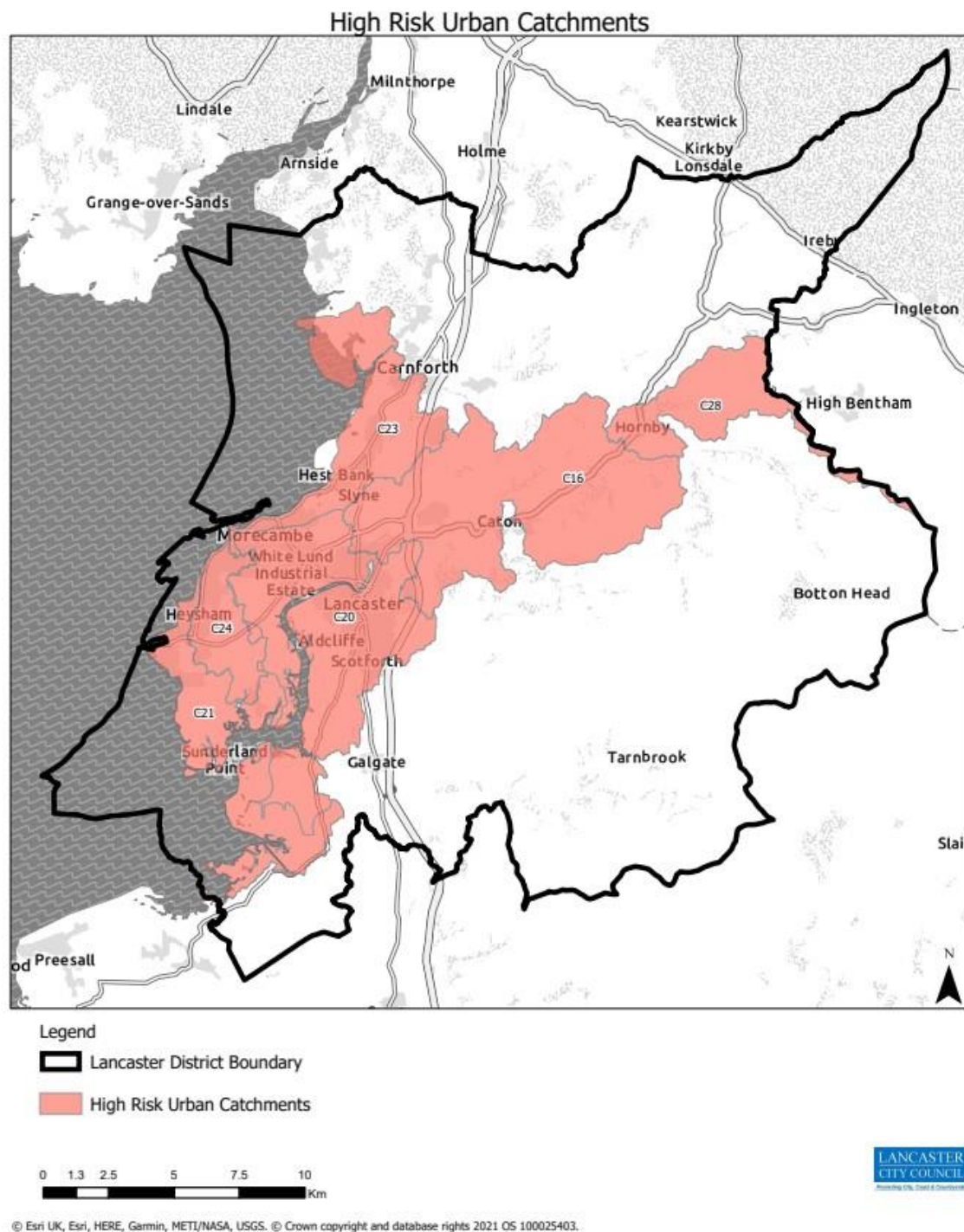


Figure 9.2: High Risk Urban Catchments Map (SFRA 2021)

- 9.38 The Council will seek to ensure that new development does not increase flood risk through steering development to areas at lowest risk. Where this cannot be achieved the Council will expect proposals to include appropriate mitigation measures to effectively deal with flood risk and [reduce flood risk elsewhere](#). One method of how flood risk can be mitigated is through the use of Sustainable Drainage Systems (SuDS) to manage surface water flows. SuDS can also assist in pollution control through improved filtration and habitat creation within developments.

- 9.39 It is important that new development proposals, particularly those which are located in areas which are at risk from flooding are designed to be resilient in terms of their layout, design and construction to ensure that they are adaptable and can withstand potential future flood events and take into account the impacts of Climate Change. **New development should take opportunities to include measures which will minimise the risk of flooding on and off a site in accordance with paragraph 157c-161c of the NPPF.**
- 9.40 Development proposals in locations which are vulnerable to flood risk should be accompanied by an appropriate assessment of the risks posed, either directly or in-directly. Flood risk assessments should include clear details of existing drainage arrangements, for example flood risk assessments for brownfield sites should identify existing points of connection for surface water drainage and details of those points of connection. This information is critical to ensure adequate assessment of pre and post development run off rates and therefore to ensure flood risk is ~~not increased~~ **reduced on and off site in accordance with paragraph 161c and to ensure consistency with policy SP8 of the Strategic Policies and Land Allocations DPD.**
- 9.41 New development must consider the Strategic Flood Risk Assessment and any updated Environment Agency Flood Zone Maps that highlight areas at risk and vulnerable to flooding, either from fluvial (river) sources, coastal flooding or surface water flooding. The maps also show variations in the areas of risk, and highlight land in Zone 3 as being at greatest risk from flooding and Zone 1 as being at limited risk from flood events. They are also updated on a regular basis to take into account revised data.
- 9.42 The National Planning Practice Guidance (NPPG) **2014** sets out a full range of guidance on matters relating to flood risk. Development proposals in areas that are vulnerable to flood risk should take account of the guidance provided in the NPPG, ensuring that matters such as providing a flood risk assessment, and addressing the sequential and exceptions test have been demonstrated through the application process.
- 9.43 Where relevant new development must also consider the Environment Agency's Shoreline Management Plan (SMP)<sup>42</sup> which sets out the recommendations for coastal management over the forthcoming 100 years. Similarly, for local river catchments new development must also consider the relevant Environment Agency's Catchment Flood Management Plans (CFMP)<sup>43</sup>, **Lancaster Surface Water Management Plan and the North West Marine Plan<sup>44</sup>.**

#### **New paragraph 36**

Natural flood risk management techniques are encouraged as part of the green and blue infrastructure in new development. These techniques can help reduce run-off, aid biodiversity and the overall design and place making of a site. They will not however be included as part of a SuDS scheme and will not be form part of the calculations made to ensure the run-off from a site is reduced. Natural flood risk management can include measures on and off site to reduce the effects of flooding to the wider catchment.

#### **Surface Water Run-Off and Sustainable Drainage**

<sup>42</sup> <https://www.gov.uk/government/publications/shoreline-management-plans-smpps>

<sup>43</sup> <https://www.gov.uk/government/collections/catchment-flood-management-plans>

<sup>44</sup> <https://www.gov.uk/government/publications/draft-north-west-marine-plan-documents>

## **POLICY DM34: SURFACE WATER RUN-OFF AND SUSTAINABLE DRAINAGE**

Surface water should be managed sustainably within new development. The Council expects that proposals for all new development will use Sustainable Urban Drainage Systems (SuDS), giving priority to naturalistic solutions incorporated into the soft landscaping of the development.

Applicants must demonstrate that surface water from new development accords with the following in accordance with the Surface Water Sustainable Drainage Hierarchy:-

- i. Re-use and reduce surface water run-off /rainwater harvesting/green walls/roofs,
- ii. Attenuated source control such as infiltration through pervious surfaces, soakaways, rain gardens, swales and trenches, etc.,
- iii. Attenuation and conveyance using above ground water features (including ponds, swales etc.) for gradual release into infiltration features and if this is not possible to a watercourse,
- iv. Treat then attenuate surface water via storage in tanks or sealed water features for gradual release into infiltration features and if this is not possible a water course,
- v. In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible, underground attenuation.

Surface water should be managed through the provision of above ground sustainable drainage features with multi-functional benefits as part of an integrated high-quality green and blue environment. All development must incorporate SuDS which have been designed to incorporate the following:

- Flood risk reduction measures;
- The management of surface water in stages as close to the source as possible;
- Environmental and biodiversity benefits;
- Pollution control, multi-level source control;
- Landscape and amenity enhancement;
- Where a site includes a water course, development must include measures to restore and provide natural flood management, remove and naturalise culverts, create a predictable flow, include storage, measures to manage peak flows;
- Measures of an adoptable standard; and
- Appropriate safety measures

SuDS must be designed in accordance with 'Ciria C753 The SuDS Manual', or any subsequent replacement guidance and the Council's Flood Risk and Sustainable Drainage SPD. ~~Proposals for all new development should implement sustainable drainage systems, alternatives~~ Below ground attenuation will only be permitted where above ground SuDS have it has been demonstrated to be inappropriate or impracticable, and the developer has provided a robust justification for the proposal.

Applicants wishing to discharge to public sewer or highway drain will need to submit clear evidence demonstrating why alternative options are not available.

~~Sustainable drainage systems should be designed with due regard to the Department for Environment, Food and Rural Affairs technical standards (2015) or any future replacement.~~

Applicants will be expected to demonstrate that development reduces and manages flood risk by reducing the amount of run-off and discharge from the site through the use of appropriate water reuse and sustainable drainage systems techniques. As a minimum, development is required to meet ~~meeting~~ the following run-off rates:

- On greenfield sites, the peak run-off rate and the run-off volume<sup>A</sup> must not exceed the existing greenfield rates for the same rainfall event<sup>A</sup>. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 1, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'<sup>B</sup>, whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.
- On previously developed land<sup>C</sup>, the peak run-off rate and run-off volume<sup>A</sup> must not exceed greenfield rates from the development for the same rainfall event<sup>A</sup>. Where this cannot be achieved a 30% reduction of the existing peak run-off rates for the site must be achieved. A 40% climate change allowance or the upper end allowance for the longest term projection in Table 1, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances'<sup>B</sup>, whichever is the higher (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10% must be applied.

All proposals for residential development of 5 or more units, other development with a site area of 1 hectare or more, or 1,000 square metres of floor space, and all development (apart from minor development<sup>D</sup>) within High Risk Urban Catchments identified in the SFRA, ~~major development~~ will require the submission of:

- ~~A Sustainable Drainage Strategy. to be submitted.~~ The Sustainable Drainage Strategy must show the type of sustainable drainage system and/or detailed measures proposed, to control the flow of water/surface water and measures to protect from flood risk and pollution during construction and on completion of the development (depending on the type of application). For any development proposal which is part of a wider development site, it will be necessary to ensure the foul and surface water drainage proposals are part of a wider, holistic strategy which coordinates the approach to drainage between phases, between developers, and over a number of years of construction.
- The SuDS Pro-forma (included within the Flood Risk and Sustainable Drainage SPD) and the information/evidence required by the Pro-forma.
- A comprehensive Surface Water Lifetime Management and Maintenance Plan which includes ~~how minimum standards of operation are appropriate and that clear arrangements are in place~~ and funding mechanisms for ongoing management and maintenance over the lifetime of the development.
- Post construction, applicants must provide to the Council certification that the sustainable drainage scheme has been implemented in accordance with the approved strategy.

Further information about the requirements can be found in the Flood Risk and Sustainable Drainage SPD.

A – Peak runoff rate, runoff volume and rainfall events as defined in the Department for Environment, Food and Rural Affairs, Sustainable Drainage Systems, Non-statutory technical standards for sustainable drainage systems, March 2015 - [Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems](#)

([publishing.service.gov.uk](http://publishing.service.gov.uk)) or any future update

B- Table 2: peak rainfall intensity allowance in small catchment (less than 5km<sup>2</sup>) or any urban drainage catchments (based on a 1961 to 1990 baseline) -

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

C– Previously development land is defined for drainage purposes as ‘where a pre-developed site includes buildings or impermeable surfaces and redevelopment will reuse the existing drainage system in its entirety’.

D –Minor development in relation to flood risk as defined in the Planning Practice Guidance Paragraph: 046 Reference ID: 7-046-20140306

- 9.44 Surface water flooding occurs where the ground and rivers can no longer absorb heavy rainfall and when man-made drainage systems have insufficient capacity to deal with the volume of rainfall. Typically this type of flooding is localised and occurs very quickly in extreme weather so is difficult to predict and warn against. It is predicted that climate changes will result in more short-duration, high intensity rainfall and therefore surface water flooding is likely to become an increasing problem, particularly within the district’s urban settlements.
- 9.45 Both urban and rural environments can be highly susceptible to surface water run-off. As a result, the Council will therefore seek to ensure that new development ~~reduces~~ limits water discharge levels into local sewers and drains to improve capacity in the network. ~~Discharge into sewers and highway drains will only be permitted in exceptional circumstances where the applicant provides evidence the alternatives means within the Sustainable Drainage Hierarchy in policy DM34 cannot be achieved and where the discharge rate is attenuated below the current discharge rates from the site.~~
- 9.46 ~~The Council advocates the use of a Surface Water Drainage hierarchy for new development in line with best practice. The hierarchy is as follows:~~
- ~~1. Into the ground (infiltration at source);~~
  - ~~2. Attenuated discharge to a surface water body, watercourse or the sea;~~
  - ~~3. Attenuated discharge to surface water sewer, highway drain or another drainage system; and as a last resort~~
  - ~~4. Attenuated discharge to a combined sewer (only in exceptional circumstances where it can be demonstrated that no other options higher up the hierarchy are feasible).~~
- 9.47 ~~in line with the Surface Water Drainage hierarchy, the Council will expect relevant proposals to investigate the suitability and, where appropriate incorporate the following attenuation measures:~~
- ~~• Store surface water for later use;~~
  - ~~• Use infiltration techniques, such as porous surfaces in non-clay areas;~~

- ~~Attenuate surface water in ponds or open features for gradual release into the watercourse;~~
- ~~Attenuate surface water via storage in tanks or sealed water features for gradual release into the watercourse.~~

~~9.48 Where no alternative option exists other than to discharge surface water to a combined sewer, applicants must demonstrate why no alternative exists and submit clear evidence that discharge will be limited to an attenuated rate, including an allowance for climate change. The City Council will liaise with the appropriate bodies to ensure that this is acceptable.~~

~~9.49 There are clear merits of green solutions to manage surface water, and in the benefits they provide to ecology, local habitat and biodiversity. These approaches outweigh more conventional systems and usually improve the visual amenity of a proposed. Proposals should be designed with this in mind and the areas that are most susceptible to pooling or with the most scope for infiltration / soakaways should be reserved for SuDS features.~~

#### New paragraph 37

Areas within Lancaster District have been the subject of severe flooding and reoccurring incidents. There are areas which are at particular risk of flooding as a result of increased urbanisation and climate change. The plan therefore seeks to manage and 'reduce the causes and impacts of flooding' on and off site through the use of SuDS, in line with the NPPF and planning practice guidance by seeking to ensure development reduces the run-off rates from sites and the higher rate of climate change is used in calculations. Development should discharge at a rate lower than the current green field rate for same storm event with an 'upper end' Climate Change Allowance for the longest term projection in Table 1, of the 'Environment Agency Flood Risk Assessments: Climate Change Allowances', (or any updated climate change allowances published by the Environment Agency) and an urban creep allowance of 10%. On previously developed sites, sustainable drainage systems should achieve greenfield rates, unless the existing drainage system will be reused in its entirety, in these cases additional measures should be included to ensure that the discharge rates are at least 30% lower than the existing rate. The applicant. This requirement reflects the definition of 'previously developed land for drainage purposes' in the SuDS Proforma Guidance. This will ensure that opportunities are taken to reduce flooding on and off site and that allowances are made to ensure that the site addresses the impacts of climate change and plans for potential changes to the risk of flooding on a site in the long term. The aim to reduce flood risk accords with paragraph 161c of the NPPF and ensures consistency with policy SP8 of the Strategic Policies and Land Allocations DPD. Consideration will also be given to 'strategic SuDS' where a limited number of attenuation and treatment areas are needed around areas of significant planned development.

#### New paragraph 38

The focus of the policy and aim to reduce flooding seeks to minimise the impact on receptors sensitive to the adverse effects of flooding. Where sites contribute to the water environment required to sustain habitats such as wetlands, attention will need to be given to the way in which water is managed to ensure that there is not an adverse impact on these habitats.

#### New paragraph 39

SuDS are an effective approach to mitigating and reducing flood risk. They can contribute to mitigating potential increases in surface water run-off, sewer flooding and flooding from watercourses. Above ground multi-functional SuDS can deliver wider sustainability benefits,

enabling surface water to be collected for use in homes and gardens, adaption to climate change through enhancement and creation of biodiversity and habitats, placemaking and amenity. The use of SuDS can also manage pollution through treatment and reuse of surface water. This reduces pollutants entering watercourses and the amount of wastewater treatment required. The treatment of pollution at source can contribute to meeting the Water Framework Directive quality targets, as well as national objectives for sustainable development. Above ground SuDS can also be more cost effective to maintain and monitor than traditional underground features. The policy sets out a Sustainable Drainage Hierarchy and principals for the design of drainage schemes to ensure that they provide multi-functional benefits.

- 9.50 ~~SuDS can enhance biodiversity opportunities within new development.~~ Further information ~~about biodiversity opportunities on how this issue~~ can be found on the [websites](#) of Natural England's, [The Environment Agency's](#) and [The RSPB's websites](#). Careful consideration should also be given to the impacts of water run-off on designated environmental sites.

New paragraph 40

Underground conventional piped and tanked storage systems will only be acceptable where the applicant demonstrates that surface water management cannot be achieved through the provision of above ground sustainable drainage features due to ground conditions. Where conventional piped and tanked storage systems are proposed, they should be in addition to above ground SuDS and incorporate the minimum amount necessary to achieve the required run-off rate. Evidence will be required to justify such systems. Further details are provided within the Flood Risk and Sustainable Drainage SPD.

- 9.51 Surface water must not be discharged into the foul sewer system; United Utilities will not grant permission for such a proposal, except for in exceptional circumstances where it can be proven that there is no other feasible alternative. Equally surface water must not be discharged onto the highway or onto other land without a watercourse nor be discharged in an unrestricted or uncontrolled fashion.

New paragraph 41

To be effective, SuDS need to be an integral part of the design process to ensure that the layout, design of green and blue space and the design of buildings take every opportunity to reuse, attenuate and infiltrate water. SuDS design therefore needs to be take place at the start of the design process, not once the scheme has evolved. Developers should engage with the Local Lead Flood Authority, using their pre-application process to reduce the necessity for amendments and abortive costs. SuDs should be designed to meet the standards, as specified below, including any replacement standards/documents which update or are in addition to those listed:

- Local SuDS Guidance
- Technical Standards for Sustainable Drainage Systems
- C753 The SuDS Manual
- UU Design and Construction Guidance (DCG)

New paragraph 42

The NW SuDS Proforma sets out the information and evidence required for the Lead Local Flood Authority (LLFA) to assess the suitability of a drainage scheme. Completion and submission of the Pro-Forma together with the evidence required at the same time as the planning application will

prevent delays in the process.

New paragraph 43

When determining whether the peak run-off rate and run-off volume are achievable, the Council will expect the applicant to demonstrate that they have made the best use of the land available in terms of housing density, flexibility in the design of house types and the provision of multi-functional spaces. On previously developed land, applicants will also be expected to follow the Sustainable Drainage Hierarchy. Thereafter, any proposal based on a proposed reduction in surface water discharge from a previously developed site should be in accordance with the non-statutory technical standards for sustainable drainage produced by DEFRA (or any replacement national standards). In demonstrating a reduction, applicants should include clear evidence of existing positive operational connections from the site with associated calculations on rates of discharge as part of application submission material.

- 9.52 Any drainage proposal will be expected to be included as part of a site-wide strategy to avoid piecemeal development and demonstrate how the site delivers sustainable drainage as part of interconnecting phases, and will be provided early on in a development in order not to cause issues whilst a site is partially developed.
- 9.53 The Council will require evidence to demonstrate that the **Sustainable Drainage Hierarchy within policy DM34** ~~SuDS hierarchy~~ has been followed and to adequately justify if / why higher priority disposal routes cannot be utilised. Land acquisition should therefore ensure that the required rights for the development to discharge have been secured.
- 9.54 **SuDS should be designed to a suitable standard for adoption.** SuDS that are not adopted by public bodies will be expected to be supplemented by appropriate maintenance and management regimes for the lifetime of any surface water drainage schemes, which will be secured by planning condition or planning obligation.

New paragraph 44

To ensure that SuDS provide long term drainage solutions and continue to address flooding and climate change impacts, a Surface Water Lifetime Management and Maintenance Plan will be required. The Surface Water Lifetime Management and Maintenance Plan will be required to include:

- a maintenance schedule, detailing regular, occasional, and remedial maintenance activities including recommendations for inspection and monitoring. This should include recommended frequencies, advice on plant/ machinery required and an explanation of the objectives for the maintenance proposed and potential implications of not meeting them;
- clearly defined management arrangements to include for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company;
- arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - (i) on-going inspections relating to performance and asset condition assessments;
  - (ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other

- arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
- (iii) means of access for maintenance and easements.

The details should accord with the NW SuDS Pro-Forma. Further detail can be found in the Flood Risk and Sustainable Drainage SPD.

Post construction, applicants must provide to the Council certification and supporting evidence that the drainage works have been completed in accordance with the approved scheme, by a third-party professional. This will be to ensure that the drainage details and design submitted with the planning application have been constructed in accordance with the submitted and approved documents.

- 9.55 Further information on best practice examples of SuDS designs can be found within [on the Flood Hub website<sup>45</sup>](#) and in the Flood Risk and Sustainable Drainage SPD Planning Advisory Note<sup>46</sup> on this matter.

### Water Supply and Waste Water

## **POLICY DM35: WATER SUPPLY AND WASTE WATER**

Development proposals must take into account the demand for off-site water **and wastewater** service infrastructure. In particular, developers will be required to demonstrate that there is adequate **water supply and** wastewater capacity on and off the site to satisfactorily serve the development.

New development must demonstrate adherence to the National Planning Practice Guidance (water supply, wastewater and water quality) for sewerage infrastructure, this includes the following prioritised **foul water discharge** hierarchy:

- A. Connection to the public sewer;
- B. A package sewerage treatment plant; or lastly
- C. The provision of septic tanks.

The Council will support development proposals where:

- I. Sufficient infrastructure capacity already exists; or
- II. Extra capacity can be provided in time to serve the development.

~~Water efficiency measures should be incorporated into the development. The design of non-residential building development should enable achievement of the BREEAM 'Excellent' standard.~~

Proposals in the Arnsdale & Silverdale AONB should have due regard to the content of Policy AS12 of the Arnsdale & Silverdale AONB DPD.

<sup>45</sup> [Planning & Development | The Flood Hub](#)

<sup>46</sup> [Local Plan and Planning Policy - Lancaster City Council](#)



- 9.56 Adequate water supply, surface water drainage, foul drainage and sewerage treatment capacity must be available to serve all new development.
- 9.57 Shortages and gaps in capacity may affect the timing, delivery and design of development. Water supplies are limited in some places, sewerage capacity varies locally and some Treatment works will require significant upgrading before the end of the plan period. The Council will continue to work with United Utilities to ensure that these matters are addressed.
- 9.58 New development must demonstrate adherence with the National Planning Practice Guidance in relation to the hierarchy of provision of sewerage infrastructure, firstly via connection to the public sewer, secondly via a package sewerage treatment plan and lastly via the provision of a septic tank.
- 9.59 Large-scale schemes, particularly the strategic sites identified in the Strategic Policies & Land Allocations DPD, may have a major impact on the infrastructure capacity, whereas smaller schemes can cumulatively have the same effect. For major development proposals, contact should be made with Lancashire County Council as Lead local Flood Authority early in the planning process in order to assess the surface water drainage requirements and flood risk of the development both on and off site. All developers are also encouraged to contact United Utilities as early as possible before submitting a planning application to establish the following:
- The water supply infrastructure demand of the development both on and off the site and whether this can be met;
  - The wastewater infrastructure demand of the development both on and off the site and whether this can be met; and
  - The surface water drainage requirements and flood risk of the development both on and off site.
- 9.60 In some circumstances an assessment may be required to ascertain whether the proposed development would lead to an unacceptable overloading of existing infrastructure. Where there is an identified capacity problem, the Council may require the developer to fund appropriate improvements that must be completed prior to the occupation of the development.
- 9.61 ~~Pressure on water supplies can be addressed in part by water efficiency measures to reduce average consumption. This is important because consumption is high and needs to be reduced. More than a thousand people in the district rely upon private water supplies (i.e. non-mains water). Development close to these supplies will be carefully considered to ensure the continued quality of the supply. Any proposal that seeks to commence a new supply, or brings back into use a formerly used supply, must notify the Council.~~
- 9.62 ~~Domestic water consumption can be considerably reduced by building new homes to high water efficiency standards. Appropriate measures to improve water efficiency include, but are not limited to dual flush toilets, low flow bathroom and kitchen fittings, low water consumption appliances, grey water and water recycling systems, water butts and other on-site water retention systems.~~

### Protection of Water Resources and Infrastructure

## **POLICY DM36: PROTECTING WATER RESOURCES, WATER QUALITY AND INFRASTRUCTURE**

New development must:

- Not have a detrimental impact on surface water and groundwater quantity and quality caused by **contaminated surface** water run-off into nearby waterways;
- **Include multi-level source control within SuDS schemes to prevent ground and water pollution arising from water run-off;**
- Not have a detrimental impact on the quality and standard of bathing water in the locality;
- Consider effective and efficient disposal of wastewater; and
- ~~Seek to increase water availability and~~ **Protect and, where possible, improve the quality of rivers, or groundwater where possible and the standard of any bathing waters in the locality or downstream of the development.**

~~The development or expansion of water supply or waste water facilities will normally be permitted, either where needed to serve existing or proposed development, or in the interests of long term water supply and waste water management.~~

**The Council will be supportive of infrastructure investment which responds to the needs of the district, facilitates the delivery of wider sustainable development and the meeting of environmental objectives by water and sewage undertakers, subject to the detail of the scheme and the consideration of other policies within the local plan.**

9.63 New development must consider the impact on wastewater infrastructure, and there may be a need to co-ordinate new development through a phased approach to allow improvements to wastewater infrastructure. It must also consider the location of the point of connection to the wastewater infrastructure for new development to reduce flood risk and impact on watercourses. The Council will work with key partners such as the Environment Agency, the Canal and Rivers Trust and United Utilities in order to improve and protect water resources and water quality.

9.64 The EU Water Framework Directive<sup>47</sup> came into force in December 2000 and established a strategic framework for managing the water environment. It requires a management plan for each river basin to be prepared every six years based on detailed analysis of the impacts of human activity on the water environment and the incorporation of measures to improve water bodies where required.

9.65 The Environment Agency is responsible for the implementation of the Water Framework

<sup>47</sup> [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

Directive and in 2015 it updated the series of River Basin Management Plans<sup>48</sup> for England and Wales. The North West plan identifies a range of challenges that need to be tackled to achieve the objectives of the Water Framework Directive. The Marine Management Organisation (MMO) are in the process of revising the Marine Strategy for the North West Coast.

- 9.66 The Council can contribute towards tackling the challenges highlighted in the North West River Basin Management Plan and where appropriate the Marine Strategy, by ensuring that the design, layout and needs of new development consider solutions to these challenges so that water quality does not deteriorate in the future.

#### New paragraph 45

Infrastructure is key to the delivery of sustainable development, economic growth and meeting development needs. The Council will support the principle of investment in infrastructure and support statutory undertakings in improving the supply and wastewater infrastructure and environmental improvements.

- ~~9.67 Drinking water is becoming a more valued resource so the Council will ensure that new development delivers high standards of water efficiency by including measures to avoid wastage including:~~

- ~~• Water saving devices and water efficient fixtures and fittings;~~
- ~~• Rainwater and greywater recycling (water butts or more complex collection and treatment systems);~~
- ~~• Landscaping and gardens that don't require much water; and~~
- ~~• Sustainable Drainage Systems (SuDS).~~

## 10. The Historic Environment

- 10.1 Lancaster District has a very high number of buildings that are recognised on the national list of buildings of special architectural or historic interest. The district contains more than 1,300 Listed buildings, approximately 2% of which are Grade I listed, 5% Grade II\* and the remaining 93% Grade II.
- 10.2 The district's other heritage assets include ~~37~~ **38** Conservation Areas, 37 Scheduled Monuments and 3 Registered Parks and Gardens. Collectively, the district's heritage is a major economic asset. Lancaster is one of the North West's most important and historical cities; visually coherent, and little damaged by inappropriate development. Lancaster District's places and buildings show a strong historic legacy, which mixes Roman and Medieval elements, such as Lancaster Castle with the strongly Georgian and Victorian city centre and more contemporary suburbs.
- 10.3 The heritage assets found within the district range in significance, from assets that have been specifically designated for their national importance to non-designated heritage assets that are recognised at a local level to have historic significance. Policies DM37 to DM42 seek to conserve

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<sup>48</sup> <https://www.gov.uk/government/collections/river-basin-management-plans-2009>

and, where appropriate enhance the value of all types of heritage asset. The Council will protect and enhance the value of heritage assets, whether they are designated or non-designated, to ensure their long-term future for the conservation and enjoyment of the historic environment, in accordance with the principles set out in paragraph 126 of the [2012](#) National Planning Policy Framework<sup>49</sup>.

#### Assessment of Significance

- 10.4 All applications that are considered to affect a heritage asset (both designated and non-designated assets) are required to include an assessment of significance of any heritage assets affected, under paragraph 128 of the [2012](#) NPPF<sup>50</sup>. This should also involve an assessment of any contribution that the setting makes to its significance. Further details on understanding the significance of an asset can be found in Historic England's *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (April 2008)<sup>51</sup>.
- 10.5 The level of detail provided in an Assessment of Significance should be proportionate to the asset's importance, and it should be sufficient to understand the potential impact of the development on that significance. The Council's Heritage Statement guidance<sup>52</sup> and Planning Application Validation Guide<sup>53</sup> should be referred to for further details.
- 10.6 In determining applications the Council will take account of the following issues:
- The desirability of sustaining and enhancing the significance of heritage assets, securing viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities, including economic viability; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.

#### Design in the Historic Environment

- 10.7 High quality design is vital for new developments in the historic environment, as the vibrancy and richness of the heritage assets strongly contribute to the cultural values of the district, the quality of which could be eroded through inappropriate or low quality proposals.
- 10.8 In certain circumstances, and with an understanding of the significance of heritage assets and their setting, high quality contemporary and innovative design may be acceptable within the historic environment.

#### Development affecting Listed Buildings

## **POLICY DM37: DEVELOPMENT AFFECTING LISTED BUILDINGS**

<sup>49</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>50</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>51</sup> <https://www.historicengland.org.uk/advice/constructive-conservation/conservation-principles>

<sup>52</sup> <http://www.lancaster.gov.uk/planning/conservation/heritage-statements>

<sup>53</sup> <https://www.lancaster.gov.uk/planning/submit-a-planning-application>

Proposals affecting Listed Buildings should conserve and, where appropriate enhance those elements which contribute to its significance. All proposals should be based on a thorough understanding of the building's significance.

The significance of a Listed Building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Any harm (substantial or less than substantial) to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Substantial harm to or total loss of significance of Listed buildings, including demolition will be permitted only in exceptional circumstances where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The following criteria as set out in Paragraph 133 of the **2012** National Planning Policy Framework will apply:

- I. The nature of the heritage asset prevents all reasonable uses of the site; and
- II. That no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- III. That conservation through grant-funding or some form of not-for-profit charitable or public ownership is demonstrably not possible; and
- IV. The harm or loss is outweighed by the benefit of bringing the site back into use.

**Listed Buildings and Climate Change**

The Council will support proposals that seek to reduce the carbon footprint of a Listed Building provided that it does not harm elements that contribute towards the significance of the Listed building.

Development proposals involving the installation of renewable energy equipment on a Listed Building will be permitted where it conserves those elements which contribute to its significance and that all of the following criteria have been addressed as part of the design and access statement / heritage statement:

- V. The energy efficiency of the Listed Building itself has first been appraised and suitable measures, which will not affect its significance, have already been undertaken;
- VI. Locations other than on a Listed building have been considered and dismissed as being impracticable;
- VII. There is no irreversible damage to the historic fabric;
- VIII. The locations of the equipment on the Listed building would not detract from elements that contribute towards its significance, either when viewed in close proximity or from a distance; and
- IX. The impact is minimised through design, choice of material and colours.

Equipment that is no longer needed for generating energy will be removed as soon as the operations cease.

Where appropriate, the Council will make use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

***Information to Support an Application***

Permission will not be granted for applications which are not fully justified and accompanied by all the information necessary to assess the impact of the proposals on the Listed Building.

Proposals should be accompanied by a statement of significance which should form part of the heritage assessment (which may form part of the design and access statement) to demonstrate that the architectural and historic interest of the structure has been understood and accounted for in any proposal in accordance with paragraph 128 of the **2012** National Planning Policy Framework.

Where permission is granted for development which would result in the total or partial loss of a Listed Building, approval will be conditional upon the asset being fully recorded and the record deposited with the Historic Environmental Record (HER).

***Buildings at Risk***

Proposals which will help to safeguard the significance of and secure a sustainable future for the district's Listed buildings, especially those identified as being at greatest risk of loss or decay, will be supported.

- 10.9 Listed building consent is required for any works of demolition, and for any works involving alteration or extension to a Listed building that would affect its character as a building of special architectural or historic interest. Controls apply to all works, both internal and external, that would affect a Listed building's special interest, whether or not the feature concerned is specifically mentioned in the listing description of the Listed Building.
- 10.10 The Council will expect Listed building consent and related planning application(s) to be submitted at the same time, not separately, unless there are exceptional circumstances that require such a course of action.
- 10.11 In judging the impact of any alterations on or to a Listed building, it is essential that there is a thorough understanding of the elements that contribute towards the significance of the asset. These elements may comprise a variety of features including windows, staircases, internal layouts, landscaping and tree planting for example. In the assessment of the level of harm to the asset, consideration must be given to paragraphs 133 and 134 of the **2012** NPPF.
- 10.12 Many Listed buildings can sustain some degree of sensitive alterations. However, this can vary and is greatly dependent on the significance of the asset. Sometimes the need to conserve the significance of the asset is so great that the conversion and alteration into an economic use may be unsustainable. Therefore, their future may be secured through charitable or community partnerships.

- 10.13 The fabric is an important part of the Listed building's significance, and should be retained as a fundamental part of any alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate new.
- 10.14 Where alterations are considered to be acceptable it is preferable for new work to be reversible (although this alone does not justify alteration). New openings will need to be considered in the context of the asset's significance. Where proposals may make significant features redundant, such as windows, doors or other features, then the impact is likely to be minimised if they are left in place. The junction between old and new features is important, both in terms of their impact on the significance of the Listed Building but also its setting. Therefore Policies DM37 and DM39 are directly relevant to this issue.
- 10.15 Historic England's Advice Note 2: Making Changes to Heritage Assets (February 2017) is a useful document which provides advice on the different categories of intervention in heritage assets, including repair, restoration, addition and alteration, based on heritage asset type.<sup>54</sup>
- 10.16 Minor repairs are unlikely to require listed building consent if the works are carried out using the same materials and techniques and they do not affect the significance of the asset. However, for the avoidance of doubt, a Certificate of Lawfulness of Proposed Work to a Listed Building (CoL) should be applied for. This provides formal confirmation that the proposed works do not require listed building consent because they do not affect the character of the listed building as a building of special architectural or historic interest.<sup>55</sup>
- 10.17 The degree to which a building has already been added to must be considered; incremental additions can result in the original form of the building being subsumed or even lost completely. New extensions, where considered appropriate in principle, should not dominate the Listed building or its setting in terms of style, scale, massing, height, materials or siting.
- 10.18 Alterations to shop fronts and other alterations on commercial premises that are Listed buildings should be designed to a high standard and use appropriate materials. Where historic shopfronts and other joinery details exist, these should be retained and repaired. Where they are beyond repair, they should be replaced on a like-for-like basis. In such cases, this policy should be read in conjunction with Policy DM21 which relates to advertisements and shopfronts.

#### *Change of Use of Listed Buildings*

- 10.19 Keeping Listed buildings in active use is critical to ensuring their upkeep. The best uses will be very often the use for which the building was originally designed and continuation or reinstatement of that use should be the first option within development proposals.
- 10.20 Not all original uses will now be viable, or even appropriate. In some cases, the original use may now be less compatible with the building than an alternative use due to modern practices and requirements. The Council will encourage any development proposal that secures the optimum long-term viable use for any Listed building where it meets the requirements of other policies in

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<sup>54</sup> <https://historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

<sup>55</sup> <http://www.lancaster.gov.uk/planning/conservation/certificates-of-lawfulness>

the Local Plan.

*Climate Change and Listed Buildings*

- 10.21 The historic environment has a major role to play in mitigating climate change. The re-use of historic buildings has the potential to address issues such as the low carbon values of traditional materials, the damage caused by the release of embodied energies from the demolished fabric, and the environmental benefits of repair and maintenance over replacement.
- 10.22 In addition, heritage assets are capable of improved energy efficiency. Historic England has produced a host of guidance on Energy Efficiency and Historic Buildings, including Building Regulations (Part L), insulating roofs, chimneys, walls, windows, doors and floors.<sup>56</sup>
- 10.23 The sympathetic use of renewable energy equipment, on a level that does not harm the significance of the heritage asset or its setting, will be considered to be appropriate.
- 10.24 The use of renewable energy may be acceptable, subject to the approach set out within Policy DM53. Evidence that the impact of the proposal is truly understood and details of any mitigation will be required and should form part of the heritage statement. Historic England have produced a number of guidance documents relating to microgeneration, which provide building owners with guidance on the issues they need to consider when installing microgeneration equipment.<sup>57</sup>

*Heritage at Risk*

- 10.25 There are a number of buildings considered to be at risk from deterioration and dereliction within the district. The Council will work with the owners of these buildings to find viable uses to secure their long-term future.
- 10.26 The Council expects that where a use for these buildings cannot be identified in the short-term, that they are maintained and secured to prevent them from decaying further. Not only will this help prevent the loss of important historical fabric, but maintenance will help prevent costs from escalating to such an extent that repair of such buildings is uneconomical or unviable.
- 10.27 Historic England maintains a National Heritage at Risk Register<sup>58</sup> which is updated on an annual basis. This includes Grade I and II\* Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields, Protected Wreck Sites and Conservation Areas. Historic England can also provide practical advice, guidance and, in some cases, resources for those Listed Buildings on its register, though their involvement must be determined by the importance of the building and the complexity of the issues.
- 10.28 With regard to Grade II Listed Buildings, the Council maintains a Local Building at Risk register of all those assets that are considered to be at risk.

**Development affecting Conservation Areas**

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<sup>56</sup> <https://www.historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>

<sup>57</sup> <https://www.historicengland.org.uk/advice/planning/infrastructure/renewable-energy/microgeneration/>

<sup>58</sup> <https://www.historicengland.org.uk/advice/heritage-at-risk>

## **POLICY DM38: DEVELOPMENT AFFECTING CONSERVATION AREAS**

Any development proposals and / or alterations to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas. Specifically, they will be required to demonstrate that:

- I. Proposals respect the character of the surrounding built form and its wider setting, in terms of design, siting, scale, massing, height and the materials used;
- II. Proposals will not have an unacceptable impact on the historic street patterns / boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area;
- III. Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and
- IV. Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

Outline applications for development within Conservation Areas will be discouraged as it is expected that a full assessment will be required of the impact that the proposal may have on elements that contribute to the area's significance and understanding.

There will be a presumption in favour of the retention of buildings and/or features which make a positive contribution to the special character and appearance of a Conservation Area (as identified within a Conservation Area Appraisal). Any harm (substantial or less than substantial) will be weighed against the public benefits arising from the scheme.

Substantial harm to the Conservation Area will not be permitted unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh the harm or loss. All the criteria which are set out within paragraph 133 of the [2012](#) National Planning Policy Framework should be met.

Where a development proposal will lead to less than substantial harm to the significance of the Conservation Areas, this harm should be weighed against the public benefits of the proposal.

No loss will be permitted without taking all reasonable steps to ensure that the new development will immediately proceed after the loss has occurred.

All proposals that are located within a Conservation Area or its setting must be accompanied by a clear Heritage Statement providing details of the proposed development and its impact on the significance of the Conservation Area. They should give due consideration to all relevant policies within the Development Management DPD.

Where appropriate, the Council will encourage the use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.

- 10.29 The district has a large number of Conservation Areas<sup>59</sup>. These range from the large Lancaster Conservation Area, to the smaller, more discreet Conservation Areas such as Cannon Hill in Lancaster or the smaller rural villages. These Conservation Areas will be reviewed and re-appraised where necessary and appropriate.
- 10.30 The Council will consider future areas that may be considered suitable for designation as a Conservation Area. This requires a judgement as to whether an area is of special architectural or historic interest, and the character or appearance of which it is considered desirable to preserve or enhance.
- 10.31 Many Conservation Areas rely on their relationship between buildings and spaces and the nature of these spaces for their character. These spaces may be both within and outside the actual boundaries of the Conservation Area. Many of the rural Conservation Areas form a wider part of the landscape and are especially vulnerable to impact from development on village edges. Townscapes are particularly vulnerable to the impact of development that does not respect its historic form, layout and street patterns, and of development that does not respect the scale of the neighbouring buildings.
- 10.32 When determining any development proposal that affects a Conservation Area, the Council will take into account the impact on views into and across the area, including important open spaces either within or near to the area and its wider landscape setting. Furthermore, the Council will take into account any Conservation Area Appraisal or Management Plan<sup>60</sup> which is relevant to the locality. A Conservation Area is a designated heritage asset and therefore Policy DM38 and DM39 is directly relevant to this issue.
- 10.33 Alternations to shopfronts and other alterations on commercial premises within Conservation Areas should be designed to a high standard and use materials that are appropriate and sympathetic to the surrounding area. Where historic shopfronts and windows survive, there will be a presumption in favour of their retention and repair will be encouraged over replacement. Proposals that involve the siting of advertisements should have due regard to Policy DM21 relating to advertisements and shopfronts and the associated SPD on this matter<sup>61</sup>.
- 10.34 Conservation Areas relate to the quality and interest of historic areas, and not just the individual buildings. Therefore, particular attention must be given to the details such as the floorspace, street furniture, street lighting and public spaces. The Council will encourage proposals that seek to enhance these features.

#### Article 4 Directions

- 10.35 Many alterations to the majority of unlisted dwelling houses do not require planning permission and would be permitted development under the General Permitted Development Order 2015 (as amended). However, in a number of Conservation Areas, the Local Planning Authority has removed permitted development rights to bring specified operations under the control of

<sup>59</sup> <http://www.lancaster.gov.uk/planning/conservation/>

<sup>60</sup> <http://www.lancaster.gov.uk/planning/conservation/conservation-area-appraisal>

<sup>61</sup> <https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan>

planning legislation. Such action is carried out using an Article 4 Direction.

10.36 Article 4 Directions cover a number of properties within the following Conservation Areas: Lancaster, Westfield Memorial Village, Bath Mill, Morecambe, Glasson Dock and Heysham.

10.37 Where the Council considers that permitted development rights are threatening the character and appearance of a Conservation Area, it will consider bringing this development under its control by the use of an Article 4(2) Direction.

### **The Setting of Designated Heritage Assets**

## **POLICY DM39: THE SETTING OF DESIGNATED HERITAGE ASSETS**

The Council recognises the contribution that the setting of a designated heritage assets can make to its significance. This includes Listed Buildings, Scheduled Monuments, Registered Parks and Gardens and Conservation Areas.

The Council will look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Development proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.

When assessing a proposal affecting the setting of a designated heritage asset, reference will be made to any existing evidence which may include Conservation Area Appraisals, Heritage Assessments, Landscape or Urban Characterisations and Design Guidance.

Development proposals affecting the setting of designated heritage assets will be expected to include an assessment, which should be undertaken as a series of four steps:

**Step 1:** identify which heritage assets and their settings are affected;

**Step 2:** assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;

**Step 3:** assess the effects of the proposed development, whether beneficial or harmful, on the significance or the ability to appreciate it. This will include consideration of the location and siting of development, form and appearance, wider effects of development and the permanence of development; and

**Step 4:** explore the way to maximise enhancement and avoid or minimise harm and provide a statement which sets out necessary mitigation measures to achieve this.

All proposals which would impact upon the setting of a designated heritage asset must be accompanied by a clear heritage statement providing details of the proposed development

**and the assessment outlined in this Policy. They should give due consideration to all relevant policies within the Development Management DPD.**

**Where appropriate, the Council will encourage the use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.**

- 10.38 Conservation also looks beyond the individual asset to protect the settings of designated heritage assets such as World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens or Conservation Areas, as well as the setting of non-designated heritage assets.
- 10.39 A setting is the surroundings of a heritage asset in which the asset is experienced. All heritage assets have a setting, whether they are designated or not. Settings are generally more extensive than a curtilage, and its perceived extent may change as an asset and its surroundings evolve or as an understanding of an asset improves.
- 10.40 Elements of a setting may make a positive or negative contribution to the significance of an asset, or they may be neutral. The contribution of setting to significance is often expressed by reference to views. This is likely to include a variety of views of, across, or including the asset and views of the surrounds from or through the asset.
- 10.41 In Lancaster itself, for example, the topography of the city means that many areas are visible from a number of different vantage points. Views from high ground, such as Castle Hill and Williamson Park should always be considered in the context of their wider setting. Similarly the impact of tall buildings on the townscape and roofscape of Lancaster and Morecambe requires careful consideration.
- 10.42 Historic England has published several important guidance documents that are available on their website including *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*<sup>62</sup> (March 2015) and *Tall Buildings: Historic England Advice Note 4*<sup>63</sup> (December 2015). Due consideration should be given to these documents in formulating any proposals that affect the setting of a heritage asset.

### **Registered Parks and Gardens**

<sup>62</sup> <https://www.historicengland.org.uk/images-books/publications/setting-heritage-assets/>

<sup>63</sup> <https://historicengland.org.uk/images-books/publications/tall-buildings-advice-note-4/>

## **POLICY DM40: REGISTERED PARKS AND GARDENS**

**Proposals that harm the significance of a designated Park and Garden will not be permitted.**

**Proposals affecting a historic park or garden or its setting should ensure that development does not detract from the enjoyment, layout, design, character or appearance of that landscape, cause harm to key views from or towards these landscapes or, where appropriate, prejudice their future restoration.**

**Opportunities for their conservation or enhancement will be supported.**

- 10.43 Designated landscapes that are considered to be of national importance are included on The Register of Parks and Gardens of Special Historic Interest in England. The register is maintained by Historic England on behalf of the Government. They are graded according to their quality and importance as Grade I, II\* and II in descending order.
- 10.44 Registered Parks and Gardens do not enjoy any additional legal protection but are designated heritage assets as set out in the NPPF. As such, when permission is required, the significance of a registered park or garden or its setting will be taken into account.
- 10.45 Planning permission will not be granted for proposals that would harm the historic structure, character, principle components or setting of an area included in the Register of Parks and Gardens of Special Historic Interest in England. Where feasible, the Council will seek the removal of structures and uses that detract from the special historic interest of these historic parks and gardens and prepare plans to restore them. New landscaping, planting and other works within these parks and gardens should respect their historic landscape design and seek to preserve and enhance their character.

### **Non-Designated Heritage Assets**

## **POLICY DM41: DEVELOPMENT AFFECTING NON-DESIGNATED HERITAGE OR THEIR SETTINGS**

**Where a Non-Designated Heritage Asset is affected by a development proposal, the effect of the application on its significance will be taken into account.**

**All proposals which would impact upon a Non-Designated Heritage Asset must be accompanied by a Heritage Statement describing the significance of the heritage asset, including any contribution made by its setting, as well as providing details of the proposed development and its impact on the significance of the Non-Designated Heritage Asset.**

**The effect of a proposal on the significance of a non-designated heritage asset will be taken into account and in weighing proposals that affect directly or indirectly non designated**

**heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.**

**Any loss of the whole or part of such an asset will require clear and convincing justification. No loss will be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.**

**Any extensions or alterations should be designed sympathetically, without detracting from or competing with the heritage asset. Proposals should relate appropriately in terms of siting, style, scale, massing, height and materials.**

**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.**

**New buildings and any associated landscaping within the curtilage of a non-designated heritage asset, or in close proximity to, should ensure that the setting is not compromised. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.**

**Where appropriate, the Council will encourage the use of Design Panels in determining that proposals are of the highest design standards and mitigate any impacts on the surrounding historic environment.**

10.46 Lancaster District has a rich and varied historic environment which contains a large number of heritage assets, whether they are designated or not. These range from buried archaeology and above-ground historic buildings, to the historic street patterns and historic landscapes that survive in many locations. Many of the district's heritage assets have been statutorily recognised. However, this does not necessarily provide the whole picture.

10.47 As well as the approximately 15% of known heritage assets that are formally designated. There may also be other heritage assets classed as 'Non-Designated Heritage Assets' that do not fall into any formal designations mentioned previously but are still considered to be historically or architecturally significant. To understand the location and value of non-designated heritage assets, the Council is in the process of developing a local list to identify important heritage assets in the district. The purpose of a List of Local Heritage Assets is:

- To raise awareness of the district's historic buildings and their importance to local distinctiveness.
- To inform developers, owners, Council officers and members about buildings within the district that are desirable to retain and protect.
- To provide guidance and specialist advice to owners to help protect the character and setting of the buildings and structures.
- To help the Council in its decision-making when discussing proposals and determining planning applications.
- To record the nature of the local historic environment more accurately.

- 10.48 To inform the local list, members of the public have been invited to nominate locally significant buildings to be added to the local list. The selection criteria for inclusion on the local list is set out on the Council's website<sup>64</sup>.
- 10.49 There may be other non-designated heritage assets that have not previously been identified for protection, but which make a significant contribution to the character and appearance of the district. This may be the result of insufficient material being available on their existence, special interest or importance.
- 10.50 The Council aims to identify value and protect the historic environment and its significance for the benefit of current and future generations.

### Archaeology

## **POLICY DM42: ARCHAEOLOGY**

Development proposals should conserve or enhance those elements which contribute towards the significance of a Scheduled Monument or an archaeological site of national importance. Harm to such elements will only be permitted where it is clearly justified and outweighed by the public benefits of the proposals. Substantial harm or total loss of the significance of a Scheduled Monument or a site of national significance will only be permitted in exceptional circumstances.

Proposals affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains.

Where development affecting such sites is acceptable in principle, the Council will ensure mitigation of damage through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Report. The ability to record should not be a factor in deciding whether such a loss should be permitted.

In situations where it is considered that archaeological sites and monuments would be affected, applicants will be required to commission a desk-based assessment with reference to the Historic Environment Record (HER), or greater investigation in some cases, before a planning application can be determined to allow for an informed and reasonable planning decision to be made.

- 10.51 There are a large number of sites which are known for their archaeological interest within the district. Information on many of these sites is held in the Historic Environmental Record<sup>65</sup> (HER),

<sup>64</sup> [Conservation - Lancaster City Council](#)

<sup>65</sup> <https://www.lancashire.gov.uk/council/planning/historic-environment-record/>

which is managed by Lancashire Archaeology Advisory Service on behalf of Lancashire County Council. These sites are not shown in the Strategic Policies & Land Allocations DPD or on the accompanying Local Plan Policies Maps. However, work undertaken by Lancashire Archaeology Advisory Service has been used to inform the individual site suitability assessments and the subsequent land allocations and policies.

- 10.52 The HER includes Lancaster's Urban Archaeological Database (UAD), which brings together all the known archaeological data for the Historic Core of Lancaster city centre into one place. The UAD contains information on all known pre-1800 archaeological material found within the locality, whether they are archaeological deposits or upstanding remains.
- 10.53 Whilst a number of sites have been formally designated for their archaeological importance, this only represents a fraction of the total. Many important archaeological sites remain undiscovered and unrecorded. Archaeological sites are a finite resource and, as a result, it is important to ensure through the planning process that development proposals do not result in their damage or destruction.
- 10.54 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Schedule Monuments should be subject to the same policies as a designated heritage asset, in accordance with paragraph 139 of the 2012 NPPF.
- 10.55 Where development proposals could affect a Scheduled Monument or its immediate setting, applicants are advised to contact Historic England at an early stage in the planning process to determine if the proposal is likely to be acceptable or not and, if necessary, to seek out ways of minimising any impact on the monument. Separate Scheduled Monument Consent may well be required in addition to any planning permission for proposals that impact on Scheduled Monuments or their settings. Where there is significant impact on its significance, the proposal is likely to be unacceptable.
- 10.56 Where any other archaeological site may be affected, the proposal is likely to require an appropriate heritage assessment as part of the application, which may include desk-based or field investigations. The Council may refuse any application when such information is needed but not supplied. Where a development is permitted that does have an impact upon a heritage asset, works to mitigate that impact may be required as a condition of the development. Such works can range from recording a standing structure to formal archaeological excavation, and are likely to be required in advance of development starting.

#### [Retrofit of buildings of traditional construction for energy efficiency](#)

## **POLICY DMCCH1: RETROFIT OF BUILDINGS OF TRADITIONAL CONSTRUCTION FOR ENERGY EFFICIENCY**

The Council will support the responsible retrofitting of energy efficiency measures and appropriate use of micro-renewables in historic buildings of traditional solid-walled construction.

Proposals will be supported where they:

- I. Demonstrate that they are consistent with the energy hierarchy – firstly reducing energy demand in the building, secondly increasing energy efficiency, and finally looking to generate renewable energy;
- II. Avoid compromising permeability, ventilation or structural stability
- III. Avoid harm to the heritage significance of the building.

New paragraph 46

Many buildings in the district are of traditional construction, with solid masonry walls and no integrated moisture barriers. A large proportion of these buildings are heritage assets. Such buildings are designed to perform differently to modern buildings of cavity wall construction. While modern buildings depend on barriers which ensure that the structure is watertight, traditional solid walled buildings cyclically absorb and release moisture through their fabric. This process depends on maintaining an equilibrium of heating and ventilation, which can be easily upset by changes to the building.

New paragraph 47

Responsible Retrofit is a holistic approach to retrofit in which all interacting factors across the whole building are considered, and risks and benefits are balanced. In practice, this means considering how fabric measures such as insulation, draught proofing, glazing and rainwater protection; services such as ventilation, heating and renewable energy; and occupant behaviours interact with one another, and what effect they have both individually and cumulatively. For example, where one change to the building might have benefits in terms of energy usage, this might also be outweighed by risks to heritage significance or building fabric and environment. Retrofit measures may be safely introduced individually, but a combination of several may have a harmful effect. Where Responsible Retrofit is not achieved, it can lead to unintended consequences. The biggest risk in introducing retrofit measures is their effect on building permeability and ventilation: inadequate permeability or ventilation poses a risk to both historic building fabric and occupant health.

New paragraph 48

Proposals must take into account the relative benefits and risks to the climate, health of building users, and heritage significance. The SBTA *Responsible Retrofit Guidance Wheel* may assist applicants in making such assessments<sup>66</sup>. Decisions related to retrofit will be made on an individual basis according to the specific requirements of each building.

<sup>66</sup> <http://responsible-retrofit.org/wheel/>

New paragraph 49

A comprehensive understanding of the significance of heritage assets will underpin decision making, with reference made to the degree, nature and extent of significance. There will be cases where measures cannot be accommodated without resulting in a high level of harm to heritage significance. However, with positive engagement between applicants and the Council, and where proposals are supported by creativity of design, a good understanding of traditional construction, and, where appropriate, expert advice, solutions can often be reached. Moreover, simple draughtproofing and insulation can usually be achieved without harming the heritage significance of the building.

New paragraph 50

In some cases where proposals do not satisfy the requirements of this policy it may be possible to instead consider proposals for micro-renewables under policy DMCCH2. However, proposals should demonstrate that they are consistent with the energy hierarchy, as described in Policy DM30a. Responsible Retrofit means that, as a minimum, simple improvements to draughtproofing and insulation would need to have been carried out. This is important as the installation of new heating systems, such as heat pumps, may depend on such simple improvements to be effective.

New paragraph 51

Proposals should demonstrate that they are consistent with the energy hierarchy, as described in Policy DM30a.

Micro-renewables in the setting of heritage assets

## **POLICY DMCCH2: MICRO-RENEWABLES IN THE SETTING OF HERITAGE ASSETS**

**Proposals for new micro-renewable systems in the setting of Heritage Assets will be supported where they:**

- I. Demonstrate they are consistent with the energy hierarchy – firstly reducing energy demand in the building, secondly increasing energy efficiency, and finally looking to generate renewable energy**
- II. Avoid harm to the significance of the asset via its setting, by sensitive design or screening. This includes considering the impact on Conservation Areas and Registered Parks and Gardens and the contribution of the surrounding landscape character to the setting.**
- III. Assess the potential for below ground archaeology where proposals would require breaking ground or cause vibrations, and appropriately avoid or mitigate any harm.**

New paragraph 52

In some cases it will be possible to install micro-renewables such as photovoltaic panels or wind generators within the setting of a heritage asset, or on an outbuilding, rather than on the heritage asset itself in order to reap some of the benefits of these systems while avoiding some of

the harm to the asset's significance. The decision to do so must be informed by an assessment of the contribution the asset's setting and outbuilding(s) make to its significance; outbuildings may also be curtilage listed or they may be non-designated heritage assets in their own right. Where assets are clustered, such as in Conservation Areas, the setting of surrounding heritage assets and the potential impact on the historic character of the area should also be considered.

New paragraph 53

Where harm to the significance of a heritage asset would be caused by the proposals, appropriate mitigation will be required. This might include screening the installation from view.

New paragraph 54

Proposals should demonstrate that they are consistent with the energy hierarchy, as described in Policy DM30a.

New paragraph 55

This policy is intended to support Policy DM39 (The Setting of Designated Heritage Assets) in dealing with the specific challenges posed by the installation of micro-renewable systems in the setting of a heritage asset. Proposals are expected to be supported by a heritage impact assessment as required by Policy DM39.

## 11. The Natural Environment

- 11.1 The natural environment is a key feature of the district. It consists of many different components and is defined by different characteristics which may be summarised as natural capital, ecological networks and ecosystem services. Briefly, natural capital is the stock of natural assets which include geology, soil, air, water and all living things. Many of these features depend on linkages or networks of spaces that are characterised by certain habitats, species or geological features, known as ecological networks. Human populations derive ecosystem services from natural capital and ecological networks. These are grouped into four broad categories: provisioning, such as the production of food and water; regulating, such as the control of climate and disease; supporting, such as nutrient cycles and crop pollination; and cultural, such as spiritual and recreational benefits.
- 11.2 Planning has a role to play in ensuring that natural capital is protected against unsustainable loss, because of the harmful impacts that such losses would have on ecosystem services. Some aspects are covered elsewhere in the Local Plan, including the approach taken to air quality management, contaminated land and flood risk management. This chapter provides guidance and policy to conserve and protect green infrastructure, biodiversity and geodiversity, trees, hedgerows and woodland, and the value of the landscape.

### Green and Blue Infrastructure

## **POLICY DM43: GREEN AND BLUE INFRASTRUCTURE**

~~Green Spaces and Green Corridors~~ **Green and Blue Spaces, Corridors and Chains**

The Council seeks to **protect the District's green and blue spaces, corridors and chains to prevent the fragmentation and isolation of these valuable assets that contribute towards the wider green and blue infrastructure network. Green Infrastructure.** To achieve this the integrity and connectivity of the Green **and Blue** Infrastructure network will be **protected, managed, maintained, protected and enhanced to improve the quality and value of the District's green and blue spaces, corridors and chains.**

Individual green **and blue** spaces ~~must~~ **should** be retained wherever possible, particularly in relation to spaces that have a recognised value, whether this is a community, **or** environmental **or climate change adaptation/mitigation** value.

Opportunities to extend the ~~framework~~ **network** of green **and blue** spaces, ~~and green~~ corridors **and chains** in the district ~~should~~ **must** be taken, and development proposals that will result in damage to the integrity of or severance of a green **and/or blue** corridor **or chain** will be resisted by the Council.

~~Any development proposal that involves the loss of designated green space will be resisted by the Council.~~ Development proposals ~~should~~ **must** seek to integrate green **and blue** spaces, ~~and green~~ corridors **and chains** ~~into development proposals onsite~~ and forge linkages with ~~the existing green space~~ **wider green and blue infrastructure networks.** **The design of development proposals must consider the value green and blue infrastructure can provide in terms of recreation, active travel, water management, landscape, biodiversity, and the historic environment, and ultimately contribute towards climate change mitigation and adaptation.**

**A Green and Blue Infrastructure Management and Maintenance Plan will be required to detail how the green and blue infrastructure assets will be managed to ensure the long term benefits these spaces provide are secured and maintained.**

**Any development proposal that involves the loss of designated green or blue space will be resisted by the Council.** In exceptional circumstances, the loss of green **and blue** spaces, ~~and green~~ corridors **and chains** will only be considered acceptable where appropriate mitigation measures are provided. This would include replacement habitat / provision being provided which is of an equal or better standard (in both quantitative and qualitative terms) than existing.

Development proposals should incorporate new and/or enhanced amenity green spaces of an appropriate type, standard, size and reflects the needs / deficiencies for the area as set out within the Councils Open Space Assessment or successor documents. Proposals will be expected to give due consideration to the requirements set out in Policy DM27 and Appendix D of this DPD and, where appropriate, the requirements of site specific policies contained in the Strategic Policies and Land Allocations DPD.

Where on-site amenity green space provision has been demonstrated to not be possible, or the Council is satisfied that on-site provision is not beneficial or appropriate, financial contributions will be sought towards the creation of new facilities off-site or to enhance and improve existing provision to meet the needs of the community.

**Allotment Provision**

Existing allotments, which are recognised to have significant value to the local community will be protected and, where appropriate, improved. The Council will support the provision of new allotment facilities and other food growing places where opportunities arise. ~~and a clear need is demonstrated via local evidence.~~

**Garden Provision**

The Council recognises that **natural** garden space, particularly within urban areas, is a vital source of green space to residents and of significant importance to natural habitats. The loss or reduction of garden spaces in urban areas could lead to a decrease in the quality of life and **have** a significant impact on the natural environment. In accordance with paragraph ~~53~~ **71** of the National Planning Policy Framework the Council will resist proposals that will involve the loss of garden spaces to built development where it will result in harm to the local environment and amenity.

- 11.3 Green **and blue** Infrastructure is a wide-ranging term that can encompass a number of environmental features including open spaces, recreational areas, **registered** parks and gardens, allotments, biological and geological conservation sites, landscape features, rivers, canals and watercourses, woodland, street trees and planting, orchards, village greens, green roofs and walls, cycle routes, pedestrian walkways and Public Rights of Way (PROW), green **and blue** corridors **and chains**, and open countryside. This, however, is not a definitive list of the types of ~~G~~-green **and blue** Infrastructure assets. The National Planning Policy Framework defines Green Infrastructure as *‘a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities’*. Policy DM43 sets out the beneficial roles that of green spaces and can contribute to in the locality. ~~Whilst most types of green and blue infrastructure may have a primary purpose or function, by their nature these assets are multifunctional, providing a range of benefits and improving our ‘natural capital’.~~ Given that these functions co-exist, development proposals can design and use land more effectively or efficiently to generate multiple benefits for people, nature and climate. Due to their array of uses and subsequent multifunctionality, Policy DM43 sets out the beneficial roles **and values that** of green **and blue** spaces, ~~and green~~ corridors **and chains** can contribute to ~~in the locality~~, **and the importance of their connectivity, in contributing towards the resilience of the wider green and blue infrastructure network, particularly in the face of climate change.**

**New paragraph 56**

To inform this Local Plan Review the Council produced a Green and Blue Infrastructure Strategy which identified six key themes/uses of green and blue infrastructure, which are recognized to be cross-cutting, reflecting the multifunctionality and connectivity of these spaces, corridors and chains. These were:

- Recreation/Accessible Greenspace
- Ecology/Biodiversity
- Water Management
- Active Travel

- Landscape
- Historic Environment

New paragraph 57

The design of development proposals should begin with a 'GBI first' approach, exploring the role, function and value of green and blue spaces from the start. The design must therefore consider the value green and blue infrastructure can contribute towards each of these key GBI themes/uses, and fundamentally towards the mitigation and/or adaptation of climate change. For example, above grounds SuDS schemes not only help to manage water and reduce flood risk in response to increased rainfall, but they can also provide an aesthetic landscape feature within a development and also net gains in biodiversity. The Council has developed a GBI toolkit as part of the Green and Blue Infrastructure Strategy so that the climate change mitigation/adaptation value of green and blue infrastructure can be assessed, and to provide a tool which can be used to inform the design of green and blue infrastructure to help deliver multifunctional spaces. Where possible, all development proposals must deliver green and blue infrastructure onsite, considering how the form, layout and make-up of the green/blue infrastructure fits within the context and function of the existing wider green and blue infrastructure network to maximise the most appropriate benefits (as set out in the Lancaster District Green and Blue Infrastructure Strategy).

- 11.4 The Council will retain a presumption towards the retention and protection of green and blue spaces, and green corridors and chains, particularly where it can be demonstrated that they ~~unless it can be demonstrated that the site~~ provides no value, either economically, environmentally or socially to the community they serve and is unable to provide any benefits in terms of climate change mitigation and/or adaptation. Opportunities to extend and enhance the quality and value of these ~~and extend these~~ natural assets, such as those set out in the Lancaster District Green and Blue Infrastructure Strategy, ~~should~~ must also be sought and will be supported by the Council. Development proposals that involve the loss of such spaces will be resisted by the Council unless it has been demonstrated that the benefits that the proposal provides outweigh the loss of open green and blue space and the lost open space is replaced with facilities provision that is of equal, if not better, standard than those existing in a suitable, nearby and accessible location.

New paragraph 58

Once created, it is important to ensure that green and blue infrastructure assets are managed and maintained so that they continue to effectively deliver the long-term uses and benefits that they were designed to provide. Therefore, a Green and Blue Infrastructure Management and Maintenance Plan will be required. This will need to include long-term design objectives, a detailed maintenance schedule, clearly defined management responsibilities and set out the appropriate funding mechanisms that will be put in place to provide for the on-going maintenance of green and blue infrastructure delivered as part of the development. This should relate to all green and blue infrastructure that is not within private gardens. Incorporating each of the six key uses of GBI, where appropriate. Further detail in relation to the approach towards blue infrastructure is included in policy DM34, the accompanying text and the Flood Risk and Sustainable Drainage SPD and further information about landscaping is set out in policy DM45 and the accompanying text. In relation to blue infrastructure, to avoid duplication and where appropriate, this Plan should cross-reference the Surface Water Lifetime Management and Maintenance Plan that is required to ensure SuDS provide long term drainage solutions and

continue to address flooding.

- 11.5 The Council published a new Open Space Assessment for the district (prepared by KKP consultants and published in 2018) and a Playing Pitch and Outdoor Sports Strategy (also prepared by KKP consultants and published in 2018). These provide an up-to-date position on open space and recreation matters that will be relevant in the determination of future planning applications. These assessments are considered to represent key pieces of evidence in relation to this topic and therefore the Council will expect applicants to have due regard to their content and recommendations of these documents or other successor documents on this topic area.
- 11.6 Development proposals should be considered against the requirements for on-site provisions and off-site financial contributions **towards open space**, which are set out in Appendix D of this DPD. The requirements set out in Appendix D are based on national standards and will be used as a basis for discussion for negotiations between the Council and applicants. Consideration should also be given to the Planning Advisory Note (PAN) on this matter. Issues of viability will be given consideration within the negotiation process with both commercial and residential development proposals expected to make contributions toward improvement of green **and blue** infrastructure.
- 11.7 In considering the issue of viability, development proposals should consider whether it is appropriate to provide either on-site **open space** provision or financial contributions to the enhancements and improvement of existing nearby facilities. Dialogue is recommended between applicants and the Council to inform the understanding of open space requirements in the local area.
- 11.8 Development that forms part of a strategic land allocation, as identified in the Strategic Policies & Land Allocations DPD, should take direction from the specific policies relating to the site (and Masterplan if applicable) in relation to open space **and general green and blue infrastructure** requirements.
- Local Food Growing & Allotments*
- 11.9 Allotments are an important element of open space and offer a significant range of benefits for people, communities and environments. They provide recreational value to their users, support local biodiversity, contribute toward the urban landscape, contribute to the physical and mental well-being of their user, provide the opportunity to grow fresh produce, **help mitigate and adapt to climate change**, and contribute toward a healthy lifestyle that is active, sustainable and socially inclusive.
- 11.10 There are currently ~~21~~ **24** allotment sites within the district, providing approximately ~~22.29~~ **19** hectares of land for the growing of food. Despite this provision, there remains a waiting list and the demand for allotment sites continues to increase, with the greatest levels of both supply and demand in the Lancaster area.
- 11.11 From a planning perspective, the Council will address such demand through new development, in particular larger development proposals that will be able to accommodate provision for new allotments and community growing spaces.
- 11.12 Allotments can play a key role in increasing levels of physical activity across the district,

providing an alternative to formal sporting activities. In light of the recognised need for additional provision of allotments across Lancaster, innovative approaches to increasing provision should be considered, including links and partnerships with local schools where opportunities to do so exist. The value of allotments as a social opportunity, and an alternative option for exercise **and in the fight against climate change** is recognised by the Council. The location of allotments at schools should be investigated as a potential solution to the provision of new facilities, particularly in rural locations.

- 11.13 The Council will continue to seek to address this deficiency through the more efficient use of existing provision and the identification of new sites for this purpose in areas of need. The development of new housing, particularly in the South Lancaster area as set out within the relevant policies of the Strategic Policies & Land Allocations DPD, will be expected to address specific needs in this locality.

**Development affecting Environmentally Sensitive Sites**

## **POLICY DM44: THE PROTECTION AND ENHANCEMENT OF BIODIVERSITY**

The Council will support proposals where the primary objective is to conserve or enhance biodiversity and/or geodiversity or where development proposals provide better opportunities to secure management for the long-term biodiversity and geodiversity enhancement.

Development proposals should protect and enhance biodiversity and/or geodiversity, to minimise both direct and indirect impacts. There should, as a principle, be a net gain of biodiversity assets wherever possible. Where harm from development cannot be avoided, a developer must clearly demonstrate that the negative effects of a proposal can be mitigated, or as a last resort, compensated for. Where a proposal leads to significant harm planning permission should be refused.

Priority should be given to protecting and enhancing the habitats and species of principal importance for conservation as outlined in the Section 41 list, of the 2006 National Environmental and Rural (NERC) Act.

**Development affecting Internationally Designated Sites**

A development proposal affecting directly or indirectly an international designated site's qualifying habitat and/or species are subject to the requirements of The Conservation and Habitats and Species Regulations 2017. In accordance with the above regulations where a proposal has implications for internationally designated sites, the proposal will be expected to be accompanied by sufficient information to inform a suitable Habitats Regulation Assessment.

Adverse effects should be avoided, but where this is not possible they should be mitigated, to make sure that the integrity of the internationally important sites are protected. Development that may adversely affect the integrity of internationally important sites will

only be permitted where there are absolutely no alternative solutions and there are imperative reasons of overriding public interest and where compensatory provision has been made. Such mitigation or compensation must be functional before any likely adverse effect arises and should be accompanied by a dedicated project related Habitats Regulation Assessment. This also applies to sites and habitats outside the designated boundaries, which are shown to be functionally linked and support species listed as being important in the designations of the internationally important sites (i.e. supporting habitat).

Development proposals that involve the removal of naturally occurring areas of water worn limestone, or that could damage limestone pavement, will not be permitted.

#### *Development affecting Nationally Designated Sites*

A development proposal will not be permitted where it results in an adverse effect on sites of national importance for biodiversity and/or geology. In exceptional circumstances, development proposals may be considered acceptable where the benefits of the development clearly outweigh both the impacts that the development is likely to have on the defining features of the site and the broader impacts on the national network of that designation. Where adverse effects are unavoidable these should be minimised and mitigated against, and where this cannot be achieved, compensated for via net gains. Proposals should meet the requirements of paragraph 118 of the [2012](#) National Planning Policy Framework.

#### *Developments affecting other Environmentally Sensitive Sites and Species*

A development proposal will not be permitted where there is an adverse effect on priority species and priority habitat or sites of a local or regional importance for biodiversity and/or geology, unless the benefits of the proposal outweigh the potential adverse effects. Where adverse effects are unavoidable a development proposal will be required to demonstrate that:

- I. Adverse effects are minimised;
- II. Provision is made for mitigation and compensation measures, such as on-site landscape works, off-site habitat creation, species relocation and ongoing management as appropriate, such that there is a clear net gain for biodiversity; and
- III. The biodiversity value of the site is not compromised, both on its own and as part of the wider network of sites.

#### *Ecological Networks*

Development proposals should retain, protect and enhance ecological networks to prevent these habitats from becoming fragmented and isolated. Opportunities should also be sought to improve and extend the ecological network. Existing landscaping and natural features (such as trees, hedges, riverbanks and watercourses) should also be retained, where possible, to enhance biodiversity and create wildlife and recreational corridors. Proposals should not result in habitat fragmentation.

Development should, where appropriate, seek to achieve beneficial measures within the design and layout of development. For new buildings and conversions, practical measures

such as swift bricks, hedgehog highways, bat boxes or access tiles and living walls should be considered for species that are dependent on the built environment.

***Protection of Soils and Land of Agricultural Value***

Development proposals should protect and enhance soil resource and minimise the loss of the most fertile soil and soil erosion.

Development proposals should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable.

- 11.14 The importance of sites of an international, national, regional and local nature conservation interest within the district are indicated by a range of statutory and non-statutory designations. These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs) and RAMSAR sites.
- 11.15 The district contains 5 Natura 2000 sites – Morecambe Bay and Duddon Estuary (SAC, SPA and RAMSAR Site), Morecambe Bay Pavements SAC (which includes 4 sites in the Silverdale area: Gait Barrows National Nature Reserve (including Haweswater Moss), a separate area just south east of Haweswater Moss, Yealand Hall Allotment and Cringlebarrow Wood/Deepdale Wood), Leighton Moss (SPA and RAMSAR Site), Bowland Fells SPA and Calf Hill / Cragg Woods SAC near Caton.
- 11.16 The district also has 29 Sites of Special Scientific Interest (SSSI) covering approximately 385 square kilometres. This represents approximately 40% of Lancashire's SSSIs and 60% of their total area. All 12 of Lancashire's Limestone Pavement Areas are within the district. The district has local nature reserves at Warton Crag, Warton Crag Quarry and Trowbarrow Quarry and around 250 County Biological Heritage sites and 25 Geological Heritage Sites.
- 11.17 The policy confirms the protection provided to statutory designated areas and non-statutory locally designated areas in the district such as Biological Heritage Sites and other locally important nature reserves such as Freeman's Pools, Middleton Nature Reserve and Heysham Moss which are managed by the Lancashire Wildlife Trust. It aims to prevent harm to protected habitats and species, including direct impacts such as loss of land, and indirect impacts such as changes to watercourses or increased levels of air pollution (or a combination of such impacts). It should be noted that harm to a habitat could occur some distance away from the designation, and travel between a development and a habitat by a variety of different paths and gateways.
- 11.18 In addition to sites that have been identified and designated for their ecological value, habitat which is located outside of these areas may also contribute toward the importance of these sites. Natural England define functionally linked land as '*a term often used to describe areas of land or sea occurring outside of a designated site which is considered to be critical to, or necessary for, the ecological or behavioral functions in a relevant season of a qualifying feature for which an SPA / RAMSAR site has been designated. This land will be important to the continuing survival, reproduction and viability of the species or population associated with a designated site*'. These areas of land or sea should also be protected as part of any development

proposal, and where possible enhanced.

- 11.19 A Lancashire Ecological Network Approach and Analysis has been prepared by Lancashire Wildlife Trust. This focusses on the ecological value of green infrastructure noting their role in providing important movement corridors for wildlife and key linkages between habitats. Mapping and evaluating the likely movement corridors means that potential threats can be identified and managed, and barriers can be removed and managed. The Council recognises the importance of these corridors for species migration and dispersal and will seek to resist development that would adversely affect them. Where possible opportunities to strengthen and consolidate them will be sought.
- 11.20 The district's European Sites (RAMSAR and Natura 2000 sites), which include Morecambe Bay, are of significant international importance and are given very high levels of protection. If development has the potential to adversely affect these sites then the provisions of the Habitats Regulations (2017) will apply. The implications of the preparation of the North West Marine Management Plan will also be a key consideration in this assessment. This will be kept under review in order to ensure that marine and inter-tidal resources are protected.
- 11.21 Development that would adversely affect the integrity of European sites, either alone or in combination with other developments unless under exceptional circumstances will not be supported. In such circumstances, an assessment should be undertaken in line with the requirements of the Habitats Regulations.
- 11.22 A development proposal that could affect the biodiversity value or geological conservation of a site should be accompanied by a detailed ecological / geological assessment. Where negative impacts have been identified, a detailed mitigation strategy should be prepared to demonstrate how these impacts will be prevented, minimised or compensated. Mitigation or compensation measures should be secured via condition or obligation; consideration may be given to biodiversity offsetting. It should be noted that knowledge of wildlife sites and their condition is constantly changing and decisions will be made based upon the most up-to-date information available.
- 11.23 Development proposals that involve the re-use, alteration or extension of existing buildings will need to carefully consider the potential impacts that proposals may have on protected and priority species that may use part or all of the building as their habitat. Proposals should provide appropriate protection and prevent harm in accordance with paragraph 118 of the [2012](#) National Planning Policy Framework (NPPF). Proposals for development should seek to maintain and enhance biodiversity value and consider their potential impact on biodiversity and on sites of importance for geological conservation.
- 11.24 Particular regard should be given to the protection and enhancement of the habitats and species of principal importance for conservation of biodiversity In England, as identified on the Section 41 (S41) list of the 2006 Natural Environment and Rural Communities (NERC) Act.
- 11.25 In addition to the potential threats to biodiversity caused by new development, climate change poses another significant threat. Some species may be placed at risk from dying out unless they can keep pace with the impacts of climate change; others may suffer from increased competition for water resources. The avoidance of the fragmentation of wildlife habitats and

ecological networks is likely to be significant in enabling wildlife to adapt to climate change.

#### Protection of Soils

- 11.26 It is government policy to safeguard the highest grades and most versatile agricultural land (land grades 1, 2 and 3a of the Agricultural Land Classification) in relation to conserving soil resources. In accordance with paragraph 109 of the 2012 NPPF the planning system should seek to protect and enhance soils because it is an important natural resource. Fertile soil is vital for the production of food, timber, fibre and other crops that are essential for human existence and would provide economic prosperity.
- 11.27 Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity. Soil is a finite resource and needs to be conserved and managed in a sustainable way.
- 11.28 Some of the most significant impacts on soils occur as a result of activities associated with construction activity. A Code of Practice has been developed by Defra to assist in the understanding of how to better protect soil resources and minimise the risks of environmental harm. Where appropriate a soil assessment may be required.

#### Protection of Agricultural Land

- 11.29 The Council will protect, where possible, the most versatile and high quality agricultural land within the district from proposals that would result in its loss as a long term environmental asset.
- 11.30 Whilst protection will be given to agricultural land which is considered to be the best and most versatile, the Council recognises that not all agricultural land can and should be protected from loss. Therefore land that is of a low agricultural grade will not be considered necessary for protection from development.

#### Trees and Woodland

### **POLICY DM45: PROTECTION OF TREES, HEDGEROWS AND WOODLAND**

#### Protection of Trees, Hedgerows and Woodland

There is a presumption in favour of the retention of existing trees and the Council will expect individual trees, groups, woodlands and hedgerows to be conserved and enhanced where they positively contribute to the visual amenity, landscape character and/or environmental and climate mitigation and adaptation value of the location.

The Council will also protect ancient, veteran trees, ancient woodland, and important hedgerows, supporting opportunities which increase the resilience of all woodlands, trees and hedgerows to climate change, pests and diseases.

New development should positively incorporate existing trees and hedgerows, and street trees where possible. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread.

Where existing trees and hedgerows cannot be positively incorporated into new development the onus is on the applicant to justify the loss of trees and hedgerows as part of their Arboricultural Implications Impact Assessment (AIA – further guidance as to the content of such an assessment is provided within the Council's Planning Applications Validation Guide). Where the loss is adequately justified the Council will seek replacement tree planting at the ratios adopted in the Council's Tree Policy (2010), or successor documents.

**Encouraging Providing Tree and Hedgerow Cover**

The Council will expect appropriate opportunities to encourage the planting of new trees, street trees, hedgerows and woodland to take place where appropriate, planting the right tree in the right place, throughout the district, including plans for their long-term maintenance as part of the Green and Blue Infrastructure Management and Maintenance Plan. New tree planting will be encouraged to ensure no net loss in biodiversity, mitigate against the impacts of Climate Change, enhance the existing character and appearance of the district, and positively integrate development into the local landscape, creating a space for people and wildlife. ~~and to enhance the character and appearance of the district.~~

- 11.31 The district has many fine examples of important and significant trees, which may be defined as trees that are ancient, of veteran status, of historic importance or rare. Trees are also a wildlife resource and are notable for their contribution to the landscape character and visual amenity of an area. The Council will actively seek to protect these significant trees from development that would involve their loss or harm. The protection of significant trees has many benefits economically, socially and environmentally including their contribution to the reduction in atmospheric carbon dioxide levels and mitigation of climate change.
- 11.32 The majority of trees within the district are not protected by Tree Preservation Orders (TPOs) or located within designated Conservation Areas. However, this does not mean that non-designated trees are not considered to be significant and worthy of protection from loss or harm.
- 11.33 Development proposals should incorporate existing and notable features, such as significant trees within their proposals. The retention of existing trees can assist in providing context and character to a development and ensure that the proposals respect the character and value of the surrounding landscape and townscape. The Council will resist the loss of trees within development proposals, particularly where it can be demonstrated that appropriate alternative design solutions exist that can allow for retention and incorporation of such features into the overall design of a new development.
- 11.34 There is a presumption in favour of the retention of existing trees and the Council will expect the retention of existing trees within development proposals. However, where it is adequately demonstrated that retention is not possible or feasible to achieve, and the loss does not involve

trees that are of significant value, then consideration will be given to whether suitable mitigation measures would compensate for the losses sustained. In making this assessment, the Council will have regard to the provision of its Tree Policy<sup>67</sup>, adopted in 2010, and the replanting ratios contained therein.

- 11.35 Any development proposals that have implications for existing trees must be accompanied by an Arboricultural ~~Implications~~ **Impact** Assessment, which should set out the potential impacts and implications for existing trees that may arise from a development proposal. The assessment must also include measures to protect trees and provide appropriate mitigation measures.

**New paragraph 59**

In accordance with the British Standard “Trees in Relation to Design, Demolition and Construction – Recommendations’ (BS 5837) (2012), a realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements. The objective for the retention of existing trees within development is to ensure that they represent a welcome amenity for residents and occupants rather than being perceived negatively. Developers are strongly advised to properly consider the implications of positively incorporating existing trees in site layouts before advancing development proposals. To maximise the probability of successful long-term tree retention following the occupation of development, the following factors should be taken into account during the design process: shading of buildings and open spaces, privacy and screening, direct damage, future pressure for removal and seasonal nuisance.

**New paragraph 60**

The Council’s register of applications and notices for work to trees in the two-year period between September 2019 and September 2021 reveals that around 15% of all tree proposals, an average of around 40 per year, can be attributed to work to trees in completed development sites where the trees pre-dated development. The removal or reduction of trees at that annualised level over a longer period of time may have a cumulative effect, eroding arboreal cover and impacting on the landscape or townscape, most particularly in urban environments. Development that better accommodates trees in development at the design stage will result in fewer proposals to remove or reduce trees.

- 11.36 Although a felling licence is not required from the Forestry Commission if full planning permission is granted, the Forestry Commission remain a non-statutory consultee on development that either directly affects or is within 500 metres of ancient woodland. Consent from the Forestry Commission may also be required under the Environmental Impact Assessment (Forestry) Regulations if the proposed development involves afforestation, deforestation, forest roads or forestry queries.

**Hedgerows**

- 11.37 Hedgerows contribute significantly to the natural environment and landscape character of an area and can provide important habitats for a range of species, provide shelter, and help reduce noise and atmospheric pollution. They add to the character and quality of the local environment and can have significant historic value. As with the protection of trees, these assets should be

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<sup>67</sup> <https://www.lancaster.gov.uk/planning/trees/tree-policy>

retained, **protected and enhanced**, through proposals incorporated into development schemes. Where possible, opportunities should also be sought to extend these valuable ecological networks by increasing and enhancing hedgerow cover.

#### Increasing Tree Coverage

- 11.38 Tree cover across the district was estimated to be approximately 6.9% in March 2010 (Woodland Trust) compared to 9.9% for England. Through the course of this plan period the Council will seek to increase the level of tree cover across the district in an effort to mitigate and adapt to the impacts of climate change **through initiatives such as the Council's One Million Trees ambition. The Council is also preparing a District wide Tree Strategy, which will look to identify opportunities for tree planting.**
- 11.39 Whilst it is recognised that large portions of the district include upland areas the level of tree cover in the district is still significantly less than the national average. The Council will therefore explore opportunities for growth in the level of tree cover where appropriate locations exist. There will be many opportunities to achieve this. The increased provision of trees in new development, through suitable and appropriately designed landscaping schemes, is a key component of delivering growth in tree cover.
- 11.40 Development proposals will be encouraged and supported to incorporate trees, which should be at an appropriate scale, **and be the right tree in the right place, using the correct choice of tree species in relation to the site characteristics** ~~be indigenous species and of local provenance.~~ The inclusion of fresh tree planting will be considered in relation to the impact it will have on the surrounding character and landscape. ~~This guidance is in addition to the operation of an existing Tree Sponsorship Scheme.~~

#### New paragraph 61

In accordance with the British Standard "Trees in Relation to Design, Demolition and Construction – Recommendations" (BS 5837) (2012), the obstruction of light and views, the creation of shade by **new trees**, and the likely extent and density of tree crowns when fully grown, should be taken into account when designing new planting adjacent to development. Design and species selection should allow the enjoyment of reasonable light and shading where desirable as the trees develop into mature specimens. An appropriate balance of views and screening should be provided. The planting of large and/or fast-growing evergreen trees as screens or hedging could lead to the unacceptable obstruction of light all year round and might therefore be unsuited to nearby residential accommodation.

#### Long-term Management and Maintenance

#### New paragraph 62

To ensure that all green infrastructure assets, new and existing, continue to effectively deliver the long-term uses and benefits that they were designed to provide, a Green and Blue Infrastructure Management and Maintenance Plan should be submitted, detailing how this will be achieved. The green infrastructure element should be produced in accordance with the requirements set out as part of policy DM43. Specifically in terms of landscaping, the GBI Management and Maintenance Plan must include (and not rely on additional information):

- A clearly stated management plan period and review dates.
- A statement of the overall design vision, aims, objectives, scope of the document.

- A site description and location.
- Include and make reference to the landscape plans. Each landscape element should be clearly identified and cross referenced in the plan; for example hedgerows, woodland planting and understory, individual trees/shrubs, grass and herb layers.
- Management operations must be displayed on a Gant style chart clearly showing year by year operations, including:
  - Watering in drought periods
  - Weed control, maintenance of mulch
  - Inspection and replacement of dead/damaged planting stock
  - Inspection of trees, ties, stakes and guards, protective fencing and ultimate removal
  - Inspection for pests and diseases and remedial action
  - Formative pruning
  - Thinning woodland planting
  - Hedge cutting, frequency and ultimate height
  - Removal of litter
  - Details of management operations for all other soft landscaping features such as shrub mixes, grassed areas and wildflower meadows, and hard landscaping features such as boundary features, surfacing, street furniture and play equipment (open space management and maintenance arrangements to be agreed with Council's Public Realm department), must also be detailed
  - Review/redesign of failed areas of hard and soft landscaping
- Management of existing habitat, trees, woodlands, and hedgerows, regular inspection (details of TPO/CA consent, if relevant). Is a separate woodland management plan required, or existing which can be cross referenced.
- A description of who will carry out the management/maintenance and the funding mechanism.

#### **Development and Landscape Impact**

### **POLICY DM46: DEVELOPMENT AND LANDSCAPE IMPACT**

#### ***Development affecting Protected Landscapes***

In determining planning applications the Council will attach great weight to the protection of nationally important designated landscapes. The Council will require proposals that are within, or would impact upon the setting of, designated landscapes to be appropriate to the landscape character type and designation. In relation to proposals within Areas of Outstanding Natural Beauty (AONBs) they should be sustainable, consistent with the primary purpose<sup>68</sup> of the AONB designation and support the special qualities of the AONB as set out in the AONB Management Plans.

<sup>68</sup> As set out in the National Parks and Access to the Countryside Act 1949; confirmed by Section 82 of the Countryside and Rights of Way Act 2000:

- The primary purpose of the designation is to conserve and enhance natural beauty.
- In pursuing the primary purpose of the designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities,

Development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting.

Consideration will be given to both the individual and cumulative impacts of a proposal. Proposals that would have a significant adverse effect upon the character of the landscape or visual amenity of protected landscapes will not be permitted in accordance with paragraphs 115 and 116 of the **2012** National Planning Policy Framework.

Development proposals within the Arnside & Silverdale Area of Outstanding Natural Beauty will be expected to comply with the policies of the DPD for this area.

#### ***Development affecting Local Landscape Designations***

Key Urban Landscapes and Urban Setting Landscapes are two local landscape designations identified on the Local Plan Policies Map. The contribution that these designations make to the character and setting of the urban areas will be conserved and important natural features safeguarded, providing particular regard to the historic townscape and built form of the urban areas. Within these areas the Council will only support development that preserves the open nature of the area and the character and appearance of its surroundings in accordance with Policy EN5 of the Strategic Policies & Land Allocations DPD.

#### ***Development outside of Protected and Designated Landscapes***

In addition to nationally protected and locally designated landscapes the district also has a range of landscapes and townscape which are valued, unique and provide a distinct sense of place, which the Council seeks to protect and enhance.

Outside of protected and designated landscapes the Council will support development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping. Consideration will be given to both the individual and cumulative impacts of a proposal.

#### ***Development affecting Coastal Landscapes and Seascapes***

Proposals located in coastal locations should be considered against their impacts on coastal landscapes and seascapes, in particular in relation to Morecambe Bay and the Lune Estuary.

The Council will look to protect the undeveloped coast, supporting proposals that conserve the natural character and landscape of the undeveloped coast.

#### ***Landscape and Visual Impact Assessments***

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Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

- Recreation is not an objective of the designation, but the demand for recreation should be met insofar as this is consistent with the conservation of natural beauty and the needs for agriculture and other uses.

**A Landscape and Visual Impact Assessment (LVIA) will be required where the proposal is for a Schedule I EIA development; the proposal is for wind turbines, pylons, telecommunication masts and solar farms; the proposal involves significant landscape or visual impact by virtue of the sensitivity of the location within or adjacent to an AONB or National Park or the proximity of the proposal to a heritage asset where it is likely to affect the assets setting.**

**The LVIA should systematically assess the effects of change on the landscape character and visual amenity, including cumulative impacts, as a consequence of the development proposal. Through such an assessment, development proposals should be designed to avoid negative landscape effects and where this is not possible negative landscape effects should be reduced or offset through appropriate mitigation/compensatory measures.**

- 11.41 National Parks and Areas of Outstanding Natural Beauty (AONBs) are recognised under the National Parks and Access to the Countryside Act (1949) and Countryside and Rights of Way Act (2000) to be of national importance for their landscape quality and, as nationally designated landscapes, are afforded the highest status of protection in relation to landscape, tranquillity and scenic beauty. This is re-affirmed in paragraph 115 of the 2012 NPPF<sup>69</sup> which states that great weight should be given to conserving such areas. The requirements set out in paragraph 116 of the 2012 NPPF should be a material consideration for proposals for major developments located within these areas.
- 11.42 The district contains two AONBs, the Arnside & Silverdale AONB and the Forest of Bowland AONB, which are located in close proximity to the Lake District National Park and Yorkshire Dales National Park respectively. In 2016 the boundaries of the Yorkshire Dales National Park were extended to incorporate countryside in the Leck and Ireby areas within the National Park. Whilst continuing to form part of Lancaster District, future development proposals in this area will be determined by the Yorkshire Dales National Park in line with policies contained in this DPD, until such a time that the National Park reviews its Local Plan.
- 11.43 AONB and National Park designations are of national importance for their landscape and the specialist habitats that they provide. These areas have been recognised as sensitive and therefore whilst development will not be prevented purely on the basis of this designation, any development proposals within or affecting their setting will have to demonstrate clearly that they are appropriate to the landscape character type and designation. In the case of development affecting AONBs the Council will expect proposals to have had regard to the content of the AONB's Statutory Management Plan (or successor documents)<sup>70</sup>.
- 11.44 Lancaster City Council, in conjunction with their neighbours at South Lakeland District Council, have prepared and adopted a Development Plan Document (DPD) for the Arnside & Silverdale AONB<sup>71</sup>. The DPD sets out key areas of policy that will have specific relevance to this area and also identifies which policies contained in this Development Management DPD will be relevant.

<sup>69</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>70</sup> Arnside and Silverdale AONB: <http://www.arnsidesilverdaleaonb.org.uk/what-we-do/the-management-plan/>  
Forest of Bowland AONB: <http://forestofbowland.com/Management-Plan>

<sup>71</sup> <https://www.lancaster.gov.uk/planning/planning-policy/arnside-and-silverdale-aonb-dpd>

Proposals within the Arnsdale & Silverdale AONB will be expected to give material consideration for the policies contained within the Arnsdale & Silverdale AONB DPD.

*Development affecting Local Landscape Designations*

- 11.45 Within the main built up areas of the district, the Council has identified a number of larger areas of landscape that are classified as Key Urban Landscapes or Urban Setting Landscapes which are particularly important to the character and setting of the urban area of the district. The continuation and appropriateness of these local Landscape designations were reviewed by external consultants, Woolerton Dodwell in 2012 entitled 'Key Urban Landscape Allocations in Lancaster District Study'<sup>72</sup> and more recently by Arcadis, on behalf of the Council.
- 11.46 Key Urban Landscapes are identified as those areas within the main urban areas which are integral to the built form of the district, providing a setting for important features and/or heritage assets. They play an important role in defining the townscape of the main urban area and are inextricably linked to the experience of the wider setting of these features. These areas also provide amenity value for local residents and the wider community. The amenity value of these areas is protected by other policies within the Local Plan. In comparison, Urban Setting Landscapes are peripheral to the built form and are located only on the edge of the main urban area. They are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features within the wider landscape.
- 11.47 Both local landscapes have historically played an important role in defining the character of the district with many landscapes providing the setting for significant areas and features. Their continued protection therefore remains important.
- 11.48 Policy EN5 of the Strategic Policies & Land Allocations DPD supplements the approach to Key Urban Landscapes and Urban Setting Landscapes in Policy DM46 above, and the Local Plan Policies Map identifies the detailed boundaries of these allocations.

*Development Outside of Protected and Designated Landscapes*

- 11.49 Whilst there are a number of designated landscapes and townscapes in the district that have been recognised for their importance in contributing to the district's distinctive sense of place (such as Conservation Areas, Key Urban landscape and Urban Setting Landscapes) the Council acknowledges that there are other locally important landscapes or townscapes including the open countryside that make a positive contribution. Whilst these areas may not have the same protection as areas such as AONBs, the Council believes that development proposals, regardless of their location within the district, should consider their role in positively contributing to their local landscape or townscape and the ways in which potential impacts can be minimised.
- 11.50 Where work has been undertaken on landscape assessments by either the local or county council's, this work should be given due consideration in relation to their recommendations and outcomes in determining planning applications.
- 11.51 Development proposals, through good use of siting, scale, massing, design and an appropriate palette of materials, should seek to positively influence their surroundings. The Council will

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<sup>72</sup> <https://www.lancaster.gov.uk/planning/planning-policy/evidence-monitoring-information>

encourage development proposals to, where appropriate, provide a detailed landscaping scheme that will clearly demonstrate how new development will create positive linkages and contribute to the local landscape and townscape.

*Development affecting Coastal Landscapes*

11.52 The district has a long and important coastline which stretches around Morecambe Bay, an internationally recognised area for its importance for wildlife and habitats. The Lune Estuary is also a nationally designated ecological area and a key feature within the landscape of the district. Not only do they both provide a unique and important wildlife habitat, but they also create a unique landscape that is very sensitive to change.

11.53 Therefore development proposals in coastal locations that may have a negative impact on the coastal setting will only be supported by the Council where it has been demonstrated that sufficient mitigation measures have been provided to limit any impact or where significant overriding benefits are shown to outweigh any impact.

*Cumulative Landscape Impacts*

11.54 It is acknowledged that singularly the landscape impacts of development may be considered acceptable, however, when judged cumulatively alongside development in the broad locality there may be unacceptable cumulative impacts. Therefore the Council will assess development proposals based upon both their direct and cumulative impacts on local landscape character and visual amenity.

## 12. Development in Rural Areas

12.1 National Policy states that development within rural areas should be carefully managed in order to protect its intrinsic value and natural resources. Policies contained within this section set out the circumstances in which development outside urban settlements should be considered, where taking into account the particular characteristics of the locality and rural economy.

12.2 The Council will resist inappropriate development in sensitive rural locations, balancing the need to protect the value and distinctiveness of rural character, landscapes and townscapes against the need to encourage sustainable growth in the rural economy, through a sympathetic policy approach.

12.3 The Council will prioritise development proposals that relate to economic growth and the delivery of new homes that address local housing needs. Development proposals should be promoted, where possible, through the conversion and re-use of existing rural buildings and development within existing rural settlements.

**Economic Development in Rural Areas**

### **POLICY DM47: ECONOMIC DEVELOPMENT IN RURAL AREAS**

Proposals for economic development within rural areas that maintain and enhance rural vitality and character will be supported in principle where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. This includes economic development that is of an appropriate scale and nature and assists in the diversification of the rural economy, including the diversification of an agricultural holding:

Proposals should be located in sustainable locations and represent sustainable development. A preference should be given to the re-use of Previously Developed Land (PDL) and the conversion and re-use of existing rural buildings, in accordance within Policy DM49 of this document and National Planning Practice Guidance (PPG). Development proposals on greenfield sites within the open countryside will only be supported where it is clearly demonstrated through a robust assessment that no alternative suitable locations exist within local settlement areas and that the benefits of the proposal outweigh the impacts on local amenity.

Other development proposals in rural areas will be supported in principle for the following purposes:

- I. Essential operations for agriculture, horticulture, equine related activities, allocated mineral extraction or waste management facilities and essential infrastructure where there is a proven and justified need;
- II. Development is required for new or existing outdoor sport and leisure facilities and where a rural location is needed, justified and is in accordance within other Local Plan policies;
- III. Renewable energy schemes in appropriate locations and in accordance with other relevant Local Plan policies;
- IV. The conservation or enhancement of sites of biodiversity or geodiversity value;
- V. A site allocated for particular purposes through the Strategic Policies and Land Allocations DPD or other Local Plan documents; and
- VI. The alteration, replacement, extension or change of use of existing buildings in accordance with other Local Plan policies.

Development in rural locations should not adversely affect biodiversity and/or geodiversity through, for example, increasing the risk of disturbance created by visitor pressure. The principles of Policy DM44 should apply.

- 12.4 The rural economy is a valuable asset to the district, creating jobs for local residents, encouraging visitors and generating investment in the districts economy as a whole. The Council recognises the importance of this, and will support the sustainable growth of the rural economy.
- 12.5 With this support, the Council is mindful that a balance is required between the delivery of economic growth and maintaining the character and function of rural areas, especially within the open countryside. In these circumstances, proposals for economic purposes will not be

permitted where it is considered to be an inappropriate form of development, for example where its scale or use conflicts with wider countryside objectives or where it would introduce new amenity concerns or where it would have a negative impact on the natural environment.

A range of uses will be supported by the Council that are consistent with a rural location, as set out in criteria (I) to (VI) of Policy DM47. Proposals for uses that do not meet these criteria will not be permitted unless exceptional circumstances are clearly demonstrated that outweigh any adverse impacts or departure from policy.

#### **Diversification of the Rural Economy**

### **POLICY DM48: DIVERSIFICATION OF AGRICULTURAL PREMISES**

The Council will support proposals in rural areas that seek to diversify the rural economy where it is demonstrated that significant economic benefits exist from the diversification of the farm holding without generating adverse impacts on the environment. Proposals should remain ancillary to the existing agricultural use and retains the farm enterprise as the primary business. Proposals that involve the loss of a farm unit for alternative economic uses will not be supported by the Council.

The Council will have regard to the permitted development rights for agricultural buildings but will otherwise encourage the re-use, adaptation or conversion of existing rural buildings that assist in the diversification and economic stability of an agricultural holding where it does not detrimentally affect the operation of the agricultural business and:

- I. It can be clearly demonstrated by the applicant that the building(s), which are part of the proposal, can no longer be used for ongoing agricultural uses;
- II. The agricultural diversification (either singularly or cumulatively) remains ancillary to the primary agricultural use and gives priority to the re-use of existing buildings;
- III. The proposed use of the building is appropriate in a rural location, that the building(s) are of a substantial and permanent construction, structurally sound and capable of conversion without major alterations or adaption, and where important original features and the traditional character of the holding can be retained;
- IV. The scale and use of any diversification proposal or the economic purpose (including cumulative impacts associated with any other ancillary developments / uses) is appropriate for its location and does not conflict with policies and objectives within other Local Plan documents; and
- V. The proposal does not generate unacceptable levels of traffic or have detrimental impacts on highway safety.

Whilst the Council would place a preference on the re-use and conversion of existing buildings to aid diversification, where it can be justified and is appropriate, replacement buildings for farm diversification in rural areas of the countryside will be supported where:

- VI. The building to be replaced is of a permanent and substantial construction;

- VII. The replacement building is not materially larger than the existing building and is of a design that is compatible to its setting and location;**
- VIII. A preference has been given to the siting of replacement buildings on previously developed land within existing farm clusters.**

The Council will support and encourage the delivery of improved broadband provision for rural areas to encourage rural employment and home-working. Development proposals should consider how they may assist in the delivery of improved broadband speeds within rural areas in accordance within Policy DM59 of this document and paragraph 43 of the **2012** National Planning Policy Framework.

Development in rural areas will not be supported if it is likely to generate adverse impacts on designated wildlife sites or designated landscape areas, either directly or indirectly. The principles of Policies DM44 and DM46 should apply.

Proposals in the Arnsdale & Silverdale AONB should have due regard to relevant policies within the Arnsdale & Silverdale AONB DPD.

- 12.6 A further strand of the rural economy is an allowance for existing farm holdings to diversify to protect their long term economic future. The Council recognises the importance of farm diversification and the re-use and adaption of existing buildings or, where appropriate, replacement buildings for economic purposes.
- 12.7 Diversification of the rural economy may include allowing the re-use or like-for-like replacement of buildings for employment opportunities that are appropriate in scale and nature to their surroundings.
- 12.8 Given that generally diversification schemes are located within the open countryside careful consideration must be given to a proposal's impact on its surroundings. The Council will not support proposals to convert or re-use buildings that are poorly sited, poorly designed or constructed, and detract from the character of its rural setting. Buildings that are temporary or structurally unsound and require significant alterations to bring them into their desired use are also unlikely to be supported.
- 12.9 Preference will be given to the re-use or conversion of existing permanent buildings in the first instance. Replacement buildings will only be supported where the re-use of an existing building is not achievable or appropriate and where the replacement building can make a positive contribution to the rural environment.

#### **The Re-Use and Conversion of Rural Buildings**

### **POLICY DM49: THE RE-USE AND CONVERSION OF RURAL BUILDINGS**

**The principle of re-using buildings within rural areas, outside of established settlement areas, for uses set out in criteria (I) to (VI) in Policy DM47 of this document will be supported where:**

- I. Suitable services and access are available without the need for works that would adversely affect the character of the building and / or locality;**
- II. The building is of a permanent and substantial construction, is structurally sound, capable of conversion, and that any important architectural and historical features are retained within the proposal and designed to retain the agricultural character of the locality;**
- III. The proposal safeguards the roosting or nesting habitat of any protected species present within the building from disturbance;**
- IV. The conversion can be carried out without major extensions to the existing building, or the construction of ancillary buildings;**
- V. The proposal does not adversely affect the landscape character, visual amenity or rural setting of the surrounding area through the use of good design and use of materials;**
- VI. The type of use proposed is of a scale and type that is consistent with the specific location;**
- VII. The proposal does not have an adverse impact on the local highway network, either in terms of highway safety or highway capacity; and**
- VIII. The proposal is accompanied by an acceptable Travel Plan where it is recognised that the proposed use will generate a significant level of trips.**

**Proposals will be expected to show that the existing building will not be substantially altered or increased in footprint or scale.**

**Proposals that may have significant implications on the surrounding landscape should be accompanied by a Landscape and Visual Impact Assessment to set out the levels of impact and suggest mitigation measures to minimise such impacts.**

**Proposals that involve the re-use and / or conversion of rural buildings to residential purposes should have due regard to Policies DM4, DM6, DM44 and DM49 of this document. Consideration should be given to Historic England's guidance entitled 'Adapting Traditional Farm Buildings' published in October 2017.**

12.10 The Council has a preference toward the re-use and conversion of existing buildings and previously developed land (PDL) within the open rural countryside for a range of uses that are consistent and compatible with a rural location. Any proposals for the conversion and re-use of buildings should have due regard of the potential impacts that could arise within the locality and setting of the development.

12.11 The Council will expect proposals to re-use existing buildings that are already of a substantial and permanent construction and can be converted and re-used without any major structural works. Any features that are of either historical or architectural value should be retained within any scheme. Proposals that involve the re-use of buildings that, either through their design,

degradation or original construction, cannot be considered to be substantial or permanent will not be supported by the Council.

- 12.12 The inappropriate use of rural buildings can have significant implications on the setting and character of the local landscape and / or townscape. Therefore the Council will expect that proposals have fully considered the implications on their surroundings and, where necessary, provide suitable and appropriate mitigation to minimise any potential impacts. Proposals that may result in a significant landscape impact will be expected to be accompanied by a Landscape & Visual Impact Assessment as part of the initial planning application, in order for the Council to assess any potential impacts and necessary mitigation measures.

### **Development in the Green Belt**

## **POLICY DM50: DEVELOPMENT IN THE GREEN BELT**

**Development proposals within the North Lancashire Green Belt will be considered in accordance with national planning policy and inappropriate development will be resisted.**

### **Re-use of Existing Buildings in the Green Belt**

**The re-use of buildings within the Green Belt will be considered not inappropriate where:**

- I. It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within its boundaries;**
- II. Strict control is exercised over the extension of re-used buildings so that it does not result in disproportionate additions over and above the size of the original building;**
- III. The building is of permanent and substantial construction, and is capable of conversion without major or complete reconstruction; and**
- IV. The form, bulk and general design of the buildings are in keeping with their surroundings (proposals should seek to respect local building styles and materials).**

### **Extension to Existing Dwellings in the Green Belt**

**The Council will not permit extensions to existing dwellings that result in disproportionate additions over and above the size of the original building.**

### **Replacement Dwellings in the Green Belt**

**Proposals to replace an existing dwelling within the Green Belt that meet the following criteria will be supported by the Council where:**

- V. The existing dwelling is lawful and permanent in nature;**
- VI. The new dwelling is not materially larger than the one it replaces; and**
- VII. The proposal adheres to the original dwelling curtilage.**

**Construction of permanent dwellings as replacements for mobile homes or caravans in the Green Belt will not be permitted.**

- 12.13 The Council will seek to manage development in the Green Belt to avoid inappropriate

development, consistent with paragraph 87 of the **2012** NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very exceptional circumstances.

- 12.14 Proposed development should be genuinely required for uses of land that preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Acceptable uses are set out within paragraph 89 of the **2012** NPPF and this policy does not repeat such guidance. However, Policy DM50 does seek to set out the Council's approach to development proposals for the re-use of buildings and replacement of buildings in Green Belt locations.

#### **Equine Related Development**

### **POLICY DM51: EQUINE RELATED DEVELOPMENT**

**Horse-related activity and small-scale extensions to existing equestrian enterprises in rural areas will be permitted in principle. The Council will expect applicants to demonstrate that in identifying proposal sites, a sequential approach has been followed, placing a greater priority towards accessible sites on the edge of existing settlement areas. Proposals will be subject to the following criteria:**

- I. In the first instance priority is given to the re-use and conversion of existing buildings and in accordance with policies DM47 and DM49 of this document;**
- II. New stables and associated infrastructure (including ménages, sand paddocks, storage, lighting, hard-standing, fencing and other paraphernalia) should be well screened from the surrounding countryside and should not interfere within the amenity of surrounding residents with changing and brewing facilities, equipment, tack and food accommodated internally;**
- III. New buildings for indoor equestrian use should be located within or adjacent to existing buildings;**
- IV. Proposals should not have a detrimental impact on the local highway network and highway safety;**
- V. Their design, scale, siting, external lighting and use of materials should respect the rural setting, visual amenity and landscape; and**
- VI. Provision should be made for removing any equipment and re-instating the site once its use for horses is no longer required.**

- 12.15 Although there continues to be pressure for equine related development within the district the Council recognises that such development contributes towards the provision of recreational opportunities and the diversification of the rural economy. However, intensive private equestrian activity as well as commercial activities can be visually harmful in rural locations, particularly cumulatively, so it is important that environmental quality (in relation to vegetation destruction, water quality, biodiversity and soil erosion), visual amenity and landscape character is respected. Therefore the Council considers a specific policy in relation to this type of development is required.

- 12.16 By its very nature, equestrian development requires a rural location but the cumulative impact of either a small or large scale development can have an adverse impact on the rural character of the district and can lead to further intensification of uses on the site. Therefore, local landscape character assessments should be employed to inform the appraisal of all development proposals.
- 12.17 The Council expects applicants to follow a sequential approach towards the siting of equine related facilities. Preference will be given to locating such uses within existing farmsteads and re-using existing buildings where possible, to reduce any impact on the landscape. Preference will also be given to locations that are close to existing settlements and accessible to both the highway and bridleway network.
- 12.18 If this is not possible then new buildings should be well related to existing buildings and be well screened by existing trees, hedges or other natural features that will reduce the potential visual impact on the surrounding landscape. Proposals that involve the siting of such buildings in open or prominent isolated positions will not be supported by the Council.
- 12.19 To reduce the impacts that such proposals have on residential amenity, in terms of noise, lighting, smell and other disturbances, equine related development should be sited at an adequate distance from neighbouring residential properties. The separation distances required will be dependent on the scale and impact of the development proposed and the nature of the surrounding landscape.
- 12.20 Ancillary development, including ménages, storage facilities, hard-standings, access tracks and paddocks should be the minimum size necessary and should not encroach into the open countryside. Additional equipment (such as jumps, tack, food, waste and transporter vehicles) should be stored internally so not to impact on the visual amenity of its surroundings. Furthermore, changing and 'brew room' facilities should be accommodated within well designed structures, not caravans.
- 12.21 Careful consideration should be given to the implications on the surrounding highway network from such proposals. The siting of equine related facilities should not create a danger to horses, riders or other road users. It would be expected that stables and associated infrastructure should be sited with safe and convenient access to the local highway network and, where possible, direct connections to the local bridleway network.

#### Caravan Sites in the District

### **POLICY DM52: HOLIDAY CARAVANS, CHALETS, CAMPING PODS AND LOG CABINS**

Within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) or its setting, proposals for new static or touring caravan development will not be permitted where it is concluded that such proposals will have an adverse impact on conserving the landscape and natural beauty of the AONB.

Similar proposals within the Arnsdale & Silverdale AONB or its setting, will be expected to comply with the relevant policies relating to caravan development found within the Arnsdale & Silverdale AONB DPD.

#### **Caravan Development**

Proposals for new static and touring caravan sites, or the extension of an existing site will be supported in principle within the district where they are outside of areas designated for landscape importance, in appropriate and sustainable locations, to an appropriate scale, subject to the following criteria:

- I. That priority is given to the re-use of previously developed sites, provided that it is not of a high environmental value. Where greenfield sites are identified it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;
- II. The proposed development has no adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality, and includes satisfactory proposals for additional landscaping where required. Proposals will also be assessed against the requirements of Policy DM46.
- III. That the layout retains on-site landscape features and provides compensatory planting and other nature conservation measures within or near to the site;
- IV. The proposal maintains and enhances existing areas of recreational open space or creates new areas of recreational open space which are of a proportionate scale;
- V. Proposals should seek to address and mitigate against flood risk on the site;
- VI. The proposal does not have an adverse impact on biodiversity and where appropriate seeks to raise the environmental value of the locality;
- VII. The proposal does not have an adverse impact on surrounding residential amenity; and
- VIII. That the proposal is in an accessible location close to existing tourism and leisure attractions and has no adverse impact on the capacity of the local highways network, highway safety and other important local infrastructure.

Proposals for caravan sites within the North Lancashire Green Belt will only be permitted where it is concluded that it does not result in harm to the Green Belt and does not have an adverse impact on its openness in accordance with Policy DM50 of this document.

#### **Development of Chalets, Camping Pods and Log Cabins**

The Council will consider proposals relating to chalets, camping pods, log-cabins subject to criteria (I) and (VIII) above and:

- IX. Be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape, particularly in Areas of Outstanding Natural Beauty; and
- X. Makes use of appropriate materials which are sympathetic to its locality.

***Occupancy of Caravans, Chalets, Camping Pods and Log Cabins***

The Council will seek to regularise the duration of opening of existing caravan sites within the district (including chalets, camping pods and log cabins). The Council will be sympathetic towards proposals to extend opening seasons to provide holiday accommodation for the whole year. Proposals to extend the duration of opening and occupancy will be permitted where:

- XI. There will be no significant impacts on the surrounding landscape character, visual amenity or nature conservation interests;
- XII. There are no adverse impacts on local infrastructure and highway safety;
- XIII. Appropriate on-site improvements, including improved facilities and recreational provision of an appropriate scale, are agreed with the Council and implemented before the extended opening season begins, subject to landscaping improvements; and
- XIV. The proposal is accompanied by a legal agreement stating that the accommodation will remain in visitor use only and will not be used for permanent residential occupation.

Caravan, Chalet, Camping Pod and Log Cabin owners and occupiers are to be provided with a 'Visitor Pack' to include details of the sensitivities of the nearby environmental designations and the wider Morecambe Bay coastline to recreational pressure, and promote the use of alternative areas for recreation such as public open space.

Whilst the Council will be sympathetic towards proposals to extend seasons of opening to provide enhanced visitor facilities, a strong position will be maintained over holiday accommodation not being used for residential purposes and occupied all year round. Occupancy conditions will be enforced by the Council where it is considered to be expedient and appropriate to do so in accordance with the Council's adopted '*Planning Enforcement Charter*' (2011).

To ensure that proposals comply with criteria (XIV) applicants will be expected to enter into a legal agreement to ensure that the units on site are not subject to permanent residential occupancy. The Council will encourage the owners of caravan sites to supply information on any permanent residents.

12.22 The district contains a large number of touring and static caravan sites for visitors who are attracted by the unique character of the locality. Caravan sites provide a valuable source of visitor accommodation and can contribute significantly to the local economy and the sustainability of rural settlements. However, they can also have significant impacts on the local amenity of an area, through the creation of traffic or their intrusion on the local landscape.

12.23 The geographical location of the district, along with the unique and important landscapes and habitats it contains, results in significant pressure on the growth and usage of caravan sites. The Council acknowledges the significant demands that exist for caravan development, both in terms of for growth of existing sites and the creation of new sites.

- 12.24 The unrestricted growth of visitor accommodation, particularly in sensitive locations, will not be permitted. Therefore the Council will seek to improve the management of existing sites and pitches through the preparation of a 'Caravan Sites Register' which will monitor the number of sites and pitches and seasons of occupancy.

Proposals for New Caravan Sites

- 12.25 The Council will seek to protect the most sensitive landscapes in the district, particularly those landscapes that have been designated for their importance, such as Areas of Outstanding Natural Beauty (AONBs), from development that may have a negative impact on the quality of local landscapes and their setting. Given the significant provision of caravan sites that already exists within the AONB's, the Council will not permit any proposals that involve the creation of new caravan sites or the further expansion of existing sites where it is concluded that proposals will have an adverse impact on conserving the landscape and natural beauty of the AONBs.
- 12.26 Proposals for caravan sites should utilise appropriate and sustainable locations that are accessible to local settlements which offer basic services, facilities and reduce the need to travel by car with a preference shown to the re-use of previously developed sites. To provide further protection to the natural environment and local amenity, proposals will be expected to be appropriately sited in regard to their setting and location and reduce their impact on the surrounding landscape through sensitive landscape design and other appropriate complementary measures. The Council will encourage proposals for either new sites or site extensions to work towards being 'Quality Assured' accommodation.
- 12.27 The Council will support the improvement of facilities at existing caravan sites, such as improved toilet blocks and other ancillary infrastructure provided, where it is demonstrated, that such improvements will aid the visitor experience, will not have a detrimental impact on its surroundings and are in accordance with all other relevant policies within this document. Proposals that will result in an unacceptable intensification of uses on a caravan site, either directly or in-directly, will not be supported by the Council.

Seasons of Opening for Caravan Sites

- 12.28 In recent years there has been significant pressure for longer opening seasons for caravan sites. Whilst benefits to the local economy will exist from extending the opening periods there can be significant implications from such proposals, on the surrounding landscape, amenity and the conservation of the site itself. Increased returns arising from a longer opening season must be reflected in the delivery of on-site improvements. Proposals for extensions to opening seasons should be accompanied by on-site enhancement measures.
- 12.29 Whilst the Council will be sympathetic towards proposals for an extension to opening seasons on caravan sites. It will retain a strong position over the seasons of occupancy and will seek to ensure that extended seasons of opening do not result in unauthorised permanent residential occupation of caravans.
- 12.30 The Council will expect any caravan site operators who have been granted permission for an extension of opening to an all-year-round basis to enter into a legal agreement with the Council to ensure that permanent residency does not occur without the benefit of planning permission. Where any reported breaches in planning permission occur in relation to occupancy the Council

will investigate, and where necessary expedient enforcement action will be taken.

## 13. Energy Generation

- 13.1 The UK Government is committed to meeting carbon reduction targets in response to the growing concerns regarding the impacts of climate change. In 2008 the Climate Change Act was established, and as part of which a legally binding target was introduced to reduce the UK's greenhouse gas emissions **to net zero by 2050, from 1990 levels. The UK Government additionally intend to enshrine in law a 78% reduction, from 1990 levels, by 2035. UK emissions reduced 44% between 1990 and 2019.**
- 13.2 More efficient energy usage and the improved deployment of renewable energy will aid the transition from a high to low carbon economy in the district. The improved deployment of renewable and low carbon energy will also provide the district with the diversity it needs to ensure the long-term security of energy supply at a local level. This has the potential to deliver on-site power to local developments or allow energy to be exported to the National Grid for wider distribution. The use of on-site renewable energies and low carbon technologies can also provide the opportunities for large electricity users to secure green methods of power locally.

### Renewable Energy Generation in Lancaster District

#### **POLICY DM53: RENEWABLE AND LOW CARBON ENERGY GENERATION**

The Council is committed to supporting the transition to a lower carbon future **as a matter of urgency** and will seek to maximise the renewable and low carbon energy **(electricity and thermal)** generated in the district where this energy generation is compatible with other sustainability objectives.

The Council will support proposals for renewable and low carbon energy schemes, including ancillary development, where the direct, indirect, individual and cumulative impacts on the following considerations are, or will be made, acceptable (unless material considerations indicate otherwise):

- I. As a result of its scale, siting or design impacts on the landscape character, visual amenity, **impact on the setting of nationally designated landscapes**, biodiversity, geodiversity, **water quality**, flood risk, townscape and historic assets of the district, highway safety, aviation and defence navigation system/communications are satisfactorily addressed;
- II. Impacts on the amenities of sensitive neighbouring uses and local residents are minimised (including by virtue of noise, dust odour, shadow flicker, air quality or traffic);

- III. The wider environmental, economic, social and community benefits directly related to the scheme outweigh any significant adverse effects; and
- IV. The proposal is consistent with other relevant policies within the local development plan.

In areas that have been designated for their national importance, as identified in the National Planning Policy Framework, large-scale renewable energy infrastructure will only be permitted where it can be demonstrated that it would be appropriate in scale, located in areas that do not contribute positively to the objectives of the designation, is sympathetically designed and includes any necessary mitigation measures.

The Council will require that where renewable energy installations become non-operational ~~for a period in excess of one year~~ the facility will be removed and the site will be fully restored to its original condition ~~within one year~~ **as soon as is reasonably practical. Community led schemes are encouraged and for all schemes it will be expected to allow for community investment where applicable.**

#### Onshore wind energy generation

Proposals for wind turbines will only be supported where they are located within an area identified as suitable for wind energy as shown on the Local Plan Policies Map and in Figure 13.1 (Areas identified as suitable for Wind Energy).

**Applications for turbines will be acceptable where the relevant national and local policy, and up to date legislation can be met.**

Wind turbines in the areas identified as suitable for wind energy will be considered acceptable where the development can be positively assessed against the criteria outlined in (I) to (IV), National Planning Policy, the relevant Ministerial Statements and/or Guidance and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

#### Hydro energy generation

**The Council will be supportive of proposals for hydropower providing proposals are in conformity with other policies in the Local Plan. Any applications for hydropower schemes will be expected to be accompanied by a Flood Risk Assessment, Water Framework Directive Compliance Assessment and evidence of discussions with the Environment Agency around requirements.**

**Consideration must be given to the location, siting and design of the scheme, ensuring that there are no individual or cumulative adverse impacts on the environment and amenity. In all cases mitigation will be required to protect river flow, river continuity for fish and provide for sediment transfer.**

#### Solar energy generation

**The Council will be supportive of proposals for solar energy generation providing proposals are in conformity with other policies in the Local Plan.**

For standalone solar panel arrays, it is expected that:

- The impact of glare and glint should be taken into account;
- Site security (if used) should aim to be as unobtrusive as possible;
- Where necessary, the site should be screened (wherever possible with coppice, hedges or trees) and measures taken to mitigate harm to visual amenity;
- Where possible a plan for seasonal grazing of livestock should be included;
- It is expected that applications will include quantified plans for biodiversity net gain; and
- It will not adversely affect the use of the best and most versatile agricultural land.

#### Other renewable and low carbon technologies

The Council will support renewable or low carbon energy schemes compatible with this policy, other policies within the Local Plan, and where impacts can be satisfactorily addressed.

In addition to the above renewable and low carbon energy sources, other forms of renewable and low carbon electric and thermal technologies may include:

- Heat pumps;
- Geothermal heat;
- Energy and/or heat from waste;
- Biomass;
- Solar thermal;
- Combined heat and power;
- Pumped storage hydroelectricity; and
- Battery storage.

This is not an exhaustive list and it is recognised that technologies will evolve and emerge.

#### Thermal Energy Distribution: Heating and Cooling Networks

The Council will support proposals for, and encourage the inclusion of, heating and cooling distribution networks, providing they are in conformity with Local Plan policies.

Where feasible, new major development should connect to existing networks, or provide new/purpose built heating/cooling networks.

It is expected that networks:

- Are designed for cost effective future connection to a proposed or planned network.
- Employ individual or communal sustainable, renewable, or low carbon heating and/or cooling.
- Make use of ambient or secondary heat sources (in conjunction with heat pumps where required).
- Demonstrate compliance with appropriate technical standards (currently CIBSE's Heat Networks Code of Practice for the UK);
- Be registered with the Heat Trust;

- Use renewable and/or low carbon sources for their energy centre or provide an evidenced timeline and technology pathway towards system decarbonisation by 2030;
- Provide heat and/or cooling services at a fair and affordable price; and
- Where refrigerants are to be used, the global warming potential should be taken into account.

#### Energy Storage

The Council will support proposals for battery storage facilities and infrastructure providing that they are in conformity with Local Plan Policies and that:

- A clear and evidenced operational lifespan for the facility is defined;
- It is clearly stated which type of batteries will be used and of what size the units are;
- A clear and funded plan for site failure including fire and material leakages is provided;
- A clear definition of what the human and environmental receptors for smoke and materials from potential fires are, and that a plan for mitigating receptor risk is provided;
- An evidenced decommissioning plan is put into place prior to site development. This plan must include;
  - The responsible party for decommissioning;
  - A disposal plan for all solid and hazardous waste including proposed receiving waste facility/facilities;
  - Information detailing how a decommissioning fund structure has been set up with a funding timeline (with the fund preferably held by a third party);
  - Evidenced cost estimates for site decommissioning;
  - A clear outline of how the decommissioning fund will be kept current and up to date; and
  - An evidenced timeline for facility decommissioning and site restoration.

The requirements of this policy are to be evidenced in a Sustainable Design Statement to be submitted with the planning application.

- 13.3 The Council encourages renewable and low carbon energy deployment in new developments as well as standalone schemes and retrofits to contribute to meeting emissions targets. In addition to aiding in climate mitigation through emissions reductions, the transition to renewable and low carbon energy, supports reduced energy vulnerability and increased resilience to climate change impacts. ~~The district has the potential to take a leading role in the transition to a low carbon future on account of its topography and natural assets. These~~ The topography and natural assets in the district create the opportunities for increased deployment of across a

range of renewable and low carbon technologies. This must, however, be balanced with the need to protect the district's high-quality landscape, much of which is protected by international and national designations and sites that hold a functional linkage to sites of national or international importance. This also includes the setting of nationally designated assets. More specifically wind energy proposals located outside the Arnsdale and Silverdale AONB, Forest of Bowland AONB and Yorkshire Dales National Park will need to take account of potential impacts on their setting.

- 13.4 This is supported by evidence on potential deployment capacities for different renewable energy and low carbon technologies, identified within the Lancashire Sustainable Energy Study which was produced in April 2011 and updated for all Lancashire Authorities in 2012. The study concludes that the Lancaster district has a deployable potential, from a range of renewable and low carbon technologies, of 97MW by 2030. This takes account of current generating capacity and then based on identified constraints, factors in a more realistic mix of technologies appropriate to the resource capabilities of the area. The Energy White Paper 2020 establishes national targets of generating 40GW of electricity from offshore wind by 2030 and installing 600,000 heat pumps per year by 2028. It additionally encourages households to adopt new technologies, such as roof top Solar PV. The Government acknowledge that a low-cost net-zero energy system is likely to be composed predominantly of wind and solar, describing onshore wind and solar as 'key building blocks of the future generation mix, along with offshore wind'

#### New paragraph 63

Heating and cooling networks are supported through funding from the Department for Business, Energy and Industrial Strategy and the Heat Network Delivery Unit and anticipated new funding under the Green Heat Network Fund. The Government is also consulting on Heat Network Zoning which builds on commitments in the Energy White paper of 2020. This will enable Local Authorities to designate new heat network zones, no later than 2025. This process entails the identification of areas which can be readily connected to a low-carbon heat network and mandating connection unless it is not cost-effective to do so. The Council are supportive of renewables and low carbon thermal energy technologies and distribution networks, in line with the Government's ambitions

- 13.5 All projects, regardless of their size, will be supported in principle by the Council subject to the satisfying criteria (i) to (iv) and where they relate to wind turbines within the area identified as being suitable for wind energy and have community support, as set out in Policy DM53, and takes account of the 2015 Ministerial Statement. Each location and situation is different, so all proposals will be assessed and considered on their individual merits. It is recommended that pre-application advice is sought from the Council prior to pursuing a planning application. The Council recognise that small-scale projects can make a valuable contribution to renewable and low carbon energy generation, as well as the national targets for the reduction in greenhouse gas emissions. These schemes also offer opportunities to add direct benefits to local communities by meeting their local needs, supporting green jobs, providing local ownership of community energy use and helping the fight against reducing fuel poverty. National Planning Policy and Guidance acknowledges that all communities have a responsibility to help increase the use and supply of renewable and low carbon energy. However, this must not negatively impact upon environmental protections and the planning concerns of local communities.

- 13.6 The Council will expect developers to work in partnership with the local community in developing proposals for renewable and low carbon energy and demonstrate how the concerns and requirements of the local community have been taken into consideration and informed the submitted proposal. Community-led initiatives for the development of renewable or low carbon energy will be supported (when considered to be in accordance with all other relevant policies).

**New paragraph 64**

The Council is supportive of increasing decentralised renewable and low carbon energy across the district. A key element of this will be in increasing battery storage capacity to support the renewable transition, making best use of local energy resources, and supporting grid modernisation. Battery storage includes any mechanical, chemical, or thermal process which will be used to store electric or thermal energy generated at one time which is then used at a later time. While battery storage systems are seen as key to a low carbon energy future, they come with inherent risks which must be mitigated. Their location and construction should include consideration to proximity to people, urban, residential and recreation areas, workers access, areas of sensitive environments and habitats, and proximity to critical assets and services. This is in light of the fire and explosion risk battery storage facilities present and the risk that the smoke can have on the firefighting personnel as well as environmental and human receptors. The fires and explosions can also have significant impact on firefighting capacity as well as result in hazardous or toxic gasses, solid, and liquid waste. This means that developments must plan for site failure and clean up and be in dialogue with the local authority and relevant stakeholders. Battery storage facilities must also prepare for any other site failure that could result in a loss of hazardous or toxic material from the instalment and provide failure and clean-up plans. Battery storage facilities must also have plans for decommissioning of the site due to the hazardous and toxic nature of the materials used in many battery systems. This decommissioning plan must be kept current, be backed by a regularly reviewed decommissioning fund, and ensure that all waste from the site is properly disposed of and that the responsibility of clean up does not fall onto the landowner, local authority, or community. Ensuring that the safety issues of the facilities is addressed is critical for making sure that growth in the battery storage market is secured.

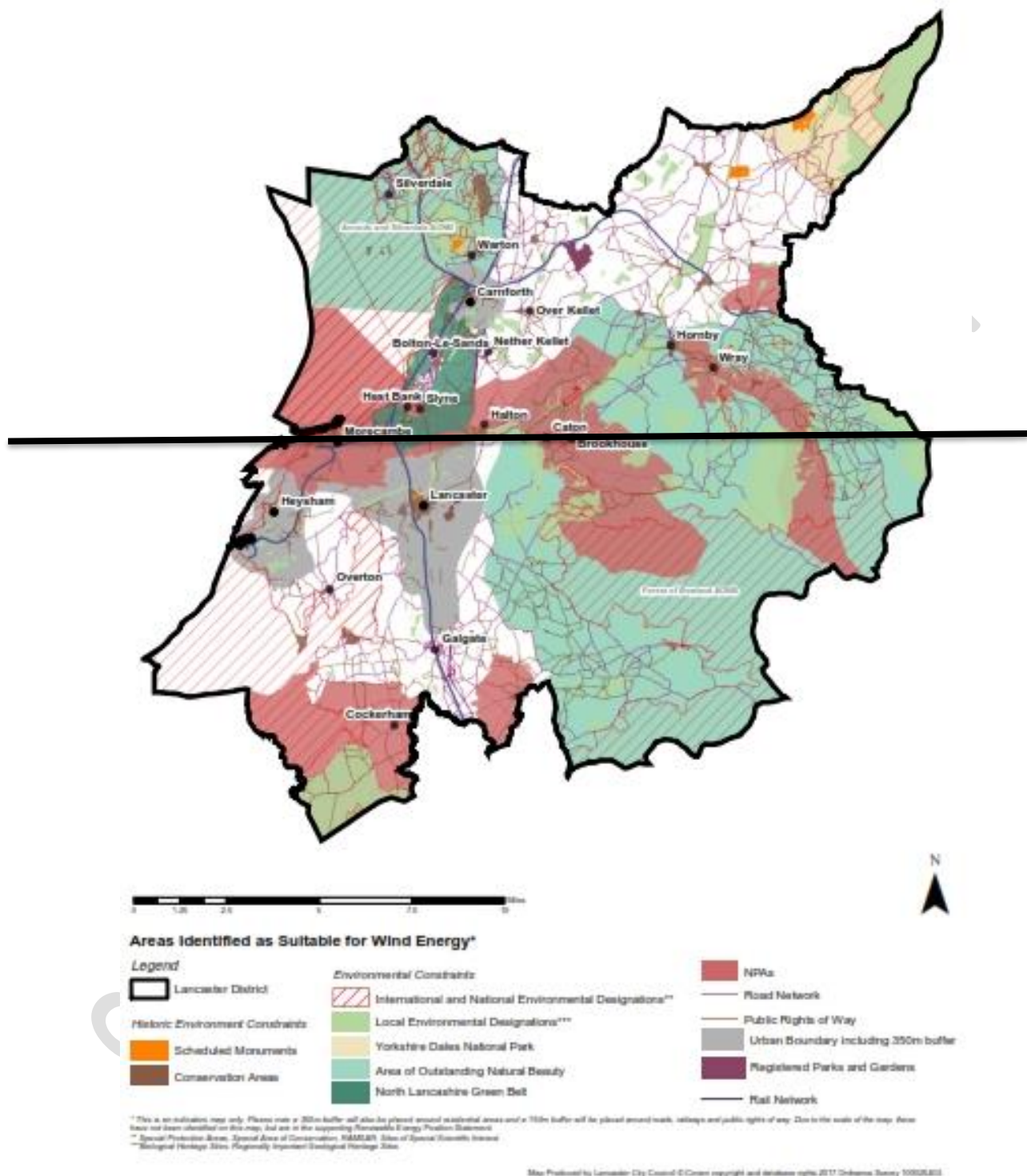
- 13.7 In delivering proposals the Council will negotiate, where appropriate, community benefits for the local area. This could include the provision of educational opportunities for local schools as well as opportunities for shared ownership.
- 13.8 In delivering future proposals the Council will create a positive and enabling environment for increased deployment, working with developers and local communities to ensure the delivery of appropriate and well-planned proposals whilst also ensuring the protection of the district's landscape and townscape. This is especially relevant as large portions of the district are protected by environmental designations.
- 13.9 Developers will be expected to provide evidence (**where applicable**) to support their proposals including landscape, visual **noise, emissions, Flood Risk Assessment** and ecological assessments (including where required an Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA)) and to demonstrate that any impacts can be satisfactorily mitigated where negative impacts cannot be solely removed through site selection. Mitigation and compensatory measures should be investigated as part of this process.

- 13.10 Future proposals and their ancillary development, which would result in adverse effects, either individually or cumulatively with nearby development will not be supported. In submitting planning applications, applicants will be expected to submit supporting information and evidence that is proportionate to the scale of development proposed and reflect the sensitivities of the nearby environment. This should reflect the latest best practice guidance and include landscape, visual, and ecological and flood risk assessments. The Landscape Character Assessment and local Conservation Area appraisals will be among the key tools in assessing potential impacts. Such assessments should seek to assess both the individual and cumulative impacts of development.
- 13.11 In considering small-scale proposals the Council will require evidence of how the site has been assessed taking into account the constraints of the site and the opportunities for micro-siting to reduce impacts. Larger scale proposals will already have undertaken this work as part of the site selection process, with this already evidenced as part of the Environmental Impact Assessment.
- 13.12 Where impacts are identified, the Council will require applicants to demonstrate to its satisfaction how these have been reduced through appropriate mitigation including careful siting, landscaping and design. This could include the use of existing landforms to limit visual impacts on sensitive views and local amenity, creating a design layout that is sympathetic to the local landform and neighbouring land-uses, and limiting the impact of cabling, tracks, hard-standing and buildings by underground avoidance and restoration as well as the use of sympathetic materials in construction.
- 13.13 As outlined within Policy DM53, the Council is committed to the transition to a low carbon future, as demonstrated through its Climate Emergency declaration. Development proposals that could feasibly supply or connect into a District Heating and/or cooling network are encouraged to do so. Investigation into the viability of connecting to a network will be required to be evidenced as part of an application. Where no connection can be made into an existing nearby District Heating and/or cooling network, the potential for delivering a new District Heating and/or cooling Scheme should be explored, especially for larger developments.
- ~~13.14 Renewable and low carbon energy proposals will be supported where compatible with the above policy and where impacts can be satisfactorily addressed. Where impacts are identified the Council will require applicants to demonstrate to its satisfaction how impacts have been minimised, how impacts have been mitigated and finally where relevant what compensatory measures are proposed to support the scheme sufficiently to outweigh any outstanding impact.~~
- 13.15 Due to changes in national planning policy, wind turbine proposals will be considered in accordance with relevant national policy and guidance, including the Government's Written Ministerial Statement (WMS) published on the 18<sup>th</sup> June 2015<sup>73</sup>. The WMS states that the Local Planning Authority, when determining planning applications for wind energy development involving one or more wind turbines, should only grant planning permission if:
- The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
  - Following consultation, it can be demonstrated that the planning impacts identified by

<sup>73</sup> <https://www.gov.uk/government/news/giving-local-people-the-final-say-over-onshore-wind-farms>

affected local communities have been fully addressed and therefore the proposal has their backing.

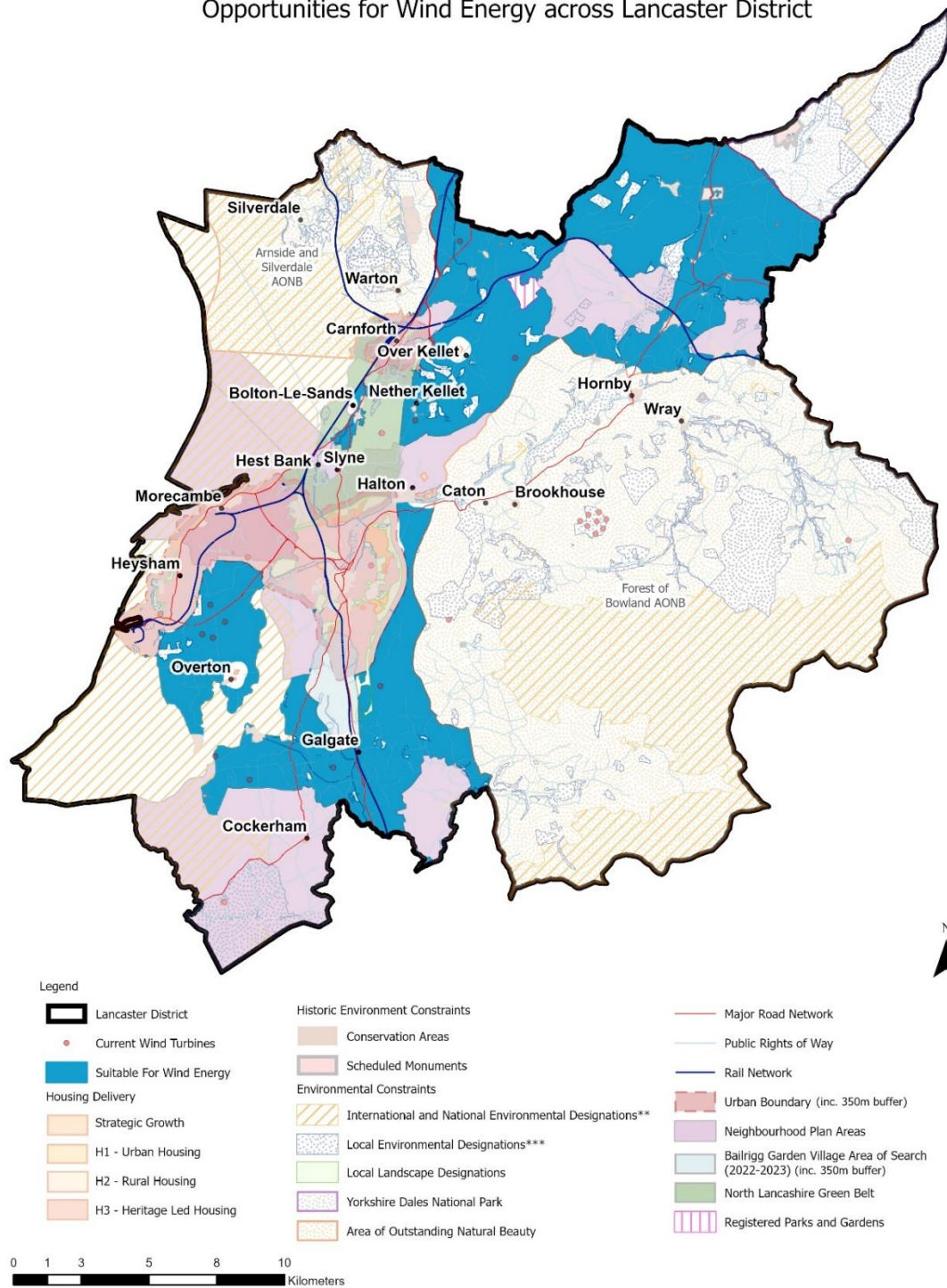
- 13.16 Whether the proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority. In response to national guidance, the Council through the Local Plan, has been investigating potential areas that could be identified as suitable for wind energy. This has involved the consideration of a number of environmental designations and other potential constraints, to help guide the most appropriate locations for wind energy development. Areas identified as suitable for wind energy development are identified on the map below (these are the areas shown in ~~white~~ **blue** in Figure 13.1 that are not covered by a designation or constraint). However, as noted in Policy DM53, only where individual proposals within these areas are positively assessed against criterion (I) to (IV), and demonstrated to have the backing of the local community will they be considered suitable within these areas. As each development proposed and individual site will differ, the suitability of emerging proposals will be assessed based upon their individual merits.



**Figure 13.1:** Areas that are not covered by the constraints (i.e. areas in white) are areas that are considered to be suitable for wind energy development (subject to compliance with other planning policy considerations).

### Wind Energy Opportunity Area Map

## Opportunities for Wind Energy across Lancaster District



\* This is an indicative map only. A 350m buffer will be placed around residential areas and a 150m buffer will be placed around roads, railways and public rights of way.

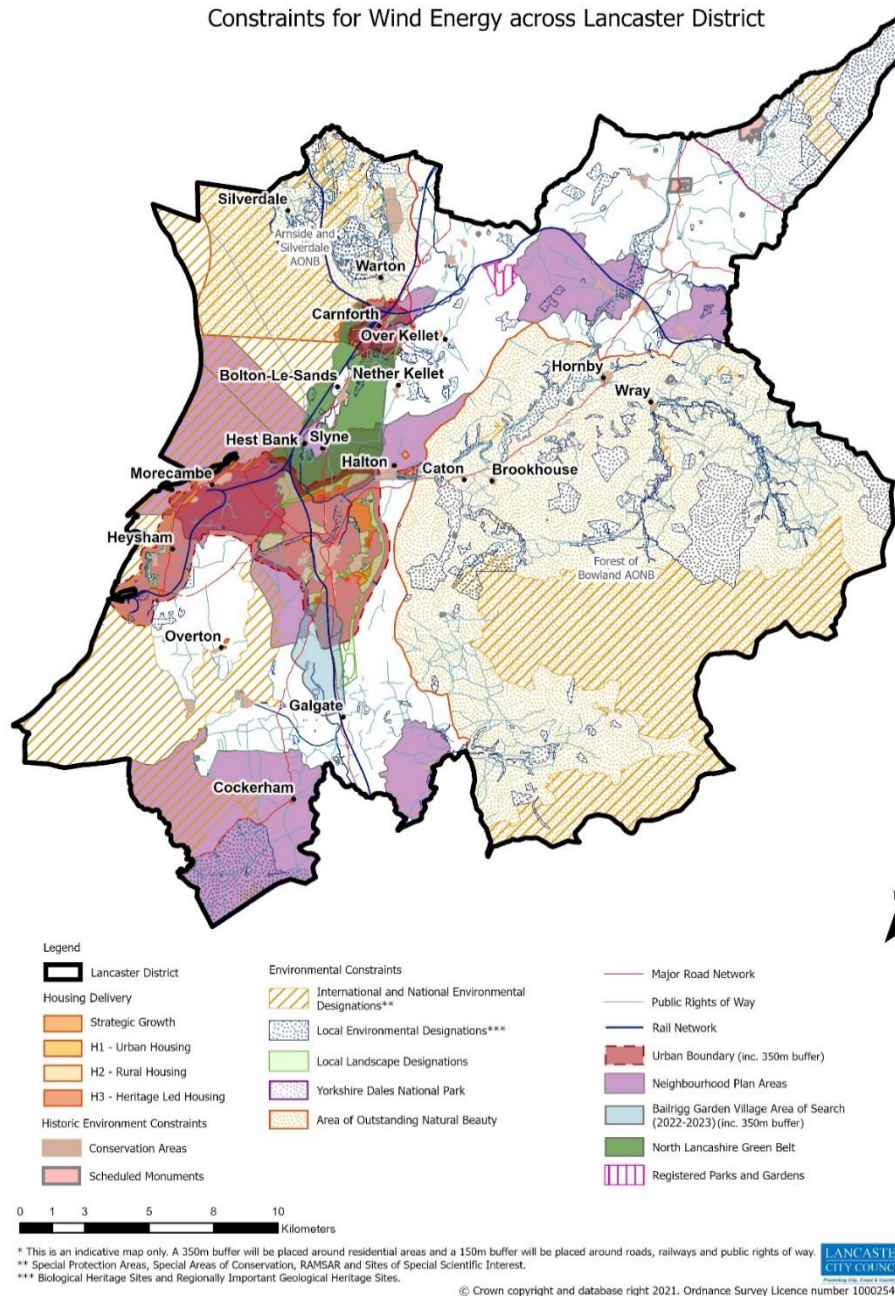
\*\* Special Protection Areas, Special Areas of Conservation, RAMSAR and Sites of Special Scientific Interest.

\*\*\* Biological Heritage Sites and Regionally Important Geological Heritage Sites.

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## Wind Energy Constraints Map

Constraints for Wind Energy across Lancaster District



### Upgrades to the National Grid

## **POLICY DM54: UPGRADES TO THE NATIONAL GRID**

The majority of upgrades to National Grid assets within Lancaster District are likely to be considered as Nationally Strategic Infrastructure Projects (NSIPs). In the case of NSIPs, decisions will be taken by the Secretary of State for Business, Energy and Industrial Strategy and not the Local Planning Authority. The National Policy Statement (NPS) for energy, particularly NSP EN-1 and NSP EN-5, provide the national policy context for these projects. The Council will be a consultee within this process and through effective engagement will work to secure the most appropriate form of development in light of the policy issues set out below.

- I. That the routes and technologies chosen mitigate as far as possible the environmental impacts that result from this proposal (this should seek to deliver underground routes as far as technically, economically and practically possible);
- II. The route chosen does not compromise the landscape value or visual amenity of the district, in particular specially designated landscapes of the Arnsdale & Silverdale and Forest of Bowland Areas of Outstanding Natural Beauty;
- III. The proposed development would not result in a significant adverse impact on the historic environment or nature conservation interests;
- IV. That appropriate mitigation measures are put in place to minimise the impacts on residential amenity and properties in close proximity to the route; and
- V. The proposals are capable of being constructed without undue disruption to the economic well-being of the district, particularly in relation to road closures and other means of construction disruption.

13.17 The National Grid supplies electricity from sources where electricity is generated, such as power stations, to homes and businesses across the country. The National Grid is a critical infrastructure network that is of national importance. Locally, the grid system predominantly runs north / south through the district utilising the M6 corridor, and runs in close proximity to areas of significant landscape importance, in particular, the Arnsdale & Silverdale, and, the Forest of Bowland Areas of Outstanding Natural Beauty (AONB).

13.18 The Council recognises that the National Grid is a vital component of both the national and local economy and that there is an overriding need for new power generating capacity to be built and connected into the National Grid Network. The proposed construction of a new power station in West Cumbria will require new grid connections to be made across Lancaster District, the National Grid is leading this project, also known as the 'North West Coast Connections'.

13.19 Decisions on the proposed routing and siting of pylons will not be determined at a local level but by the Secretary of State for Business, Energy and Industrial Strategy as a Nationally Strategic Infrastructure Project (NSIP). The Minister will be advised by the Planning Inspectorate under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011),

and therefore Policy DM54 will not carry any material weight in the decisions made on the 'North West Coast Connections' project by that commission. Nevertheless, the policy sets a framework for the Council to prepare submissions to the Planning Inspectorate in respect of proposals to upgrade the National Grid.

- 13.20 The Council is engaged in the 'North West Coast Connections' project through a Planning Performance Agreement (PPA) with neighbouring authorities affected by the proposals, and with the National Grid. The PPA is designed to facilitate effective public consultation and to help bring forward appropriate development options and proposals. As the choice of development routes firms up, the PPA authorities will contribute to the NSIP process through the production of an Adequacy of Consultation Report and an Impact Report, both of which will be forwarded to the Planning Inspectorate for Examination. The approach set out within Policy DM54 will help local residents and other key stakeholders to understand the Council's position and involvement in the NSIP process
- 13.21 The issues that are set out in Policy DM54 criteria (I) to (V) will be addressed through stakeholder dialogue as proposals and plans are prepared within the NSIP process. In particular the Council will ensure that the following issues are clarified:
- The impacts that the proposal will have on the surrounding landscape should be mitigated against through the sensitive design and siting of powerlines;
  - That any adverse impacts upon the residential amenity of people who live close to the proposed route is mitigated through the sensitive and sympathetic design and siting of powerlines;
  - The disruption in the local area through the construction phases are kept to a minimum; and
  - That the route chosen should not have a significant adverse impact on key economic and residential sites.

## 14. Sustainable Communities

### Neighbourhood Planning

#### **POLICY DM55: NEIGHBOURHOOD PLANNING**

The Council will support and assist the relevant qualifying organisation to positively prepare a Neighbourhood Plan that delivers new development and facilities for their community. Neighbourhood Plans should seek to achieve the following:

- I. Identify how they are positively contributing toward the strategic objectives of the local development plan and be in general conformity with its strategic approach and strategic policies;
- II. Clearly set out how they will promote sustainable development, at the same level or above that which would be delivered through the local development plan; and
- III. Have due regard to relevant information on local needs for new homes, jobs and facilities for their plan area.

**The Council will seek to support and assist Neighbourhood Planning groups in meeting the criteria above and the wider basic conditions set out in the Neighbourhood Planning Regulations.**

**Once a Neighbourhood Plan has been adopted by the Council it will form part of the Local Plan for the district and will be a material consideration in determining planning applications.**

- 14.1 Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders have the potential to allow communities to shape their neighbourhoods, plan positively and work with landowners, developers and service providers to deliver new development and facilities. A neighbourhood plan and its policies will work alongside the policies within the district-wide Local Plan. The policies will only apply to the specific area covered by that Neighbourhood Plan or Order.
- 14.2 Neighbourhood Plans need to meet certain basic conditions<sup>74</sup> at local and national levels before they can come into force (i.e. made). Basic conditions for neighbourhood plans are:
- They must have appropriate regard to national policy;
  - They must contribute to the achievement of sustainable development;
  - They must be in general conformity with strategic policies in the local development plan for the area; and
  - Must be compatible with EU obligations, including human rights requirements.
- 14.3 The plan will also need to demonstrate involvement of the local community and key stakeholders throughout the plan preparation and decision-making process. These basic conditions will be tested through independent examination and checked by the Local Planning Authority prior to proceeding to referendum.
- 14.4 A key element of understanding whether a neighbourhood plan has met the basic conditions is whether the plan is in general conformity with the strategic policies of the strategic plan (i.e. the Local Plan). For the purposes of meeting this basic condition the Council will expect neighbourhood plans to be in general conformity with all Strategic Policies within the Local Plan that are set out in more detail in Appendix C of the Strategic Policies and Land Allocations DPD.
- 14.5 There is no statutory duty for communities to prepare neighbourhood plans, only a right to do so if they wish. The Council have eleven designated areas for the purposes of neighbourhood planning. The designated neighbourhood plan areas include Aldcliffe-with-Stodday, Caton-with-Littledale, Cockerham, Dolphinhholme, Halton-with-Aughton, Morecambe, Carnforth, Slyne-with-Hest, Wennington, Arkholme-with-Cawood and Wray-with-Botton. These neighbourhood plans are highlighted on the Local Plan Policies Map via Policy SC1 of the Strategic Policies and Land Allocations DPD.

<sup>74</sup> <http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

- 14.6 The Council will support the role and preparation of neighbourhood plans and provide advice where requested. It will be for the neighbourhood plan group to prepare the neighbourhood plan and finance its preparation although it is recommended that groups investigate funding and resourcing opportunities offered through organisations such as Locality and Planning Aid.
- 14.7 Following a successful examination and referendum, a neighbourhood plan will be made and adopted by the Council. At this point it forms part of the Local Plan for the district and will be a material consideration in determining planning applications within that local area.
- 14.8 The Council expects all neighbourhood plans to include proposals for monitoring the policies contained within the plan. Should monitoring indicate that development is not coming forward as envisaged in the neighbourhood plan, then action will be taken by the Council to bring forward sites through the wider plan.
- 14.9 Further information on the neighbourhood plan process, neighbourhood plans that are currently being prepared in the district and the levels of resource available to neighbourhood groups from the Council can be found online<sup>75</sup>.

#### **Protection of Local Services and Community Facilities**

### **POLICY DM56: PROTECTION OF LOCAL SERVICES AND COMMUNITY FACILITIES**

#### ***Provision of New local Services and Community Facilities***

Proposals for new local services must be located where there is already a choice of travel options or where it can be demonstrated that accessibility will be significantly improved and therefore can be accessed by all members of the community. Where possible local services should be located within, or adjoining, existing centres.

Proposals for new local services provided as an integral part of the development must wherever possible, be located within adaptable buildings that can be used for a flexible range of uses, including the co-location of different services.

#### ***Protection of Existing Local Services and Community Facilities***

Proposals that would result in the loss of buildings / uses, which currently (or have previously) provided the community with a local service, and which could include services such as local shops and community facilities, must provide compelling and detailed evidence. Proposals will be expected to ensure that:

- I. A robust and transparent marketing exercise has taken place demonstrating that the retention of the existing use is no longer economically viable or feasible. This should include a realistic advertising period of at least 12 months at a realistic price (confirmed by independent verification), making use of local and (if appropriate)

<sup>75</sup> <https://www.lancaster.gov.uk/planning/planning-policy/neighbourhood-planning>

**national media sources. Information on all offers made, together with copies of the sales particulars will also be required to accompany the application;**

**II. Alternative provision of the key service exists within a rural settlement or within a nearby neighbouring settlement, that can be reasonably accessed by pedestrians and public transport; and**

**III. The current / previous use no longer retains an economic and social value for the community it serves.**

- 14.10 The Council recognises the role that local services can play in ensuring that communities are sustainable in the long term. The ability to access local services that are located in close proximity to where people live has a significant relationship with well-being and a positive quality of life.
- 14.11 The Council will therefore support proposals that seek to enhance the range of local services, subject to them satisfactorily meeting all other relevant policies within this document. Proposals that involve the delivery of additional key services in rural locations will be particularly supported in principle by the Council.
- 14.12 Proposals for local services should be located in accessible and central locations that can be easily accessed by the community by a variety of transport methods, particularly cycling and walking, and where possible by public transport. In rural locations, it is recognised that whilst priority is given to siting services in sustainable locations, this may be more difficult to achieve in certain circumstances. Therefore less accessible locations may be considered where it can be satisfactorily demonstrated that accessibility to the proposed services can be improved as part of the development proposal.
- 14.13 The Council will support the diversification of local business to fulfil a wider range of local services for the community they serve, particularly where this will improve the long term sustainability and viability of these services. For instance, the role of local public houses could be sustained by introducing a range of other important services, such as a post office or local grocery store.
- 14.14 The Council will protect the buildings and premises used by local services that benefit the local community both socially and economically. The Council will also resist the loss of local services where it is demonstrated that they are valued by the community they serve.
- 14.15 Development proposals for new local services should create a flexible and adaptable building that, if required, can be used for a range of different purposes, such as meeting places, drop-in clinics and other community facilities. This will ensure that the building can maximise its role in serving the local community and secure its long-term future. The Council will also support proposals from local communities that involve the creation, retention and management of facilities which are demonstrated to have a wider community benefit.
- 14.16 Where there is community support to do so, the Council will prepare a register of community assets as part of the Community Right to Bid<sup>76</sup>. This will provide the opportunity for local communities to purchase such assets should they become available to buy.

<sup>76</sup> <https://www.lancaster.gov.uk/planning/planning-policy/neighbourhood-planning>

## Health and Wellbeing

### **POLICY DM57: HEALTH AND WELL-BEING**

The Council will expect development in the district to promote health and well-being and contribute to addressing health inequalities. To do this, development should seek to deliver health benefits to all sections of society, but must focus proportionately more to benefiting those lower down the social gradient. Measures to ensure this expectation is achieved are as follows:

- I. Ensuring that development is designed to promote physical activity, through the appropriate arrangement of buildings and uses, access, open space and landscaping and the provision of facilities to support walking and cycling;
- II. Integrating development with public realm and public transport, and in particular ensuring that local facilities and services are easily accessible by foot or bicycle;
- III. Ensuring that infrastructure is in place to support development, such as providing or contributing to open space, children's play facilities, food growing, indoor and outdoor leisure provision and healthcare facilities;
- IV. Ensuring development does not have an adverse impact on the environment such as air, noise and water pollution and remediation of contaminated land prior to development must be undertaken where appropriate;-
- V. **Ensuring that development promotes resilience to Climate Change, including adaptation measures that provide resilience to extremes in temperature and rainfall.**

The Council will require the submission of Health Impact Assessments for major schemes of more than 100 housing units or 10,000sqm for commercial uses where they are considered to have potential impacts on health and well-being. This will depend on the nature and scale of such development which should be discussed at a pre-application stage.

In order to promote health and well-being across the social gradient the Council will expect proposals to:

- VI. Protect and improve social and community facilities such as healthcare facilities, community halls and indoor leisure provision, and arts and cultural facilities and ensuring that new development contributes appropriately to supporting such infrastructure;
- VII. Protect, increase and enhance open space provision, allotments and food growing schemes, biodiversity and nature conservation assets and the provision of children's play facilities;
- VIII. Seek to manage access to hot food takeaways such as restricting proposals for new hot food takeaways from locations within 400 metres of secondary schools and working with businesses and developers to promote healthier lifestyles through design and types of use within developments; and
- IX. **In order to achieve greater levels of modal shift for local journeys, S-seek to expand the network of safe pedestrian and cycle routes in accordance with the County Council's Highways and Transport Masterplan and Cycling & Walking Strategy. Proposals which involve high levels of trip generation should promote and prioritise**

**sustainable forms of transport and be and ensure that areas dedicated to vehicular circulation are designed with pedestrian safety and needs of vulnerable groups in mind.**

**Proposals should have due regard to all relevant policies within the Local Plan, in particular Policies DM20, DM27, DM57 and DM61 of the Development Management DPD.**

- 14.17 Health and wellbeing is a key component of sustainable development and sustainable communities. Development should be delivered in a way that improves health and wellbeing, reduces health inequalities and enhances a sense of wellbeing and safety. Lancaster District is an attractive place to live and therefore it is important that new development consolidates the existing environment and distinctive sense of place. Proposals should utilise high quality design and contribute to residents' sense of wellbeing. Opportunities should be sought to deliver health benefits to all sections of society but must focus proportionately more to benefiting those lower down on the social gradient.
- 14.18 Within national planning policy, guidance is provided on how health should be considered by the planning system. It is clear that as part of delivering on the social dimension of sustainable development that planning has a role in supporting and developing strong, vibrant and healthy communities. **With that it will be important that new development seeks to be resilient to the impacts of Climate Change, both in terms of mitigation and adaptation.**
- 14.19 National planning policy is clear that through both plan-making and decision-taking processes there is a need to take account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 14.20 Lancaster District, whilst a relatively affluent area, has some significant pockets of deprivation (particularly in Morecambe) which have health related issues. Life expectancy in Lancaster for both men and women is slightly better than the regional average, but lower than the national average with variation in life expectancy across the district.
- 14.21 It is important that the Local Plan contributes to working with these health issues by delivering high quality development that provides a high-quality living environment and encourages healthy lifestyles. Evidence shows that health inequalities are often linked to factors such as poor access to green space and poor housing.

**New paragraph 65**

**New development should seek to promote accessibility and reduce the reliance on private cars to make local journeys. Through the Council's wider ambitions to promote a modal shift towards more sustainable forms of travel, such as public transport, cycling and walking, this should in turn promote improvements to people's health and wellbeing, particularly through improvements to cycling and walking links.**

- 14.22 A wide range of factors, in addition to the provision of health services, are important for determining public health. Good health is related to good quality housing and development, well designed streets including the layout of neighbourhoods, easy access to cycle and walking networks, opportunities to experience leisure and cultural activities and green and open space.

This variety of factors has led to the development of health impact assessments of policies, plans and projects which aim to appraise the health impacts of a proposal.

## 15. Infrastructure Delivery

- 15.1 Future development within the district will place pressure and demand on existing infrastructure such as schools, open spaces, transport networks, health and community facilities. In order to cope with this additional demand there will be a requirement for new development to contribute toward the improvement of existing facilities and, in some cases the provision of new additional infrastructure.
- 15.2 Without appropriate measures to mitigate impact and/or investment to enable the provision of infrastructure improvements, new developments that cause adverse impacts would be by definition neither sustainable nor acceptable. To support sustainable growth in the district new development will be expected to provide or contribute towards necessary and required infrastructure to enable its provision in an appropriate manner.

### Infrastructure Tariffs and the Community Infrastructure Levy (CIL)

#### **POLICY DM58: INFRASTRUCTURE DELIVERY AND FUNDING**

Development proposals and infrastructure provision will be co-ordinated to ensure that growth within the district is supported, where necessary, by the provision of infrastructure, services and facilities that are required to maintain and enhance the quality of life and responds to the needs of local people, the local environment and the local economy.

#### Community Infrastructure Levy (CIL) and S106 Obligations

Council will require planning contributions where they meet the tests set out in paragraph 57 of the Framework. Such contributions will be secured through S106 legal agreements and/or a [Community Infrastructure Levy \(CIL\)](#). It is recognised that the viability of development is a significant consideration when making requests for financial contributions and as such will only be requested [through S106 Agreements](#) for infrastructure that will make development acceptable in planning terms and compensate for any impacts of development.

In particular, development will be expected to provide, or contribute towards, the provision of:

- Measures to directly mitigate its impact, either geographically or functionally, which will be secured through the use of s106 planning obligations;
- The specific requirements as set out in relation to sites that have been identified and allocated within the Strategic Policies and Land Allocations DPD; and
- Infrastructure, facilities and services required to support growth, which will be set out within any future Community Infrastructure Levy (CIL) for the district [or Framework Agreement for Strategic or complex sites and the Broad Location for Growth](#).

Planning contributions may also be subject to the criteria set out in the CIL Regulations<sup>77</sup> (2010) **(as amended)** (in particular Reg. 122 ~~and 123~~) or any successors which require any financial contribution or contributions in kind towards infrastructure to meet a number of criterion.

#### ***Assessing Viability***

In principle, the inability to secure the necessary contributions either through conditions or agreements to make a particular development acceptable in planning terms (for instance environmental mitigation or compensation) must indicate an unacceptable proposal that should not be approved.

Development viability is a material consideration in assessing development proposals. In some circumstances, requirements for planning obligations may render development at the margins of viability. **Where a developer is seeking to reduce contributions or affordable housing provision, they must submit a Financial Viability Assessment at the application stage. Financial Viability Assessments submitted by an application must take account of the Viability Protocol Supplementary Planning Document.**

Where it is demonstrated through the submission of a Financial Viability Assessment (FVA), using an agreed methodology ~~(e.g. through residual valuation appraisal)~~, that a development proposal is unviable given the level of contributions sought, the Council will consider whether any of the requirements can be delivered through alternative mechanisms or deferred subject to measures to seek alternative funding (such as government grants, where available). This will be at the discretion of the Council and applied on a case-by-case basis taking into consideration the wider material considerations of the application. Once the Viability Protocol SPD has been adopted FVAs submitted alongside planning applications will need to accord with the principles of this SPD.

#### ***Infrastructure Delivery Plan***

To aid the understanding of necessary, required or desirable infrastructure projects in the district, the City Council has prepared an Infrastructure Delivery Plan (IDP) which sets out the needs for new infrastructure in the district.

Any proposal should consider the content of the Infrastructure Delivery Plan and, through dialogue with the City Council and other key infrastructure providers, ensure that matters of infrastructure requirements are fully understood and appropriately addressed.

The Council will not support proposals that cannot be supported by the delivery of infrastructure necessary to make a development acceptable in planning terms.

- 15.3 It is important that new development contributes towards the delivery of strategic growth. For a number of years the Government has supported Local Planning Authorities in the preparation of a Community Infrastructure Levy (CIL) for their area.
- 15.4 CIL is a charge that local authorities in England and Wales can place on a developer /

<sup>77</sup> <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

applications for most types of development in their area. The money generated from CIL can be used (or pooled for future use) to pay for strategic infrastructure improvements within the authority area to realise social, economic or environmental benefits. The CIL charge is based on the size, type and location of development being proposed.

- 15.5 CIL has been promoted by the Government as a more effective and transparent way of securing financial contributions from development and sought to replace the mechanism of Section 106 agreements.
- 15.6 In November 2017 the Government announced that it was to retain CIL as the preferred method of tariff in charging new development for infrastructure requirements (supplemented by the Section 106 process).
- 15.7 The Government undertook a consultation on draft amendments to the CIL Regulations in December 2018 and issued its response in June 2019. The Government recognises the importance of developer contributions in delivering the infrastructure that new homes require. Amendments to the Regulations ~~are proposed~~ **were introduced** to make the system less complex and more transparent. ~~Proposed amendments~~ **The amendments** included the removal of restrictions on the pooling of s106 agreements.
- ~~15.8 The Council is undertaking work with a view to adopting CIL to fund the wider infrastructure necessary for the delivery of the growth planned for.~~

#### Planning Obligations

- 15.9 The purpose of planning obligations (via the Section 106 process) is to make development acceptable in planning terms. Planning obligations will be sought to compensate and/or mitigate the impact of development that, without that mitigation, would render the development unacceptable in planning terms.
- 15.10 Where necessary, the Council will require infrastructure to be provided through new development. When such requirements are made they will be done so with the full consideration of national planning policy in terms of the reasonableness of the request, in particular paragraph 204 **57** of the NPPF which states that planning obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 15.11 There are a range of infrastructure requirements that may be necessary to ensure that development is acceptable in planning terms, Table 15.1 below sets out potential types of infrastructure that should be considered (although this should not be considered as an exhaustive list).

Adequate Highways Access & Capacity	GP Surgeries
Education Provision	Hospitals

Nursery Schools	Ambulance Services
Clean Water Supply	Adult Social Care
Adequate Wastewater Capacity	Fire, Police and Rescue Services
Sustainable Drainage Systems	High Speed Internet Access
Energy Supply	Children's Play Areas and Equipment
Cycling and Walking Facilities	Sports Facilities
Public Transport	Supported Accommodation
Car Parking	Open Spaces and Park
Electric Vehicle Charging Points	Social and Community Facilities
Waste Management and Disposal	Allotments
Libraries	Natural and Semi-Natural Green Spaces
Cemeteries and Churchyards	Landscaping
Flood Defences and Drainage Infrastructure	Replacement / New Habitat

**Table 15.1:** List of Infrastructure that may be secured through CIL or Planning Obligations to make development acceptable and/or meet Local Plan objectives.

- 15.12 The Council is fully aware of the issues around development viability and will work with applicants to ensure that proposals which are granted permission are acceptable in planning terms and are also financially viable.
- 15.13 Where a development is agreed to be unviable, applicants should take all reasonable and practical steps to enable the delivery of required planning obligations through alternative mechanisms including public sector grants. The Council will assist in identifying such mechanisms where known and support the applicant to secure their implementation. Where this cannot be achieved and the necessary infrastructure required to make development acceptable in planning terms cannot be delivered, then planning permission will be refused.
- 15.14 Where issues of viability arise the Council will require applicants to clearly demonstrate the margins of viability through the use of an agreed methodology and open book approach [in accordance with the Viability Protocol Supplementary Planning Document](#). Where it is clearly demonstrated that there are issues of viability then the Council will work with the applicant to understand whether alternative sources of funding are available to secure the necessary infrastructure.
- 15.15 Whilst the Council will work with applicants to achieve a positive outcome it is clear that planning permission should not be granted for development that is not considered acceptable in planning terms.
- 15.16 The Council may apply Market Recovery and other such mechanisms in order to receive required contributions upon any uplift in market conditions and this can be written into a Section 106 or similar agreement. No such flexibility will be applied to CIL charges when these are in operation.
- 15.17 In relation to areas that have a neighbourhood plan in place, the relevant town or parish Council will receive 25% of the CIL receipts arising from development that takes place in their area. In areas where there is not a neighbourhood plan, the relevant Town or Parish Council will receive 15% of the CIL receipts where development has taken place and this is capped at £100 per dwelling.

Infrastructure Delivery Plan

- 15.18 The issue of delivering new infrastructure is a key public concern that arises from new development proposals. In order to ensure that the infrastructure issues within the district are clear and understood the Council has prepared an Infrastructure Delivery Plan (IDP)<sup>78</sup>. The IDP sets out a range of infrastructure requirements and aspirations that are either necessary to ensure that the impacts of new development are mitigated or where future Section 106 or CIL monies may be used.
- 15.19 Through the planning application process, the Council will expect applicants to have read and understood the infrastructure requirements for the area of their proposal and understand that, dependent on the scale, the location or type of development proposed may result in a request for a contribution towards infrastructure improvements set out within the IDP.
- 15.20 The request will be made in dialogue between the applicant, the Local Planning Authority and the infrastructure provider. Whilst some flexibility may be shown over the scale of contribution delivered, this will be highly dependent on the level of impact arising from the specific development proposal.
- 15.21 Further information on the Infrastructure Delivery Plan can be found on the Council's website at [www.lancaster.gov.uk/localplan](http://www.lancaster.gov.uk/localplan).

Telecommunications and Broadband Connections

## **POLICY DM59: TELECOMMUNICATIONS AND BROADBAND IMPROVEMENTS**

Through the publication of a Digital Strategy, the Council are seeking to create a 'Smart District' which provides world class connectivity. This will be done through the creation of a full fibre network and the establishment of a 5G network. The provision of greater connectivity will not only allow Lancaster District to maximise economic opportunities but also ensure that its communities can access these connections in the way they work, learn and communicate.

In order to achieve greater connectivity, the Council will support the improvement and extension of telecommunication and broadband coverage and broadband speeds, particularly in urban and rural areas that have poor or no service provision at all. This is providing that the proposals accord with paragraph 43 of the 2012 National Planning Policy Framework and that the following criteria are achieved.

- I. It has been demonstrated that there is no reasonable possibility of sharing existing facilities within the locality;
- II. Installation equipment is sited and designed to minimise its impact on the landscape character and visual amenity of the surrounding area; and

<sup>78</sup> <http://www.lancaster.gov.uk/planning/planning-policy>

**III. Proposals will not have a detrimental effect upon the character or appearance of the building and local amenity.**

All major developments within the district will enable Fibre to the Premises (FTTP). For smaller schemes, the Council will encourage FTTP to be provided where it is practical and viable to do so. **Where FTTP cannot be achieved, developers will be expected to support the delivery of the most viable high-speed connection.**

Proposals for telecommunications or broadband equipment should pay due regard to their surroundings through sympathetic design, particularly in sensitive townscapes and landscapes. The principles of Policies DM44 and DM46 will apply in relation to the impacts on the natural environment and Policies DM37, DM38 and DM39 in relation to the historic environment.

15.22 The use of telecommunications equipment, such as mobile phones and the internet, have become essential parts of modern everyday life. Whilst strong network availability exists within many areas of the district, many communities, both urban and rural, suffer from poor access to mobile phone networks and internet broadband. **Challenges to this network have become increasingly apparent through the COVID 19 Pandemic which places an increased emphasis on the importance of a good broadband network to allow people to work, learn and communicate with friends and family.** ~~To encourage growth and improvement to the telecommunications network and access to the internet the Council will support, in principle, proposals for infrastructure required to facilitate such growth which is not covered by the prior approval process.~~

**New paragraph 66**

The Council have published a 'Digital Strategy' which is seeking to work with partners to secure a stronger network across all parts of the district – both urban and rural. The vision of the strategy is to make Lancaster District a:

- **Smart District** through the provision of world class connectivity, creating a 'Gigabyte Region' with full fibre network and the establishment of 5G.
- **Green District**, striving to address the Climate Emergency by using technology to reduce carbon emissions.
- **Health District**, working with the Health Innovation Centre and NHS to develop technology for health and promote healthier lifestyles.
- **Clean District**, using digital technology to improve emptying bins, improving air quality and provide residents with easy ways to report issues with public realm.
- **Fair District**, using technology to better understand the needs of its residents, improve community engagement, address exclusion and deliver community wealth and social value.

**New paragraph 67**

To assist in supporting the ambitions of the Digital Strategy, the Council will encourage new development to take forward the visions of the Strategy through new development, both in the creation of new homes and commercial / employment spaces. It will support the principle of new

infrastructure which supports greater connectivity and innovative design concepts which help to realise the ambitions of the strategy.

- ~~15.23 This will particularly be the case in areas of strategic growth where there may be only limited existing coverage which will need significant strengthening. These issues are expected to be fully addressed via any planning application and should be considered in the context of relevant site specific policies in the Strategic Policies & Land Allocations DPD.~~
- 15.24 The Council supports the principle of investing in telecommunications. However, in certain locations, telecommunications equipment may cause significant damage to the visual amenity of the locality and the character of the surrounding landscape. Therefore, the Council will expect proposals to be appropriately sited and designed to minimise the impact on its locality, whether this is to minimise the impact on the landscape or to minimise impacts on a particular building or setting.
- 15.25 In general, it will not be acceptable to position satellite dishes or other telecommunications equipment on the frontage of buildings or other locations where they are highly visible and result in a damaging ~~effect~~ **effect** on the visual amenity of the locality. This will be particularly a consideration in areas of high amenity value, whether this is in a Conservation Area or within a designated landscape area such as an Area of Outstanding Natural Beauty (AONB).
- 15.26 The Council will work positively with all stakeholder groups, whether they are groups from the private sector, public sector or local community groups to improve telecommunication networks throughout the district.

## 16. Transport, Accessibility and Connectivity

- 16.1 Enhancing and promoting transport modes that are more environmentally friendly than the private car is key to the future delivery of accessible and reliable transport networks and reduce the carbon footprint of the district. As made explicit by the **2012** National Planning Policy Framework<sup>79</sup> in paragraphs 29 and 30 state that “the transport system needs to be more balanced in favour of sustainable transport modes” and that “In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.”
- 16.2 The district is strategically positioned on the transport network in terms of the M6, West Coast Mainline and the Port of Heysham. The Local Plan recognises the role that the strategic transport network plays in the district in terms of its benefits to local people, businesses and economic growth. The Council will work with all key partners to ensure that the capacity and operation of the strategic road network is protected.
- 16.3 As described in the Strategic Policies and Land Allocations DPD, there are key constraints in local

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<sup>79</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

transport movements, particularly in relation to local movements in the urban areas of the district. It is therefore important that new development proposals recognise these constraints and where applicable seek opportunities for mitigation. Furthermore, development proposals, in urban areas will be expected to assist in generating a modal shift away from the use of the private car towards more sustainable forms of travel, such as cycling, walking and public transport.

- 16.4 There is a clear direction in terms of the transport and highways improvements that are necessary through the plan period up to 2031. This direction comes from the Lancaster District Highways and Transport Masterplan<sup>80</sup> which has been prepared by Lancashire County Council and was published in October 2016.
- 16.5 A core element of the Masterplan is a switch to more sustainable forms of transport and reducing the need to travel, which are already well established in national and local planning policies. The Local Plan has a key role in helping that core element of the masterplan through the appropriate location of the development in sustainable locations and the provision of sufficient infrastructure to achieve that modal shift away from the private car.
- 16.6 It is therefore clear that local plan policies need to promote and encourage a greater role of transport methods such as cycling, walking and public transport, to reduce the need to use private cars. Planning also has a further function in ensuring that development proposals, particularly those which are likely to generate significant footfall, are located in accessible central locations reducing the need for people to travel, increasing the number of transport modes available, and reducing the reliance on the private car.

#### **Enhancing Accessibility and Transport Linkages**

### **POLICY DM60: ENHANCING ACCESSIBILITY AND TRANSPORT LINKAGES**

The Council will ~~seek to~~ ensure that development proposals, particularly those that will generate significant footfall and motorised vehicle journeys, are located where sustainable travel patterns can be achieved. This will seek to ensure that higher density mixed-use developments are located in accessible centres or in close proximity to main public transport routes.

Proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Development proposals will be supported where they ~~seek to~~:

- I. Make the best use of existing public transport services and, where appropriate provide opportunities for improving and sustaining the viability of those services;
- II. Ensure that there is convenient access for walking, and cycling, **people living with disabilities, and adaptive mobility aid users (such as wheelchairs, mobility scooters,**

<sup>80</sup> <http://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/highways-and-transport-masterplans/lancaster-district-highways-and-transport-masterplan.aspx>

**crutches)** to local amenities, including education, employment and community facilities;

- III. Create buildings and places that are easily accessible for the whole community, particularly those with disabilities;
- IV. Develop an innovative and flexible approach to the delivery of public transport in rural areas of the district;
- V. Include measures that address matters of highway safety to the satisfaction of the local highway authority;
- VI. Ensure that the proposal site can be accessed safely both during the construction and occupation phases of development;
- VII. Make appropriate provision for parking in accordance with Policy DM62 and the car parking standards set out in Appendix E of this document, in terms of both the number of spaces provided and their location in relation to the development, to encourage sustainable travel patterns and avoid congestion and adverse highway safety impacts caused by excessive on-street parking; and
- VIII. ~~Be~~ **Are** designed and located to ensure the provision of safe streets, **prioritise the safety of the most vulnerable road users (such as pedestrians, cyclists, those using adaptive mobility, and children)** and reduce as far as possible the negative impacts of vehicles in accordance with paragraph ~~32~~ **110** of the National Planning Policy Framework. This should address issues such as highway efficiency and excessive volumes of traffic, fumes and noise and also where possible road infrastructure should seek to complement and enhance the landscape and townscape.

Where proposals are not able to achieve this, it must be clearly demonstrated that significant impacts can be addressed through the preparation of a Travel Plan in accordance with Policy DM63.

Development proposals should seek to maximise efficiency and capacity on the existing transport and highway network. Where such capacity is insufficient to accommodate the proposal, the provision of new transport and highway infrastructure will be sought as a priority. Depending on the scale, nature and location of development, new infrastructure, either in whole or in part, will be required to enable the properly phased implementation of the development. Where capacity is insufficient, and inadequate mitigation measures are proposed to remediate this issue, then planning permission is likely to be refused.

- 16.7 Development proposals should seek, through their design, construction and operation phases to address the issues of car parking and safe highway access. Appropriate design features should ensure that congestion around the site is minimised and that a safe highway environment is achieved.
- 16.8 Development proposals that generate significant footfall and traffic should, in accordance within Policy DM63 of this document, prepare a travel plan which sets out the potential implications on local transport networks and linkages, and how any negative impacts will be addressed through mitigation and compensatory measures. Development proposals that the Council believe generate a significant highway impact but fail to address such issues through an appropriate travel plan will not be permitted.

- 16.9 Proposals that generate significant levels of development and which, as a consequence, generates significant levels of new traffic movement, including those greenfield sites which have been allocated through the Strategic Policies and Land Allocations DPD, will be expected to provide or contribute towards necessary improvements to the local transport network.
- 16.10 It is important that development proposals seek early engagement with the responsible highway authorities, including Lancashire County Council and Highways England. With relation to Highways England, proposals should have due regard to their most up to date guidance<sup>81</sup>.

### **Walking and the Pedestrian Environment**

## **POLICY DM61: PRIORITISING WALKING AND CYCLING**

### **Walking**

To protect, maintain and improve the pedestrian environment, the Council will ensure that development proposals:

- I. **Prioritise pedestrians, by maintaining, and where possible improving the existing pedestrian infrastructure in accordance with Policy T2 of the Strategic Policies & Land Allocations DPD, including the Public Rights of Way (PROW) and Green & Blue infrastructure network;**
- II. **Ensure that no adverse impacts are created for the pedestrian environment, particularly in relation to pedestrian safety, and provide appropriate pedestrian access for all sections of the community;**
- III. **Improves the safety and security of the pedestrian environment through the use of appropriate design and lighting.**
- IV. **Ensure that the pedestrian environment is accessible to all including people living with disabilities, those with impaired mobility, and users of adaptive mobility aids.**

Where development proposals affect a Public Right of Way, the Council will expect routes to be retained along existing alignments. Appropriate alternative diversion routes will be considered where it is not feasible or appropriate to retain the existing route, to the satisfaction of Lancashire County Council.

Development that will generate a significant level of footfall should be located within central or highly accessible locations, which provide good access for pedestrians and have due consideration to the criteria set out in (I) to (III) above and any other relevant guidance provided on this matter.

### **Cycling**

To build on the previous success of Lancaster's designation as a 'Cycling Demonstration Town' the Council will ensure that development proposals do not adversely impact on the existing cycling network or cycle users. Development proposals should also encourage

<sup>81</sup> Highways England 'The Strategic Road Network - Planning for the Future: A guide to working with Highways England on Planning Matters' (September 2015)

prioritise cycling movements, (along with pedestrian and adaptive mobility movements), to provide greater opportunities for cycle users through good design, and deliver appropriate cycle access. Proposals should also include appropriate linkages to the existing cycle network and secure and covered cycle parking and storage facilities. **Design of new infrastructure should be of high quality and in accordance with Local Transport Note 1/20 Cycle Infrastructure Design (Section 14).**

Cycling improvements should be **equitably** implemented across all communities **within the District** ~~on the social gradient, but with a particular focus on those lower down the gradient.~~

Non-residential development proposals **are expected to** ~~should also promote~~ **provide** shower changing facilities for staff.

The Council will, ~~where possible~~, support the growth of the local cycling network within the district (as defined in Policy T2 of the Strategic Policies and Land Allocations DPD) to encourage and maintain the growth of cycle usage as a viable and suitable form of transport, and recognise the value of such a network in creating a coherent network of green infrastructure. Support will be given to proposals that seek ~~to enhance and improve delivery or improvement of aspirational routes as well as~~ the existing network, in accordance with the County Council's Cycling and Walking Strategy and Policy T2.

- 16.11 The pedestrian environment and the opportunities for people to access key services on foot are acknowledged to be very important. Civic spaces and public realm should be accessible and inclusive for all pedestrian users. A good pedestrian environment has been recognised to be beneficial to an individual's well-being whilst also bringing economic benefits to town centre locations.
- 16.12 By encouraging a range of uses, particularly key services, within either town or local centres, this policy aims to allow residents and visitors the ability to reach the facilities they require without the need to travel long distances. This could be equally appropriate in areas of high accessibility with good linkages to a range of transport modes. For many this will involve walking for part of the journey so it is therefore important to ensure that the pedestrian environment is of a high standard.
- 16.13 The Council will seek to promote a safe pedestrian network within the district in accordance with Policy T2 of the Strategic Policies & Land Allocations DPD. A safe network means safety from other road users such as motor vehicles and cyclists. Management of other road users including speed restrictions, sufficient widths, segregation and, where appropriate, well designed crossing facilities which can reduce conflicts between users **will be required. The use of low traffic neighbourhoods should be sought to help minimise through traffic and** Proposals should also seek to create well designed pathways, natural surveillance, appropriate levels of lighting, CCTV and good levels of maintenance can improve actual and perceived security. Such design features will be encouraged within new development.
- 16.14 The Council will seek to protect the established Public Rights of Way (PROW) within the district;

this includes footpaths of local importance but also footpaths of national importance, including the English Coastal Path Route. Development proposals that affect recognised Public Rights of Way should, in the first instance, seek to incorporate existing routes satisfactorily within the proposal. Where this is demonstrated to not be possible the Council will expect proposals to provide adequate alternative arrangements through the appropriate diversion of existing routes.

- 16.15 The Council is not the highway authority for the district, this is the role of Lancashire County Council. [The Council is working closely with the County Council on the development of a Local Cycling and Walking Infrastructure Plan \(LCWIP\). The LCWIP sets out the Highways Authorities priorities for interventions over the short/medium term across the district. Its primary concern is to encourage modal shift and inevitably has a focus on the main urban areas of the district. The Council will work in partnership with key stakeholders, particularly Lancashire County Council, to identify areas for improvement and to improve the pedestrian environment within the district.](#)

#### [Cycling and Cycle Networks](#)

- 16.16 There is a high level of cycle use within the district which has grown through the success of Lancaster as a 'Cycle Demonstration Town'. Cycling is seen by many as a sustainable and economic form of transport for local trips and leisure uses. There is further potential growth in cycle use as an alternative to the private car for shorter journeys in the district, particularly around the urban areas of Lancaster, Morecambe, Carnforth and Heysham.
- 16.17 There is already a strong network of cycle routes within the district, which is are used and provides sustainable linkages between urban centres. These are not just local linkages, but they also link in with the National Cycle network, which include the Way of the Roses and the Morecambe Bay cycle route. ~~Therefore, opportunities exist to encourage the growth of cycle use at a local level, but also as an opportunity to attract visitors into the district.~~ [The wider benefits of an attractive cycling/walking network is recognised and should be encouraged, most notably in terms of supporting the tourist economy as well as improving health and increasing biodiversity.](#) The Council will look to support increased usage of cycling and walking through the implementation of ~~the Lancashire Cycling and Walking Strategy and Policy T2 of the Strategic Policies & Land Allocations DPD~~ [and the emerging LCWIP.](#)
- 16.18 The Council will seek to ensure that development proposals protect and link in with the existing cycle network but also, where appropriate, contribute to the improvement and extension of these networks. The Council will work with relevant partners to ensure that the standard of cycle networks are improved, maintained and expanded where possible, including projects such as the Morecambe Bay Cycle Route [and the Lune Valley Greenway.](#)

#### [New paragraph 68](#)

[Facilities for cyclists are important as well as developing the network itself, in terms of encouraging higher levels of use. The provision of showers in non-residential development is important in encouraging commuting by cycle and this is expected on proposals where there are 5 staff or more.](#)

- 16.19 Cycle and footpath networks not only provide an important sustainable transport alternative, but also provide an important component of the local green infrastructure network, providing

green corridors through urban areas. Therefore, the Council will seek to protect their integrity and the benefits they provide to the natural environment.

#### New paragraph 69

Section 14 of the LTN1/20 sets out the basic principles and objectives for new infrastructure in development proposals. Infrastructure should be made up of the following elements:-

- Dedicated space for cycling
- Quiet mixed traffic streets
- Traffic free routes
- Junctions treatments and crossings
- Cycle parking

~~16.20 Development proposals should not only consider the linkages with the surrounding cycle network, but also through their design, encourage cycling through the layout and orientation of buildings, ensuring that facilities for cycling, such as parking and storage are fully considered as part of the proposal.~~

#### Vehicle Parking Provision

### **POLICY DM62: VEHICLE PARKING PROVISION AND ELECTRIC VEHICLE CHARGING POINTS**

#### **Car Parking Provision**

In relation to the provision of car parking, development proposals will be considered acceptable where:

- I. The design of the proposal incorporates provision of car and cycle parking that accords with the levels and layout requirements set out in Appendix E of this document;
- II. The minimum levels of car parking for people with impaired mobility as set out in Appendix E are achieved; and
- III. Parking facilities are shared where location and patterns of use permit.

Where garage provision is to be provided, these should be of a sufficient size to be genuinely used by a car and should include an internal space of at least 6 metres long by 3 metres wide.

Car free development, or development proposed which incorporates very limited car parking provision, will ~~only~~ be considered acceptable in appropriate locations where there is clear justification for the level of provision proposed. Proposals should give consideration to the current and proposed availability of alternative transport modes, highway safety, servicing requirements, the need of potential users and the amenity of occupiers of nearby properties and other parking facilities.

Acceptable locations include:

- **Lancaster City Centre;**
- **Morecambe Town Centre; and**

- **Carnforth Town Centre.**

**Electric Vehicle Charging Points**

All new development and changes of use with associated car parking shall provide, as a minimum:

1. One charging unit for each dwelling with an associated space.
2. 20% of communal parking spaces to be provided with standalone chargers. Ducting/cabling/supply capacity must also be provided/ensured for all parking spaces.

Electric vehicle charging infrastructure should be designed to respect the character of the surrounding built environment, streetscape, and public realm. Particular regard should be given to the impact upon the historic environment and associated planning policies. Charging infrastructure must also be accessible to drivers with disabilities, including those using a wheelchair or walking frame.

Wherever possible, electricity provision should be provided through renewable and/or low carbon energy generated on site.

Further detail is provided within the Promotion of Electric Vehicles and Associated Charging Infrastructure Supplementary Planning Document.

**Cycle and Mobility Scooter Parking Provision**

Adequate and secure vehicle and cycle and mobility scooter parking facilities should be provided to serve the needs of the proposed development. Such facilities should be well designed and convenient to use. The level of provision should be in accordance with Appendix E and their design should be in accordance with the guidance set out in Local Transport Note 1/20 Cycle infrastructure and Design. Where applicable, mobility scooter parking should be provided as set out in Appendix E.

- 16.21 Development should provide adequate car parking to ensure that excessive levels of on-street parking are avoided, which could reduce highway efficiency, highway safety and adversely affect local amenity. Standards for vehicle and cycle parking are set out in Appendix E of this document.

**New paragraph 70**

Car free development or proposals with limited parking provision will be considered appropriate where alternative transport modes can be shown to be available. Close proximity to transport hubs such as in urban centres may be considered appropriate locations, as would proposals within the South Lancaster Area Action Plan, where high levels of public transport are expected to come forward.

- 16.22 The level of car parking provision in non-residential development varies significantly according to the nature of the proposed use. Flexibility is required to reflect the availability of non-car alternatives that may influence the requirement of car parking spaces. In areas where alternative travel choices are available careful consideration of the availability of car parking spaces can help reduce car usage, particularly where this is combined with effective travel

planning. However, it is important to ensure that adequate parking provision for people with impaired mobility is provided in convenient locations **including those with mobility scooters**.

16.23 For proposals that will generate visitor trips (this can be either residential or commercial uses), it should be demonstrated that an appropriate number of visitor spaces are provided over and above the standards set out in Appendix E.

16.24 Encouraging the shared use of car parking spaces, by taking advantage of activities where the peak demands do not coincide, can reduce the overall number of spaces required. This in turn reduces the amount of land used. However, conflict between peoples demand for residential parking and town centre parking prohibits the reliance on using public car parks for residential parking, due to the potential adverse impact on the availability of town centre parking for town centre users.

#### New paragraph 71

The City Council seeks to support the use of sustainable forms of transport, which includes the use of electric vehicles. In order to support the use of such vehicles the necessary infrastructure will need to be put in place to support their use. The City Council will support proposals which seek to deliver opportunities for the use of electric vehicles. When applying this policy 'an associated space' is defined as 'a space made available or allocated to accommodate a vehicle for that dwelling as part of the development proposal'. To further assist with the implementation of this the Council is preparing an SPD which provides further guidance on the 'Promotion of Electric Vehicles and Associated Charging Infrastructure'. As highlighted in policy DM62, design is an important consideration. Electric vehicle charging infrastructure must be accessible to drivers with disabilities, including those using a wheelchair or walking frame, to ensure charge points can be used by all drivers. To help facilitate this, the Government are developing accessibility standards for electric vehicle charging infrastructure to provide guidance on how to make individual charge points more accessible by Summer 2022.

#### New paragraph 72

The environment within which electric vehicle charging infrastructure is located must also be carefully considered. The provision of electric vehicle charging infrastructure as part of a new development must be designed to respect the character and appearance of the surrounding built environment, streetscape, public realm and civic space. The district is home to over 1300 Listed Buildings and 38 Conservation Areas. In relation specifically to the historic environment, permitted development rights for the installation of an EV charging outlet are removed if the chargers are:

- Within a site designated as a Scheduled Monument; and/or
- Within the curtilage of a Listed Building.

#### New paragraph 73

Under the provisions set out in the Town and Country Planning (General Permitted Development) Order 2015 (Article 4) the Council can remove or restrict the permitted development rights in relation to a specific site or area. These can be used to preserve features of historic interest in a Conservation Area, and so within the Lancaster District the following Conservation Areas have Article 4 Directions:

- Bath Mill
- Lancaster
- Glasson Dock

- Heysham
- Westfield Memorial Village
- Morecambe

Development proposals which have the potential to affect the historic environment must be in accordance with the relevant policies set out in Chapter 10.

#### New paragraph 74

The need for modal shift and the recent Government guidance on cycling infrastructure (LTN 1/20) demonstrate that requirements for the level and quality of cycle parking in new development are increasing. Appendix E sets out minimum levels of provision for different development types and reflects the standards set out in LTN1/20 (Section 11). The design of cycle storage provision is important and should be well located and convenient to use for all users, including those with non-standard cycles, and adhere to the design guidance within LTN 1/20 (Section 11) or any subsequent Government guidance.

#### Transport Efficiency and Travel Plans

### **POLICY DM63: TRANSPORT EFFICIENCY AND TRAVEL PLANS**

The Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Development proposals should make appropriate contributions (having due regard to cost-effectiveness) to improve the transport network and transport infrastructure, particularly to facilitate walking, cycling and public transport (bus and rail) to encourage the use of alternative forms of transport from the private car **in order to assist in reducing carbon emissions and addressing the Climate Emergency declaration.**

Proposals that would generate a high number of trips or visits, or generate significant traffic movements on the local highway network should be located in a sustainable location which can be accessed through a variety of transport modes. Proposals should not give rise to traffic volumes that exceed the capacity of the local road network without mitigation measures being agreed, nor cause harm to the character of the surrounding area.

To demonstrate the likely impacts of a development proposal a 'Transport Assessment' or 'Transport Statement' may be required. This requirement will be dependent on the size, nature, scale, location and potential impact of the proposal. The requirement for such an assessment or statement is set out in the Council's Planning Application Validation Guide.

The 'Travel Plan' will also be required where the development involves significant residential, commercial or employment development or non-residential institutions including schools, colleges, universities and hospitals.

**Development proposals will be supported where a Travel Plan can demonstrate that **modal shift is being prioritised**, that appropriate mitigation measures can be achieved, and a clear approach is identified to deliver such measures.**

- 16.25 All development introduces a level of change to the surrounding environment, and new development will need to be integrated into the local transport network so that the district will be able to accommodate growth in a sustainable manner. For larger developments, both a transport statement and Travel Plan will be required so that the transport impacts of development proposals are identified and addressed.
- 16.26 Transport assessments are required to assess the impact of development proposals on transport infrastructure, including the capacity of roads, public transport, footfall at rail stations, walking and cycling infrastructure. They are required to present qualitative and quantitative information about the anticipated transport and related environmental impacts before, during and after the implementation of the proposed development. This should include details of accessibility of the site by all transport modes to all users, including those with specialist requirements.
- 16.27 For major development, applicants will be required to demonstrate that the transport assessment has informed the design of the proposed development and the accompanying travel plan. Effective transport management should be identified, including appropriate mitigation of the impacts. The mitigation identified may need to be addressed through a range of measures, including planning obligations, s278 works and/or a travel plan.
- 16.28 Travel Plans are a key management tool for implementing any transport solutions highlighted as a mitigation measure, and are one of the primary tools for mitigating the negative transport impacts of any development proposal. Travel Plans are required to detail the developer's response to any transport issues highlighted in the development proposal and to deliver sustainable transport objectives with a package of measures to promote sustainable transport. This includes measures to achieve a modal shift to the most sustainable forms of transport, such as walking and cycling, and improvements in air quality.
- 16.29 A Travel Plan will be a requirement for all large development proposals or proposals that are expected to have a significant impact on the local transport networks. Such a plan should be based on the Department for Transport's guidance on Transport Assessments and look at linkages with rail and bus services, pedestrian and cycling networks. The Travel Plan will be required to set out the ongoing management arrangements to deliver the outcomes of the Travel Plan, a monitoring schedule and an outline of the approach taken to monitoring and reviewing - which is an essential component of a travel plan.

#### **Lancaster District Highways and Transport Masterplan**

## **POLICY DM64: LANCASTER DISTRICT HIGHWAYS AND TRANSPORT MASTERPLAN**

Lancashire County Council has published a Highways and Transport Masterplan for Lancaster District, which sets out a range of strategic transport interventions to address existing transport issues within the district and will seek to improve the network in light of strategic growth proposals within the district. Key issues that are addressed in the Masterplan include:

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

Proposals which by their scale, location and nature, compromise the delivery of strategic highway and transport improvements in the district, as outlined in the Highways and Transport Masterplan, will not be supported.

Where appropriate, the Council ~~may seek~~ **will require** contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy.

Schemes that seek to address the above issues will form important elements of the Infrastructure Delivery Plan (IDP) and will be critical to the delivery of major development sites. These are addressed in more detail within Policies SG3, SG8 and SG10 of this DPD.

#### New paragraph 75

Lancaster City Council define modal shift as the change in travel behaviour from journeys made by private motor car to sustainable modes of transport (public transport, walking and cycling) through the delivery of measures set out in the County Council's Lancaster Highways and Transport Masterplan.

16.30 Lancashire County Council adopted and published the Lancaster District Transport and Highways Masterplan<sup>82</sup> in October 2016, which sets out a range of strategic transport interventions that address existing transport issues within the district. These include improvements to both the road network and also to opportunities to access more sustainable forms of public transport, cycling and walking.

16.31 The Highways and Transport Masterplan not only identifies improvements to address existing issues but also seeks to plan forward for strategic growth arising out of the local development plan. The preparation of the Highways and Transport Masterplan has been closely aligned with

<sup>82</sup> <http://www.lancashire.gov.uk/council/strategies-policies-plans/roads-parking-and-travel/highways-and-transport-masterplans/lancaster-district-highways-and-transport-masterplan.aspx>

the preparation of the local development plan, particularly in relation to the assessment of the suitability of strategic areas of growth.

- 16.32 Lancaster City Council has been fully involved in the preparation of the Highways and Transport Masterplan with the final masterplan fully complimenting the proposals that are set out within this local development plan. The City and County Councils will continue to work together in order to investigate and implement the interventions identified in the Highways and Transport Masterplan. [A new, updated Highways and Transport Masterplan is anticipated to be published by Lancashire County Council within 2021, however, work on this has been delayed due to the Covid-19 pandemic.](#)

## 17. Planning Enforcement

- 17.1 Paragraph 207 of the [2012 National Planning Policy Framework](#)<sup>83</sup> states that the effective enforcement of planning controls is important as a means of maintaining public confidence in the planning system. National planning guidance recommends that Council's should consider publishing a local enforcement plan to manage enforcement in a pro-active manner, in a way that is suitable to the local area.

### **POLICY DM65: THE ENFORCEMENT OF PLANNING CONTROLS**

**Where a breach of planning control has taken place, the Council will take enforcement action where necessary that is proportionate to the breach, in accordance with paragraph 207 of the [2012 National Planning Policy Framework](#).**

**Where a breach causes harm in planning terms and it is expedient to take enforcement action the Council will select the appropriate level of action to be taken to remedy the breach. In cases where the breach is severe and planning permission would not be retrospectively granted, action will seek to remove the breach. In other cases where a remedy can be achieved by corrective action, regulation through a retrospective planning application or under enforcement will be pursued.**

**Enforcement action will not be taken against trivial or technical breaches of planning control that cause no harm to the amenity or prejudice the aims and objectives of the Council.**

**Further guidance on planning enforcement matters can be found in the Council's '*Planning Enforcement Charter*', which was adopted in December 2011.**

- 17.2 The Council adopted its own local enforcement plan, the Planning Enforcement Charter<sup>84</sup> in

<sup>83</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>84</sup> <http://www.lancaster.gov.uk/planning/planning-enforcement>

December 2011, which provides information regarding the role of enforcement within the planning system and general advice relating to breaches in planning control, the issue of expediency and the penalties for failing to comply with formal notices issued by the Council. Procedures for making complaints about a possible breach of planning control are contained within the Charter. Complainants will be asked to provide specific details regarding the location, nature and reason for making their complaint.

## **POLICY DM66: ENFORCEMENT ACTION AGAINST UNTIDY SITES AND BUILDINGS**

The Council will continuously act to improve the amenities of its area. To compliment public sector improvements in urban areas and the management of the district's high quality rural areas the Council will take proactive action by the use of Section 215 Notices of the Town and Country Planning Act 1990. This will require the owners of untidy land or buildings to remedy the situation by setting out steps that need to be taken within a certain timescale, where it is considered that its condition adversely affects the amenity of the area.

The Council's adopted local enforcement plan, the '*Planning Enforcement Charter*' (2011) contains further information regarding proactive, targeted action within the district.

## **Appendix A: Glossary of Terms**

- A.1 This Glossary provides terms and references that will be relevant whilst reading this document. The terms included within this Glossary supplement the definitions that are found within Annex 2 of the National Planning Policy Framework and other relevant National Planning Documents. The Glossary below does not seek to repeat or contradict terms described within the Framework and therefore this Glossary should be read in conjunction with the Framework and other relevant National Guidance.

Term	Definition
<b>Adoption</b>	The point at which the final version of the Plan document is formally agreed and comes into use by the Council for planning purposes.
<b>Affordable Housing</b>	Housing that is made available to households who cannot afford to access housing (either for rent or intermediate sale) on the open market. Currently defined by Annex 2 of the National Planning Policy Framework and <a href="#">First Homes as defined by the Planning Practice Guidance</a> .
<b>Air Quality Management Area (AQMA)</b>	Areas that suffer from significant levels of air pollution, which are primarily found within town centre locations or industrial areas. To counter issues of poor air quality, management plans are prepared by the Council to address these issues and lower pollution levels. In Lancaster District there are three AQMAs in Lancaster City Centre, Galgate and Central Carnforth where the main sources of air pollution arise from high traffic levels and congestion.
<b>Amenity</b>	Are positive element(s) that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationships between them, or less tangible factors, such as tranquillity, can all be considered as an amenity asset.
<b>Authority Monitoring Report (AMR)</b>	Is a document produced on an annual basis to report on the progress in the preparation of Local Plan Documents and monitor how successful the implementation of policies has been.
<b>Appropriate Assessment</b>	Under the Habitats Directive (92/43/EEC) Appropriate Assessment is required for any plan or project which either alone or in combination with other plans or projects, would be likely to have a significant effect on a European Site, or is not directly connected with the management of the site for nature conservation.
<b>Area Action Plan (AAP)</b>	Is a Development Plan Document that relates to a specific area or place. The Council has prepared an AAP that relates to the regeneration of Central Morecambe.
<b>Area of Outstanding Natural Beauty (AONB)</b>	Areas that which have been designated and protected because of their National landscape importance and environmental importance. There are two AONB's in the district at Arnside & Silverdale and the Forest of Bowland.
<b>BRE Environmental Assessment Method (BREEAM)</b>	A voluntary measurement rating for green buildings that was established in this country by the Building Research Establishment (BRE).
<b>Biodiversity</b>	The whole variety of life on earth. It includes all species of plants and animals and the ecosystems and habitats they are part of.
<b>Biodiversity Offsetting</b>	These are conservation activities that are designed to deliver biodiversity benefits in compensation for losses, in a measurable way.
<b>Biological Heritage Site (BHS)</b>	A County-level designation that identifies valuable local habitats such as ancient woodland, species rich grassland and peat bogs. Many of these sites provide habitats for rare and threatened species of plants and animals.
<b>Brownfield</b>	See the definition of Previously Developed Land (PDL) as set out in Annex 2 of the Framework.
<b>Built Up Area</b>	Land/buildings within the named Regional Centre, Key Service Centres, Market Town and Sustainable Rural Settlements and Rural Villages as specified in the Strategic Policies & Land Allocations DPD Policy SP2 and the Local Service Centres and Small Villages within the Arnside and Silverdale AONB, as set out in Policy AS01

Term	Definition
	of the Arnsdale & Silverdale AONB DPD. The non-built up area is any land/buildings outside of the areas as defined above.
<b>Caravan Development</b>	The creation, extension or adaptation of land that is used for the purposes of accommodating both static and/or touring caravans. The legislative definition can also include chalets that are used for temporary periods for leisure uses. This can also include development that is ancillary to the purpose of using caravans, including toilet blocks, laundry and shower blocks and other associated infrastructure.
<b>Catchment Flood Management Plan (CFMP)</b>	Sets out an Action Plan and Strategy for the management of water along a river or wider catchment area. Such Management Plans are prepared by the Environment Agency.
<b>Civic Space</b>	Public spaces located in central accessible locations that can help shape a sense of place and be a focal point for the community.
<b>Communities</b>	A group of socially interacting people. This interaction may be due to the close proximity of where people live (i.e. within neighbourhoods) or groups of people that have the same common interests or values.
<b>Community Facilities</b>	Community facilities are defined as any use which provides a wider benefit to the community in economic, environmental and social terms. Such facilities could, for example, include Public Houses, Local Shops, Post Offices, Village Halls and Community Meeting Spaces.
<b>Community Infrastructure Levy (CIL)</b>	A method where developers contribute financially towards the improvement of physical infrastructure. This levy supplements the financial sums, that maybe requested via s.106 and which make development proposals achievable and deliverable. The levy will include an action plan that will set out priorities and a charging schedule on how money will be collected.
<b>Comparison Retailing</b>	Relates to items that are not purchased on a regular basis. This can include items such as footwear, household and electrical goods.
<b>Concealed Households</b>	Family units or single adults living within 'host' households e.g. a family living in a multi-family household in addition to the primary family, such as a young couple living with parents.
<b>Conservation Areas</b>	Areas of special architectural or historic interest, the character or appearance of which is desirable to preserve or enhance.
<b>Convenience Retailing</b>	Relates to the purchase of everyday essential items, including confectionary, food and drink.
<b>Core Strategy</b>	This is a document which sets out strategic policies within the Local Plan process, providing guidance on future development requirements and policy issues. Lancaster City Council adopted their Core Strategy in 2008.
<b>Cultural Asset</b>	Can be defined as uses such as museums, theatres, live music venues, cinemas, community halls and other public meeting places.
<b>Designated Heritage Asset</b>	A World Heritage Site, Scheduled Ancient Monument, Listed Building, Protected Wreck Site, Registered Park or Garden, Registered Battlefield or Conservation Area designated as such under the relevant legislation.

Term	Definition
<b>Development Plan Documents (DPD)</b>	These are key planning documents prepared by the Council. They are subject to public consultation and public examination. The Strategic Policies & Land Allocations, Development Management, Arnsdale & Silverdale AONB DPD and Morecambe Area Action Plan are all classed as Development Plan Documents.
<b>Enabling Development</b>	Development that may be unacceptable in planning terms but provides an exceptional opportunity for public benefit that justifies it being permitted. Such an example could relate to securing the longer term future of a listed building or other important heritage asset.
<b>Equalities Impact Assessment (EqIA)</b>	An assessment that understands the implications to a cross-section of the district's community from the preparation of a Development Plan Document.
<b>Essential Upland Worker</b>	Workers that play an essential part in maintaining the vitality of upland areas. For example this could include employees of upland estates, doctors, nurses, teachers, bus drivers, and postal workers.
<b>Extra Care Housing</b>	Housing designed with the needs of older people in mind with varying levels of care and support available on-site. People who live in extra care housing have their own self-contained homes and benefit from communal facilities being available. Properties can be rented, owned or part owned / rented.
<b>Flood Risk Assessment (FRA)</b>	Assessments that identify the risks to a site or premises from flooding. These assessments are required for development proposals of a certain size or particular location.
<b>Fuel Poverty</b>	Fuel poverty is determined when a home cannot be heated to a comfortable level by utilising 10% or less of the household's income. This means that choices must be made between warmth and other essentials. Fuel poverty can contribute to excess winter deaths, cold related illnesses, high health care costs and deteriorating housing conditions.
<b>Geological Heritage Site (GHS)</b>	A Lancashire wide designation that identifies valuable local geological and geomorphological sites. GHS are also known as Local Geodiversity Sites (LGS) and formally as Regionally Important Geological Sites (RIGs). Further information can be found at <a href="http://www.geolancashire.org.uk">www.geolancashire.org.uk</a> .
<b>Green Belt</b>	Land that has been protected from development which could constitute urban sprawl by keeping land permanently open. There is one area of Green Belt in the district, separating the urban conurbations of Lancaster and Morecambe to the South and Carnforth to the North.
<b>Greenfield</b>	Land that has not been previously developed, characterised by urban and suburban green spaces, open countryside and agricultural land.
<b>Green and Blue Infrastructure</b>	Green and blue infrastructure is a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services such as water purification, air quality, space for recreation and climate mitigation and adaptation. This network of green (land) and blue (water) spaces can improve environmental conditions and therefore citizens' health and quality of life. It also supports a green economy, creates job opportunities and enhances biodiversity.

Term	Definition
<b>Gypsies and Travellers</b>	Persons of a nomadic habit of life whatever their race, origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
<b>Habitats Regulation Assessment (HRA)</b>	Assesses the impacts of plans or projects on Natura 2000 sites (these are Special Areas of Conservation (SAC) and Special Protection Areas (SPA)). National guidance recommends that Ramsar sites and candidate SPAs and SACs are also afforded the same protection through the Habitats Regulation Assessment process.
<b>Health Impact Assessment (HIA)</b>	An assessment that understands the implications on health arising from the preparation of a development plan policy or allocation.
<b>Heritage Asset</b>	Is defined within Annex 2 of the National Planning Policy Framework and refers to features within the historic environment. Heritage assets can be described as 'designated heritage assets' or 'non-designated heritage assets' (which are defined separately within this glossary).
<b>Houses in Multiple Occupation (HMO)</b>	A property is a HMO if it is let as a main or only home to at least three tenants, who form more than one household and who share a kitchen, bathroom or toilet. A household consists of either a single person or members of the same family who live together, including people who are married or living together, people in same-sex relationships, relatives who are living together and certain live-in domestic staff. An HMO can be an entire house, flat or converted building or a bedsit, shared houses, a household with a lodger, a purpose built HMOs, a hostel, guesthouses, bed and breakfast accommodation for homeless people or types of self-contained flats converted from houses.
<b>Infrastructure</b>	In planning terms the physical structures that are required for a community to operate and be sustainable in the long term. Infrastructure typically refers to matters such as roads, water supply, sewers, electricity and other social elements such as education or health.
<b>Isolated Development</b>	For the purposes of clarity, isolated development is considered to be new development which is poorly related to existing settlement patterns.
<b>Key Services</b>	In a rural context, key services include a Post Office, basic shop, primary school and access to public transport.
<b>Key Workers</b>	Essential public sector workers such as nurses, teachers and social workers.
<b>Landscape Capacity</b>	An approach to planning in the AONBs that allocates and permits development only where it will not harm the primary purpose of the designation, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. This requires an objective assessment of the landscape and visual impact from potential development.
<b>Landscape Character Assessment</b>	An assessment to identify different landscape areas that have a distinct character based on recognisable pattern of elements, including combinations of geology, landform, soils, vegetation, land-use and human settlement.
<b>Large House in Multiple Occupation (HMO)</b>	A large HMO is similar to a HMO but all of the following criteria also apply: <ul style="list-style-type: none"> <li>It's rented to 5 or more people who form more than 1 household</li> </ul>

Term	Definition
	<ul style="list-style-type: none"> <li>• It's at least 3 storeys high</li> <li>• Tenants share toilet, bathroom or kitchen facilities</li> </ul>
<b>Lead Local Flood Authority (LLFA)</b>	The local authority responsible for taking the lead on local flood risk management including surface water management. In Lancaster District this is Lancashire County Council.
<b>Legally Protected Species</b>	European Protected Species that receive protection under the Conservation of Habitats and Species Regulation 2010, in addition to the Wildlife and Countryside Act 1981 (as amended).
<b>Leisure Facilities</b>	Attractions and places that can encourage people from both within and outside the district to visit for recreational purposes. Such attractions can take a variety of forms for example the history of the district and the local natural environment.
<b>Local Housing Need</b>	The housing requirements of existing and concealed households living within Lancaster District as evidenced in the 2017 Strategic Housing Market Assessment (Part II) and other appropriate evidence based documents such as a Local Housing Needs Survey undertaken by a Parish Council.
<b>Localism</b>	A term used by the Government to encourage local people and communities to take more ownership in local issues. In terms of planning this means providing the opportunity to shape their local area through the preparation of Neighbourhood Plans.
<b>Local Development Document</b>	This is the collective term for Development Plan Documents, including the Core Strategy and Development Plan Documents; this term excludes Supplementary Planning Documents.
<b>Local Development Scheme (LDS)</b>	A document that sets out the Council's programme and timescale for the preparation of Local Development Documents and Supplementary Planning Documents.
<b>Local Plan Policy Map (Proposals Map)</b>	This accompanies the Strategic Policies & Land Allocations DPD and will provide a visual aid to identify where land has been allocated for development, or where land has been protected because of its environmental, social or economic value.
<b>Local Services</b>	These are the range of services that help to enhance the sustainability of an area. In a rural context local services are those other than key services and might include access to healthcare facilities (GP, pharmacy or prescription service) access to education (nursery / crèche or secondary school), local businesses (post office, grocer, butcher, baker, restaurant, café), access to mobility support, community facilities (village hall, meeting house, church hall, public house) and access to recreational facilities.
<b>Local Sources of Flooding</b>	Refers to flooding from sources other than main rivers or coastal flooding. Specifically it refers to flooding from surface water and groundwater, and flooding from ordinary watercourses.
<b>Local Highways and Transport Masterplan</b>	Prepared by the relevant highways authority for the area, in Lancaster District's case this is Lancashire County Council. The Highways and Transport Masterplan sets out how the district transport network will be improved up to 2031.
<b>Local and Neighbourhood Centres</b>	These include a range of small shops serving a small catchment area. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include hot-

Term	Definition
	food takeaway and a laundrette. In rural areas, large villages may perform the role of a local centre.
<b>(Open) Market Housing</b>	Private housing for rent or for sale, where the price is set in the open market.
<b>National Planning Policy Framework (the Framework)</b>	A document that has been prepared by the Government to direct the decision-making and plan-making process in achieving sustainable development and meeting future development needs.
<b>National Planning Practice Guidance (PPG)</b>	A document providing guidance that supplements the content of the National Planning Policy Framework.
<b>Natura 2000 Sites</b>	Are areas that have been specifically protected at a European level for their environmental value.
<b>Neighbourhood Planning</b>	In light of the Localism Agenda, neighbourhood plans can be prepared by local communities, in particular Parish Councils, which can promote development and have a greater say on where development should be located in their communities.
<b>Night-Time Economy</b>	Activities that happen within town centre locations after 5pm (or at the end of the normal working day), such activities will predominantly be leisure orientated and may involve uses such as restaurant, the arts, bars and cafés.
<b>Non-Designated Heritage Asset</b>	These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of historic significance that merits consideration in planning decisions but which are not formally designated heritage assets.
<b>Primary Bus Routes</b>	Bus routes that provide a frequent, regular service along main vehicular roads that connect locations, groups of attractions and arrival points.
<b>Priority Species</b>	Species that are identified as being most threatened and requiring conservation action under the Lancashire Biodiversity Action Plan.
<b>Public Realm</b>	Areas of public space that can contribute to the visual amenity of a locality and can form a meeting space for the community. This can be in urban or rural locations.
<b>Regionally Important Geological Sites (RIGS)</b>	These are locally designated sites that are of importance for their geo-diversity (geology and geomorphology).
<b>Registered Provider of Social Housing</b>	Previously known as Registered Social Landlords. This is the technical name for social landlords that are registered with the Tenant Services Authority. Most are housing associations, but some are trusts, co-operatives and companies that own or manage affordable housing. Also referred to as Registered Providers.
<b>Residential Amenity</b>	Note the general definition of amenity within this Glossary. In relation to residential amenity this can relate to the enjoyment of a residential property and the impacts that development proposals can have on that enjoyment.
<b>Responsible retrofit</b>	<b>Responsible Retrofit delivers reductions in energy use while maintaining or improving the traditional built environment and making a positive contribution to human health. It adopts a Whole-Building approach.</b>

Term	Definition
<b>River Basin Management Plan (RBMP)</b>	Prepared by the Environment Agency, originally published in December 2009 and updated in 2015. These plans describe the river basin and the pressures that the water environment faces. The Management Plan shows what this means for the current state of the water environment in the river basin and what actions will be taken to address these pressures. It sets out what improvements will be possible by 2021 (the end of the management period) or 2027, where more appropriate, and how those actions will make a difference to the local environment.
<b>Rural Enterprise</b>	Enterprises and businesses located in rural parts of the district, including agriculture, horticulture, equine, forestry and marine.
<b>Rural Enterprise Worker</b>	Workers employed full-time or primarily in a rural enterprise.
<b>Rural Exception Site</b>	Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed e.g. where essential to enable the delivery of affordable dwellings without grant funding.
<b>Sequential Test</b>	A planning principle that seeks to identify, allocate or even develop certain types and locations of land before others. For example the development of those sites at least risk of flooding, brownfield sites before greenfield sites, or town centre locations before out-of-centre locations.
<b>Settlement Hierarchy</b>	This is set out in Policy SP2 of the Strategic Policies & Land Allocation DPD. These are settlements that have been categorised in a hierarchy based on the range of services, facilities and employment opportunities in the settlement.
<b>Sheltered Housing</b>	Housing specifically for older and / or people with special accessibility requirements. Includes a block or group of houses with a resident or visiting warden, and individual houses, bungalows and flats that receive support from a mobile warden or pendent (emergency) alarm service.
<b>Sites of Special Scientific Interest (SSSIs)</b>	These are sites that have been recognised for the importance either for their biological, geological or landscape value.
<b>Spatial Planning</b>	A concept that goes beyond traditional land-use planning. It brings together and integrates policies for the development and use of land with other policies and programmes that influence the nature of places and how they function. This will include policies that can impact on land-use. For example, by influencing the demands on or needs for development, but which are not capable of being delivered or achieved solely or mainly through the granting of planning permission and may be delivered through other means.
<b>Stakeholders</b>	Groups, individuals or organisations that may be affected by or have a key interest in a development proposal or planning policy. They may often be experts in their field or represent the view of many people.

Term	Definition
<b>Static Caravans</b>	Caravan units that are sited on land either permanently or semi-permanently, whilst such units are movable and have fixed axles, static units are of sufficient size to ensure that transportation between place to place is problematic and challenging and cannot be undertaken with a private car. The legal definition of a caravan can be found in the Caravan Sites & Control of Development Act 1960 and the Caravan Act 1968 (as amended).
<b>Strategic Housing and Employment Land Availability Assessment (SHELAA)</b>	Previously known as a Strategic Housing Land Availability Assessment, the assessment for Lancaster District was produced in 2009 and last reviewed in 2015. The assessment now also incorporates employment land and has been renamed the Strategic Housing and Employment Land Availability Assessment. The study intended to assess the overall potential for housing and employment development in the area. It identifies and assesses (looking at their suitability, availability and deliverability) specific sites with a development potential over the next 15 years.
<b>Strategic Housing Market Assessment (SHMA)</b>	A study intended to review the existing housing market in the area, consider the nature of future need for market and affordable housing and to inform the development of planning policy. The SHMA for Lancaster District has been produced in two parts, Part I which concerns the overall housing number was produced in 2015 by Turley Associates and Part II which concerns affordable housing and the needs of specific groups which was produced in 2017 by arc4.
<b>Strategic Flood Risk Assessment (SFRA)</b>	An assessment that sets out the risks from flooding within the district, whether from rivers, coast or other water sources. The assessment will be used to ensure that development proposals are fully aware of flood risk issues in a locality. Further assessment work may be required from proposals that are located in areas of higher flood risk which would supplement the work on flood risk assessments. The SFRA for Lancaster District was undertaken in 2017 by JBA and updated in 2021.
<b>Street Furniture</b>	A collective term for objects or pieces of equipment installed on streets and roads for various purposes. Examples of street furniture include benches, bollards, post boxes and litter bins.
<b>Sustainable Development</b>	In broad terms this means development that meets the needs of the present without compromising the ability of future generation to meet their own needs. The Government have set out five guiding principles for sustainable development in its strategy “Securing the Future – UK Government Strategy for Sustainable Development”. The five guiding principles include living within environmental limits, ensuring a strong / healthy and just society, achieving a sustainable economy, promoting good governance and using sound science responsibly.
<b>Sustainable Drainage Systems (SuDS)</b>	Drainage systems that are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharges. A SuDS system, subject to the approval of the Environment Agency and/or the Lead Local Flood Authority and dependent on site-specific constraints, applies to a broad range of drainage solutions which manage rainfall close to where it falls. SuDS systems can be designed to transport, attenuate, evaporate and cleanse water.
<b>Sustainable Settlement</b>	A settlement which having assessed the population characteristics, townscape and landscape of the environment within which it is located, and the availability and accessibility of key services, facilities and employment opportunities is considered to be sustainable and therefore will provide the focus of growth within the district outside the main urban areas (subject in Areas of Outstanding Natural Beauty to the constraints of protected landscapes where a landscape-capacity approach will be taken), contributing to the vitality of the settlement.

Term	Definition
<b>Sustainability Appraisal (SA)</b>	The Planning and Compulsory Purchase Act 2004 requires Local Development Plans to be prepared with a view to contributing to the achievement of sustainable development. A Sustainability Appraisal is a systematic appraisal process used to assess the social, environmental and economic effects of strategies and policies from the outset of the Local Plan preparation process. The SA process ensures that decisions are made in accordance with the principles of sustainable development.
<b>Sustainable Growth</b>	This refers to strategic growth that can be either accommodated with the capacity of existing infrastructure, or includes proposals that will meet any potential gaps in infrastructure capacity. It also refers to growth of settlements that is in proportion to the settlements size and character.
<b>Touring Caravans</b>	A touring caravan unit is a unit that can be towed behind a vehicle and is capable of being unhitched prior to its use for holiday accommodation purposes. Touring caravans also have a purpose in providing facilities for agricultural uses such as 'brew huts'.
<b>Transport Infrastructure</b>	Includes pavements, walking and cycling routes and other walking and cycling infrastructure, public transport, roads, waterways and facilities in relation to all other forms of transport.
<b>Travelling Show people</b>	Members of a group organised for the purposes of holding fairs, circuses or show (whether or not travelling together as such). This includes such persons who, on the grounds of their own family's dependents' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers who are defined separately within this glossary.
<b>Tree Preservation Orders (TPOs)</b>	Designated to protect trees of importance and/or value - whether this importance or value relates to their historical importance, landscape importance or species type. Whilst this designation protects some trees of importance, many other trees that do not have a TPO status remain important features within the landscape or townscape.
<b>Upland</b>	There are significant upland areas which form part of the Forest of Bowland AONB. For the purposes of this document, upland areas are referred to in the context of where there is an estate presence. In Lancaster District these are the Kay Shuttleworth Estate, in the Parish of Leck and the Abbeystead Estate in the Parish of Over Wyresdale.
<b>Visitor Accommodation</b>	Refers to the range of accommodation available to visitors to the district, including hotels, guest houses, bed & breakfast, hostels, self-catering accommodation and the range of static / touring / camping sites within the district.
<b>Water Framework Directive</b>	A European Union Directive that seeks to improve the water quality of both inland and coastal waters.
<b>Whole-Building Approach</b>	The Whole-Building approach means integration and balance of fabric measures such as insulation, draught proofing, glazing, rainwater protection; services such as ventilation, heating, thermostatic controls, renewable energy; and people in regard to how occupants understand, use and maintain their buildings.

# Appendix B: Background Documents for the **Climate Emergency** Review of the Development Management DPD

## General Reference

The National Planning Policy Framework (DCLG 2012 <a href="#">and 2019 and 2021</a> )
The National Planning Practice Guidance (DCLG 2014 <a href="#">and 2021</a> )
The Planning System: General Principles (DCLG 2005)
Local Plan for Lancaster District 2011 – 2031: Strategic Policies and Land Allocations DPD
Local Plan for Lancaster District 2011 – 2031: Development Management DPD (2014)
Local Plan for Lancaster District 2011 – 2031: Morecambe Area Action Plan DPD (2014)
Local Plan for Lancaster District 2011 – 2031: Arnsdale and Silverdale AONB DPD: Publication (2017)
Lancashire County Council Minerals and Waste Local Plan (Lancashire County Council 2013)
Yorkshire Dales National Park Local Plan 2015 – 2030 (National Park Authority 2016)
Local Plan for Lancaster District – Sustainability Appraisal (Arcadis 2017) <a href="#">and (AECOM 2021)</a>
Local Plan for Lancaster District – Habitats Regulation Assessment Screening Report (Arcadis 2017) <a href="#">and (AECOM 2021)</a>

## Chapter 6 – Housing

National Planning Policy Framework (DCLG 2012 <a href="#">and MHCLG 2019 and 2021</a> )
<a href="#">National Planning Practice Guidance (MHCLG 2021)</a>
Housing White Paper: Fixing Our Broken Housing Market (DCLG 2017)
Technical Standards – Nationally Described Space Standards (DCLG 2017)
Lancaster Strategic Housing Market Assessment (Part II) (Arc4 2017)
Strategic Housing and Employment Land Availability Report (Lancaster City Council 2018)
Lancaster District Independent Housing Requirements Study (Turley Associates 2015)
Lancaster Local Plan Viability Study including affordable housing (Lambert Smith Hampton 2017)
Sustainable Settlements Review (Lancaster City Council 2017)
Ministerial Statement on Affordable Housing (DCLG 2014)
<a href="#">Ministerial Statement – Update on Affordable Homes (MHCLG 24 May 2021)</a>
Housing Land Monitoring Report (Lancaster City Council 2017)
Lancaster District Housing Action Plan 2012 – 2017 (Lancaster City Council 2012)
Managing Housing Needs Supplementary Planning Document (Lancaster City Council 2013)
Lancaster Gypsy and Traveller and Travelling Show people Accommodation Assessment (arc4 2017)

## Chapter 7 – Employment and Economic Growth

National Planning Policy Framework (DCLG 2012 <a href="#">and MHCLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MHCLG 2021</a> )
Industrial Strategy (Department for Business, Energy & Industrial Strategy (2017)
Strategic Economic Plan (Lancashire Local Economic Partnership 2014)
Review of Employment Land Position for Lancaster District (Turley Economics 2015)
Prospects & Recommendations for Achieving Economic Potential - Update (Turley Economics 2017)

## **Chapter 8 – Town Centre and Retailing**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2012 <a href="#">and MCHLG 2021</a> )
Planning for Town Centres: A Practice Guide (DCLG 2009)
Lancaster District Retail Review (White Young Green 2016)
Lancaster District Local Centres Review and Retail Impact Assessment (White Young Green 2017)
Town Centre Health-Checks for Lancaster, Morecambe and Carnforth (White Young Green 2014)
Assessment of Commercial Leisure Capacity in Lancaster District (White Young Green 2016)
Shopfronts and Advertisements Supplementary Planning Document (Lancaster City Council 2016)
Lancaster Cultural Heritage Strategy (SQW / Lancaster City Council 2011)

## **Chapter 9 – Leisure and Culture**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
Tourism Strategy Update (Lancaster City Council 2008)
Lancaster Cultural Heritage Strategy (SQW / Lancaster City Council 2011)
Assessment of Commercial Leisure Capacity in Lancaster District (White Young Green 2016)

## **Chapter 10 – Employment and Skills**

Employment and Skills Plans – Supplementary Planning Document (Lancaster City Council 2016)
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## **Chapter 11 – Design of Development**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
River Basin Management Plan for the North West (Environment Agency 2009)
Catchment Flood Management Strategy for the River Lune (Environment Agency 2009)
Catchment Flood Management Strategy for the River Wyre (Environment Agency 2009)
Shoreline Management Plan 2 (North West and North Wales Coastal Group 2011)
Marine Management Strategy for the North West - Marine Management Organisation (2017)
<a href="#">Draft North West Inshore and North West Offshore Marine Plan (2020)</a>
Flood and Water Management Act 2010
Land Drainage Act 2010
The SuDS Manual
Lancashire & Blackpool Local Flood Risk Management Strategy (2014)
<a href="#">Draft Local Flood Risk Management Strategy for Lancashire 2021-2027</a>
Lancaster Strategic Flood Risk Assessment (Level 1) (JBA 2017) <a href="#">(JBA 2021)</a>
Surface Water Drainage and Flood Risk Planning Advisory Note (Lancaster City Council 2015)
Edibles in the Landscape Planning Advisory Note (Lancaster City Council 2015)
Waste and Recycling Planning Advisory Note (Lancaster City Council 2015)
Residential Design Guide Planning Advisory Note (Lancaster City Council 2015)
Electric Charging Points for Vehicles Planning Advisory Note (Lancaster City Council 2015)

## **Chapter 12 – The Historic Environment**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )

The Setting of Heritage Assets (English Heritage 2011)
Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (Historic England 2008)
Historic England's Advice Note 2: Making Changes to Heritage Assets (2017)
Historic England's Advice Note 3: The Setting of Heritage Assets (2015)
Historic England's Advice Note 4: Tall Buildings (2015)
Historic Environmental Record (Lancashire Archaeology Advisory Service)
Historic Towns and Cities in England's Northwest (English Heritage / NWDA 2007)
Lancaster District Cultural Heritage Strategy (SQW / Lancaster City Council 2011)
Lancaster District Local Listing Register (Lancaster City Council)
Conservation Area Appraisals (Various) (Lancaster City Council)
Heritage Assessments (Various) (Lancaster City Council 2017)
<a href="#">Heritage and Carbon Zero (Lancaster City Council 2020)</a>

### **Chapter 13 – The Natural Environment**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
The Natural Choice: Securing the Value of Nature (DEFRA 2011)
Lancashire Biodiversity Action Plan
Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (DEFRA 2011)
Arnsdale & Silverdale AONB Statutory Management Plan (AONB Management Board 2009)
Forest of Bowland AONB Statutory Management Plan (AONB Management Board 2009)
Forest of Bowland AONB Landscape Character Assessment (2009)
Lancaster City Council Tree Policy (2010)
Landscape Strategy for Lancaster – Character Assessment (Lancashire County Council 2000)
Landscape Character Assessment Work for Lancaster District (Woolerton Dodwell 2011)
Refresh to the Open Space, Sport and Recreation Facilities Study (Lancaster City Council 2010)
<a href="#">Green &amp; Blue Infrastructure Strategy (Lancaster City Council 2021)</a>
<a href="#">Lancaster District Open Space Assessment (KKP, April 2018)</a>
<a href="#">Lancaster District Open Space Standards Paper (KKP, November 2018)</a>
<a href="#">Lancaster District Playing Pitch and Outdoor Sports Strategy Assessment Report (KKP, October 2018)</a>
<a href="#">Lancaster District Playing Pitch and Outdoor Sports Strategy Action Plan (KKP, December 2018)</a>

### **Chapter 14 – Development in Rural Areas**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )

### **Chapter 15 – Energy Generation**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
Taking forward the Deployment of Renewable Energy (Lancashire County Council / SQW 2011)
Planning Guidance for Renewable Energy (Lancashire County Council / SQW 2011)
Development of New Renewable Energy and Recycling Industries for Lancaster and Morecambe (Lancaster & Morecambe Vision Board 2006)
Energy Generation & Energy Efficiency Technical Paper (Lancaster City Council 2013)
Forest of Bowland AONB Renewable Energy Position Statement (2011)
<a href="#">Low Carbon Study (Lancaster City Council 2021)</a>
<a href="#">Investigation into the promotion of macro and micro renewable energy generation (Lancaster City</a>

<a href="#">Council 2021)</a>
<a href="#">District Heating Opportunity study (Lancaster City Council 2021)</a>
<a href="#">Energy Efficiency Paper (Lancaster City Council 2021)</a>

## **Chapter 16 – Sustainable Communities**

The National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
The National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
Neighbourhood Plans Roadmap Guide (Locality 2014)
Active Design Guidance (Sport England 2007)

## **Chapter 17 – Infrastructure Delivery**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
Community Infrastructure Levy: An Overview (DCLG 2011)
Community Infrastructure Levy Review (DCLG 2017)
Infrastructure Delivery Plan (Lancaster City Council 2017)
Infrastructure Delivery Schedule (Lancaster City Council 2017)

## **Chapter 18 – Transport, Accessibility and Connectivity**

National Planning Policy Framework (DCLG 2012 <a href="#">and MCHLG 2019 and 2021</a> )
National Planning Practice Guidance (DCLG 2014 <a href="#">and MCHLG 2021</a> )
Lancaster District Highways and Transport Masterplan (Lancashire County Council 2016)
Lancaster & Morecambe Vision Transport Strategy (Faber Maunsell 2008)
Lancashire Walking and Cycling Strategy (Lancashire County Council / Jacobs 2016)
HGV Movement Strategy for Lancaster (Lancashire County Council 2016)
The Strategic Road Network - Planning for the Future (Highways England 2015)
<a href="#">Local Transport Note 1/20 – Cycle Infrastructure design (Department for Transport 2020)</a>
<a href="#">Lancaster District Transport Assessment -critique of existing assessment (Lancaster City Council 2021)</a>
<a href="#">Walking &amp; Cycling Planning Advisory Note (Lancaster City Council 2019)</a>

# **~~Appendix C: Policy Number Changes from the 2014 Development Management DPD~~**

<b>Development Management DPD (2014)</b>	<b>Development Management DPD (2020)</b>
Policy DM1: Town Centre Development	Policy DM16: Town Centre Development
Policy DM2: Retail Frontages	Policy DM17: Retail Frontages

Development Management DPD (2014)	Development Management DPD (2020)
Policy DM3: Public Realm & Civic Spaces	Policy DM26: Public Realm and Civic Spaces
Policy DM4: The Protection of Cultural Assets	Policy DM24: The Creation and Protection of Cultural Assets
Policy DM5: The Evening & Night-time Economy	Policy DM25: The Evening and Night-time Economy
Policy DM6: Advertisements	Policy DM21: Advertisements and Shopfronts
Policy DM7: Economic Development in Rural Areas	Policy DM47: Economic Development in Rural Areas
Policy DM8: The Re-use & Conversion of Rural Buildings	Policy DM49: The Re-use and Conversion of Rural Buildings
Policy DM9: Diversification of the Rural Economy	Policy DM48: Diversification of Agricultural Premises
Policy DM10: Equine Related Development	Policy DM51: Equine Related Development
Policy DM11: Development in the Green Belt	Policy DM50: Development in the Green Belt
Policy DM12: Leisure Facilities & Attractions	Policy DM22: Leisure Facilities and Attractions
Policy DM13: Visitor Accommodation	Policy DM23: Visitor Accommodation
Policy DM14: Caravan Sites, Chalets & Log Cabins	Policy DM52: Holiday Caravans, Chalets, Camping Pods and Log Cabins
Policy DM15: Proposals involving Employment Land & Premises	Policy DM14: Proposals involving Employment Land and Premises
Policy DM16: Small Business Generation	Policy DM15: Small Business Generation
Policy DM17: Renewable Energy Generation	Policy DM53: Renewable and Low Carbon Energy Generation
Policy DM18: Wind Turbines	DELETED
Policy DM19: Upgrades to the National Grid	Policy DM54: Upgrades to the National Grid
Policy DM20: Enhancing Accessibility & Transport Links	Policy DM60: Enhancing Accessibility and Transport Linkages
Policy DM21: Walking & Cycling	Policy DM61: Walking and Cycling
Policy DM22: Vehicle Parking Provision	Policy DM62: Vehicle Parking Provision
Policy DM23: Transport Efficiency and Travel Plans	Policy DM63: Transport Efficiency and Travel Plans
Policy DM24: Telecommunications & Broadband	Policy DM59: Telecommunications and Broadband Improvements
Policy DM25: Green Spaces & Green Corridors	Policy DM43: Green Infrastructure
Policy DM26: Open Space, Sports & Recreation Facilities	Policy DM27: Open Space, Sports and Recreation Facilities
Policy DM27: Protection & Enhancement of Biodiversity	Policy DM44: Protection and Enhancement of Biodiversity
Policy DM28: Development & Landscape Impact	Policy DM46: Development and Landscape Impact
Policy DM29: Protection of Trees, Hedgerows & Woodland	Policy DM45: The Protection of Trees, Hedgerows and Woodland
Policy DM30: Development affecting Listed Buildings	Policy DM37: Development affecting Listed Buildings
Policy DM31: Development affecting Conservation Areas	Policy DM38: Development affecting Conservation Areas
Policy DM32: The Setting of Designated Heritage Assets	Policy DM39: The Setting of Designated Heritage Assets
Policy DM33: Development affecting Non-Designated Heritage Assets or their settings	Policy DM41: Development affecting Non-Heritage Assets or their settings
Policy DM34: Archaeology	Policy DM42: Archaeology
Policy DM35: Key Design Principles	Policy DM29: Key Design Principles
Policy DM36: Sustainable Design	Policy DM30: Sustainable Design
Policy DM37: Air Quality Management & Pollution	Policy DM31: Air Quality Management and Pollution
Policy DM38: Development & Flood Risk	Policy DM33: Development and Flood Risk
Policy DM39: Surface Water Runoff & Sustainable Drainage	Policy DM34: Surface Water Runoff and Sustainable Drainage
Policy DM40: Protecting Water Resources and Infrastructure	Policy DM36: Protecting Water Resources and Infrastructure
Policy DM41: New Residential Dwellings	Policy DM1: New Residential Development and Meeting Housing Needs
	Policy DM2: Housing Standards
	Policy DM3: The Delivery of Affordable Housing
Policy DM42: Managing Rural Housing Growth	Policy DM4: Residential Development outside Main Urban Areas
Policy DM43: Accommodation for Agricultural /Forestry Workers	Policy DM10: Accommodation for Agricultural and Forestry Workers
Policy DM44: Residential Conversions	Policy DM13: Residential Conversions

Development Management DPD (2014)	Development Management DPD (2020)
Policy DM45: Accommodation for Vulnerable Communities	Policy DM8: Accommodation for Older People and Vulnerable Communities
Policy DM46: Accommodation for Students	Policy DM7: Purpose Built Accommodation for Students
Policy DM47: Accommodation for Gypsies, Travellers & Travelling Showpeople	Policy DM9: Accommodation for Gypsies and Travellers and Travelling Showpeople
Policy DM48: Community Infrastructure	Policy DM58: Infrastructure Delivery and Funding
Policy DM49: Local Services	Policy DM56: Protection of Local Services and Community Facilities
Policy DM50: The Enforcement of Planning Controls	Policy DM65: The Enforcement of Planning Controls
Policy DM51: Enforcement Against Untidy Sites & Buildings	Policy DM66: Enforcement Against Untidy Sites and Buildings

Development Management DPD (2020)	Development Management DPD (2014)
Policy DM1: New Residential Development and Meeting Housing Needs	Policy DM41: New Residential Dwellings
Policy DM2: Housing Standards	
Policy DM3: The Delivery of Affordable Housing	
Policy DM4: Residential Development outside Main Urban Areas	Policy DM42: Managing Rural Housing Growth
Policy DM5: Rural Exception Sites	NEW POLICY
Policy DM6: Housing Provision in the Forest of Bowland AONB	NEW POLICY
Policy DM7: Purpose Built Accommodation for Students	Policy DM46: Accommodation for Students
Policy DM8: Accommodation for Older People and Vulnerable Communities	Policy DM45: Accommodation for Vulnerable Communities
Policy DM9: Accommodation for Gypsies, Travellers and Travelling Showpeople	Policy DM47: Accommodation for Gypsies, Travellers and Travelling Showpeople
Policy DM10: Accommodation for Agricultural and Forestry Workers	Policy DM43: Accommodation for Agricultural /Forestry Workers
Policy DM11: Residential Moorings on Lancaster Canal	NEW POLICY
Policy DM12: Self build, Custom Build or Community Led Housing	NEW POLICY
Policy DM13: Residential Conversions	Policy DM44: Residential Conversions
Policy DM14: Proposals involving Employment Land and Premises	Policy DM15: Proposals involving Employment Land & Premises
Policy DM15: Small Business Generation	Policy DM16: Small Business Generation
Policy DM16: Town Centre Development	Policy DM1: Town Centre Development
Policy DM17: Retail Frontages	Policy DM2: Retail Frontages
Policy DM18: Local Centres	NEW POLICY
Policy DM19: Retail Development outside Defined Centres	NEW POLICY
Policy DM20: Hot Food Takeaways and Betting Shops	NEW POLICY
Policy DM21: Advertisements and Shopfronts	Policy DM6: Advertisements
Policy DM22: Leisure Facilities and Attractions	Policy DM12: Leisure Facilities & Attractions
Policy DM23: Visitor Accommodation	Policy DM13: Visitor Accommodation
Policy DM24: The Creation and Protection of Cultural Assets	Policy DM4: The Protection of Cultural Assets
Policy DM25: The Evening and Night-time Economy	Policy DM5: The Evening & Night-time Economy
Policy DM26: Public Realm and Civic Spaces	Policy DM3: Public Realm & Civic Spaces
Policy DM27: Open Space, Sports and Recreation Facilities	Policy DM26: Open Space, Sports & Recreational Facilities
Policy DM28: Employment and Skills Plans	NEW POLICY
Policy DM29: Key Design Principles	Policy DM35: Key Design Principles
Policy DM30: Sustainable Design	Policy DM36: Sustainable Design
Policy DM31: Air Quality Management and Pollution	Policy DM37: Air Quality Management and Pollution
Policy DM32: Contaminated Land	NEW POLICY
Policy DM33: Development and Flood Risk	Policy DM38: Development & Flood Risk
Policy DM34: Surface Water Runoff and Sustainable Drainage	Policy DM39: Surface Water Runoff & Sustainable Drainage

Development Management DPD (2020)	Development Management DPD (2014)
Policy DM35: Water Supply and Waste Water	NEW POLICY
Policy DM36: Protecting Water Resources and Infrastructure	Policy DM40: Protecting Water Resources and Infrastructure
Policy DM37: Development affecting Listed Buildings	Policy DM30: Development affecting Listed Buildings
Policy DM38: Development affecting Conservation Areas	Policy DM31: Development affecting Conservation Areas
Policy DM39: The Setting of Designated Heritage Assets	Policy DM32: The Setting of Designated Heritage Assets
Policy DM40: Registered Parks and Gardens	NEW POLICY
Policy DM41: Development Affecting Non-Heritage Assets or their settings	Policy DM33: Development Affecting Non-Heritage Assets or their settings
Policy DM42: Archaeology	Policy DM34: Archaeology
Policy DM43: Green Infrastructure	Policy DM26: Green Spaces and Green Corridors
Policy DM44: The Protection and Enhancement of Biodiversity	Policy DM27: The Protection & Enhancement of Biodiversity
Policy DM45: Protection of Trees, Hedgerows and Woodland	Policy DM29: Protection of Trees, Hedgerows & Woodland
Policy DM46: Development and Landscape Impact	Policy DM28: Development & Landscape Impact
Policy DM47: Economic Development in Rural Areas	Policy DM7: Economic Development in Rural Areas
Policy DM48: Diversification of the Rural Economy	Policy DM9: Diversification of the Rural Economy
Policy DM49: The Re-Use and Conversion of Rural Buildings	Policy DM8: Re-Use & Conversion of Rural Buildings
Policy DM50: Development in the Green Belt	Policy DM11: Development in the Green Belt
Policy DM51: Equine Related Development	Policy DM10: Equine Related Development
Policy DM52: Holiday Caravans, Chalets, Camping Pods and Log Cabins	Policy DM14: Caravan Sites, Chalets & Log Cabins
Policy DM53: Renewable and Low Carbon Energy Generation	Policy DM17: Renewable Energy Generation
Policy DM54: Upgrades to the National Grid	Policy DM19: Upgrades to the National Grid
Policy DM55: Neighbourhood Planning	NEW POLICY
Policy DM56: Protection of Local Services and Community Facilities	Policy DM49: Local Services
Policy DM57: Health and Wellbeing	NEW POLICY
Policy DM58: Infrastructure Delivery and Funding	Policy DM48: Community Infrastructure
Policy DM59: Telecommunications and Broadband Improvements	Policy DM24: Telecommunications & Broadband
Policy DM60: Enhancing Accessibility and Transport Linkages	Policy DM20: Enhancing Accessibility & Transport Linkages
Policy DM61: Walking and Cycling	Policy DM21: Walking & Cycling
Policy DM62: Vehicle Parking Provision	Policy DM22: Vehicle Parking Provision
Policy DM63: Transport Efficiency and Travel Plans	Policy DM23: Transport Efficiency and Travel Plans
Policy DM64: Lancaster District Transport and Highways Masterplan	NEW POLICY
Policy DM65: The Enforcement of Planning Controls	Policy DM50: The Enforcement of Planning Controls
Policy DM66: Enforcement Against Untidy Sites and Buildings	Policy DM51: Enforcement Against Untidy Sites & Buildings

## Appendix D: Open Space Standards and Requirements

- D.1 In ~~2015~~ **2019** the Council ~~updated the prepared~~ a Planning Advisory Note<sup>1</sup> (**PAN**) which ~~encourages~~ **encourages** development proposals to have a due regard to a series of standards for the provision of public open space within new development. **The PAN was revised to reflect the findings of the District-wide Open Space Assessment and subsequent Open Space Standards Paper produced by KKP in 2018.** The standards set out were applicable to all proposals for residential development where there was a net increase of 5 or more residential dwellings. Conversions from other uses to residential premises, where development involves a net increase of 5 or more residential dwellings are also asked to give due consideration to the provisions of the advisory note.
- D.2 The Council have now sought to formalise this advice note into formal requirements within this DPD via Policy DM27 to ensure that sufficient and appropriate levels of open space are provided within new residential development which meets the definitions set out above.
- D.3 It is recognised that the viability of development is a material consideration in determining planning applications. Consequently, the Council will allow for negotiation where viability unduly restricts development. Whilst Policies DM27 and DM43 fully support the need for flexibility, development proposals that seek to argue that no open space contribution should be sought due to viability will not be accepted by the Council.
- D.4 ~~The Council will allow exceptions from the above. The Council is keen to see the delivery of both affordable homes and starter homes in the district and so to assist with their delivery, the Council will support a 50% discount on open space standards set out below. This discount relates to both the provision of either on-site or off-site open space requirements.~~
- On-Site Provision of Public Open Space**
- D.5 Open space provides many functions ranging from amenity spaces, outdoor sports facilities and natural green spaces which increase biodiversity and create wildlife corridors. On large development sites, on-site provision is normally expected to mitigate the pressure on existing facilities from the additional population.
- D.6 The thresholds for on-site provision of each type of open space are based on the future population of a development that will generate a sufficient area for a particular type of open space to be provided on-site. In the case of large-scale residential developments it is expected that open space requirements are provided on-site and it is important that this is considered within the preparation of a planning application. Large residential sites will have a critical mass of population and should provide all required types of open space on-site. Where on-site sports pitches are being provided they should be accompanied by appropriate changing rooms and car parking facilities. In the case of large sites, only in exceptional circumstances will off-site provision be considered as an appropriate means of providing open space and therefore any proposals for off-site provision must be robustly justified.

TYPE OF OPEN SPACE	DWELLING NUMBER THRESHOLDS FOR ON-SITE PROVISION
Parks and Gardens	<del>350</del> <b>300</b> DWELLINGS
Accessible Natural Green Space	<del>200</del> <b>100</b> DWELLINGS
Equipped Play Areas (Children up to 12yrs)	<del>35</del> <b>40</b> DWELLINGS
Young Persons Provision	<del>150</del> <b>80</b> DWELLINGS
Amenity Green Space	<del>40</del> <b>25</b> DWELLINGS
Outdoor Sports Facilities	<del>250</del> <b>DWELLINGS</b>
Allotments	<del>500</del> <b>400</b> DWELLINGS

**Table D.1:** Thresholds for the Provision of On-Site Open Space

- D.7 Table D.1 identifies thresholds where residential development will trigger the need for consideration of on-site open space provision. If the development is below the thresholds identified in Table D.1 then a financial contribution in lieu of on-site provision may be the most appropriate method of delivering open space (details of which are provided in Table D.2). **To determine the level of need for playing pitch and outdoor sport provision generated by a proposed development, which could be required either onsite and/or offsite, early engagement with the Council's Public Realm Team should be sought to discuss the requirements to meet the level of demand. The Lancaster District Playing Pitch and Outdoor Sports Strategy and accompanying Action Plan should also be referred to which should be used in conjunction with the Sport England Playing Pitch calculator or future successor calculators/ tools.**
- D.8 To help in the design of on-site open spaces, the Council will refresh its Planning Advisory Note to review and up-date its existing guidance on core design principles that developers should give consideration to at the outset when providing open space.

#### **Off-Site Provision of Public Open Space**

- D.9 There may be circumstances where open space cannot and should not be provided on-site. Such circumstances may be that the development proposal does not exceed the thresholds in table 1 or that the open space cannot be provided on-site due to site constraints but could be provided off-site within a reasonable distance of the development site (off-site provision means land not included within the planning application red-line boundary).
- D.10 Developers will be expected to evaluate the need to include different types of open spaces when designing the layout of their development which should be based on the standards set out within Policy DM27 and this appendix. Where the development involves dwelling numbers below the thresholds set out in Table D.1, but the development comprises 5 or more dwellings then a financial contribution in lieu of on-site provision will normally be the best method of delivering open space.
- D.11 There may be exceptional cases where it would be preferable to focus on the enhancement of an existing area instead of providing new open space on-site. This would be discussed at the pre-application stage with the Council on a case-by-case basis, based on the particular circumstances of the site and the character of the development proposal. Financial contributions will be used to provide or enhance facilities that are within an acceptable distance of the application site. The required thresholds for contributions in lieu of on-site provision are set out in Table D.2.

TYPE OF OPEN SPACE	DWELLING NUMBER THRESHOLDS FOR OFF-SITE PROVISION
Parks and Gardens	RURAL LOCATIONS: ≥ 5 DWELLINGS TO 299 499 DWELLINGS URBAN LOCATIONS: ≥ 10 DWELLINGS TO 299 499 DWELLINGS
Natural and Semi-Natural Green Space	<del>NO CONTRIBUTION IN LIEU OF ON-SITE PROVISION REQUIRED</del> RURAL LOCATIONS: ≥ 5 DWELLINGS TO 99 DWELLINGS URBAN LOCATIONS: ≥ 10 DWELLINGS TO 99 DWELLINGS
Equipped Play Areas (Children up to 12yrs)	RURAL LOCATIONS: ≥ 5 DWELLINGS TO 39 34 DWELLINGS URBAN LOCATIONS: ≥ 10 DWELLINGS TO 39 499 DWELLINGS
Young Persons Play Provision	RURAL LOCATIONS: ≥ 5 10 DWELLINGS TO 79 149 DWELLINGS URBAN LOCATIONS: ≥ 5 DWELLINGS TO 79 499 DWELLINGS
Amenity Green space	<del>NO CONTRIBUTION IN LIEU OF ON-SITE PROVISION IS REQUIRED AS THIS SPACE SHOULD BE PROVIDED ON-SITE</del> RURAL LOCATIONS: ≥ 5 DWELLINGS TO 24 DWELLINGS URBAN LOCATIONS: ≥ 5 DWELLINGS TO 24 DWELLINGS
Outdoor Sports Facilities	<del>RURAL LOCATIONS: &lt;5 DWELLINGS TO 249 DWELLINGS</del> <del>URBAN LOCATIONS: &lt;10 DWELLINGS TO 249 DWELLINGS</del>
Allotments and community gardens	<del>NO CONTRIBUTION IN LIEU OF ON-SITE PROVISION REQUIRED</del> RURAL LOCATIONS: ≥ 50 DWELLINGS TO 399 DWELLINGS URBAN LOCATIONS: ≥ 40 DWELLINGS TO 399 DWELLINGS

**Table D.2:** Thresholds for the Provision of Financial Contributions in Lieu of On-Site Provision

### Financial Contributions in Lieu of On-Site Provision of Open Space

The various financial contributions in lieu of on-site provision are based on the number of dwellings and the occupancy levels of the proposed dwellings as defined below from the 2011 Census figures:

1 BEDROOM = 1.3 persons	4 BEDROOMS = 3.2 persons
2 BEDROOMS = 1.9 persons	5+ BEDROOMS = 3.7 persons
3 BEDROOMS = 2.6 persons	

D.12 The financial sums that are set out in Table D.3 are based on national costings and will be regularly reviewed with the most up-to-date information made available on the Council website. Contributions will be indexed in accordance with the Retail Price Index (RPI) and will be delivered by means of an undertaking or agreement either via the Section 106 process or via the Community Infrastructure Levy process, if applicable.

D.13 The financial costs provided in Table D.3 are based on the **costings set out in Appendix Four of the Open Space Standards Paper produced by KKP** following assumptions:

- Outdoor Sport Facilities; costs based on the Sport England 'Inspired Facilities' 2014-guidelines<sup>85</sup>. One adult pitch to the 'Inspired Facilities' standard estimated at £141,500.
- Equipped play areas for children; the current costs to meet specified guidelines estimated at £75k.
- Young Persons Play Provision; the current costs to meet specified guidelines estimated at £50k.
- Parks and Gardens; based on the cost to purchase and install a signal bench at £600.

<sup>85</sup> <https://www.sportengland.org/funding/inspired-facilities/>

TYPE OF FACILITY	1-BED- DWELLING- COST (£)	2-BED- DWELLING- COST (£)	3-BED- DWELLING- COST (£)	4-BED- DWELLING- COST (£)	5+ BED- DWELLING- COST (£)
OUTDOOR SPORTS FACILITIES	£551.85	£806.55	£1,103.70	£1,358.40	£1,528.20
EQUIPPED PLAY AREAS	N/A	£950	£1,300	£1,600	£1,800
YOUNG PERSONS PLAY PROVISION	N/A	£380	£520	£640	£720
PARKS AND GARDENS	£156	£228	£312	£384	£432

TYPE OF FACILITY	1 BED DWELLING COST (£)	2 BED DWELLING COST (£)	3 BED DWELLING COST (£)	4 BED DWELLING COST (£)	5+ BED DWELLING COST (£)
PARKS AND GARDENS	121.68	177.84	243.36	299.52	336.96
NATURAL AND SEMI-NATURAL GREEN SPACE	720.72	1,053.36	1,441.44	1,774.08	1,995.84
AMENITY GREEN SPACE	88.66	129.58	177.32	218.24	245.52
ALLOTMENT AND COMMUNITY GARDENS	27.30	39.90	54.60	67.20	75.60
CHILDREN'S PLAY	N/A	153.52	210.10	258.56	290.88
YOUNG PEOPLE (DEDICATED)	N/A	58.52	80.08	98.56	110.88

**Table D.3:** The financial contributions towards Public Open Space in Lieu of On-site Provision

In relation to the delivery of playing pitches and outdoor sports facilities, early engagement with the Council's Public Realm Team should be sought to discuss the requirements to meet the level of demand, utilising the Playing Pitch and Outdoor Sports Strategy in conjunction with Sport England Playing Pitch calculator or future successor calculators/tools.

#### **Maintenance Sums, Management and Adoption Standards**

- D.14 There are a number of approaches to maintenance that that Council will support and encourage applicants to consider when delivering on-site open space provision.
- D.15 The Council will seek to encourage developers to consider the transfer of responsibility for the maintenance of an area of open space to a private management entity that will be responsible for the long term maintenance, as well as maintaining public access to the open space facility, provided that the Council are satisfied that the entity is sufficiently well-funded or will be. This is to ensure that the facilities are capable of being managed and maintained to the appropriate standard in perpetuity.
- D.16 Unless the Council or a Parish Council adopts an open space facility, a management plan must be submitted and agreed in writing by the Council to ensure that appropriate maintenance and safety inspection regimes are carried out so the facility remains safe for members of the public to use. [This should be set out as part of the Green and Blue Infrastructure Management and Maintenance Plan, as detailed in policy DM43.](#) Devolved management and community ownership will be encouraged by the Council in appropriate circumstances for community groups, allotment associations or residents groups to take over the management of the open space facility from the developer.
- D.17 Developers will be encouraged, with the assistance of the Council, if required, to engage with

the local community groups to investigate their willingness to take up ownership and maintenance of the open space in question. Should there be a willingness from a community organisation to take up ownership then support will be required to set up a fund management plan that will address the issues of management and maintenance to ensure that the facilities are capable of being managed and maintained to the appropriate standard in perpetuity.

# Appendix E: ~~Car~~ **Vehicle** Parking Standards

The following standards provide a number of spaces required as a maximum **for car parking** and as a minimum **for other vehicle types**.

USE CLASS #	BROAD LAND USE	SPECIFIC LAND USE	A*	B	C	DISABLED PARKING		MOBILITY SCOOTER SPACES**	BICYCLE SPACES**	NON-STANDARD CYCLES (adapted cycles, trailers, tricycles, tandem bikes, cargo bikes etc.)	MOTORCYCLE SPACES	COACHES	
			SPACE CAR PARKING PER GROSS FLOOR AREA (UNLESS OTHERWISE INDICATED)			UP TO 200 BAYS	OVER 200 BAYS					MINIMUM PARKING	MINIMUM DROP-OFF
A1	Shops	Food Retail	1 per 16sqm	1 per 15sqm	1 per 14sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 350sqm (min. 2 spaces)	1 per 140-100 sqm (min. 2)	10% of total cycle parking (min. 2)	1 per 350sqm (min. 2 spaces)	-	-
		Non-Food Retail	1 per 22sqm	1 per 21 sqm	1 per 20sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 500sqm (min. 2 spaces)	1 per 200-100 sqm (min. 2)	10% of total cycle parking (min. 2)	1 per 500sqm (min. 2 spaces)	-	-
		Retail Warehouse	1 per 60sqm	1 per 45 sqm	1 per 40sqm	3 bays or 6% of total	4 bays plus 4% of total	1 (E500sqm (min. 2 spaces)	1 per 200sqm (min.2)	10% of total cycle parking (min. 2)	1 per 500sqm (min. 2 spaces)	-	-
A2	Financial & Profession. Services	Banks, estate agents, Building Societies.	1 per 35sqm	1 per 32sqm	1 per 30sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 500sqm (min. 2 spaces)	1 per 200sqm (min.2)	10% of total cycle parking (min. 2)	1 per 500sqm (min. 2 spaces)	-	-
A3	Restaurants Bars & Cafes	Restaurants cafes, snack bars, fast food takeaways	1 per 8sqm of public floor space	1 per 6sqm of public floor space	1 per 5sqm of public floor space	3 bays or 6% of total	4 bays plus 4% of total	1 per 125sqm (min. 2 spaces)	1 space per 50sqm (min.2)	10% of total cycle parking (min. 2)	1 per 125sqm (min. 2 spaces)	Negotiated on a case-by case basis	Negotiated on a case-by case basis
A4		Public Houses, wine bars, other drinking Establishments	1 per 8sqm of public floor space	1 per 6sqm of public floor space	1 per 5sqm of public floor space	3 bays or 6% of total	4 bays plus 4% of total	1 per 125sqm (min. 2 spaces)	1 space per 50sqm (min.2)	10% of total cycle parking (min. 2)	1 per 125sqm (min. 2 spaces)	Negotiated on a case-by case basis	Negotiated on a case-by case basis
B1	Business	Office, Business Parks, Research & Development	1 per 40sqm	1 per 32sqm	1 per 30sqm	1 per disabled employee plus 2 spaces or 5% of the total	6 plus 2% of the total capacity	1 per 750sqm (min. 2 spaces)	1 per 300sqm (min. 2)	10% of total cycle parking (min. 2)	1 per 750sqm (min. 2 spaces)	-	-

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USE CLASS #	BROAD LAND USE	SPECIFIC LAND USE	A*	B	C	DISABLED PARKING		MOBILITY SCOOTER SPACES**	BICYCLE SPACES**	NON-STANDARD CYCLES (adapted cycles, trailers, tricycles, tandem bikes, cargo bikes etc.)	MOTORCYCLE SPACES	COACHES	
			SPACE CAR PARKING PER GROSS FLOOR AREA (UNLESS OTHERWISE INDICATED)			UP TO 200 BAYS	OVER 200 BAYS					MINIMUM PARKING	MINIMUM DROP-OFF
		Call Centres	1 per 40sqm (starting point to discuss)	1 per 32sqm (starting point to discuss)	1 per 30sqm (starting point to discuss)	1 per disabled employee plus 2 spaces or 5% of the total	6 plus 2% of the total capacity	1 per 750sqm (min. 2 spaces)	1 per 300sqm (min. 2)	10% of total cycle parking (min. 2)	1 per 750sqm (min. 2 spaces)	-	-
B2	General Industry	General Industry	1 per 60sqm	1 per 48sqm	1 per 45sqm	1 per disabled employee plus 2 spaces or 5% of the total	6 plus 2% of the total capacity	1 per 750sqm (min. 2 spaces)	1 per 300sqm (min. 2)	10% of total cycle parking (min. 2)	1 per 750sqm (min. 2 spaces)	-	-
B8	Storage & Distribution	Storage and Distribution	1 per 100sqm	1 per 100sqm	1 per 100sqm	1 per disabled employee plus 2 spaces or 5% of the total	6 plus 2% of the total capacity	1 per 2000sqm (min.2 spaces)	1 per 850sqm (min.2)	10% of total cycle parking (min. 2)	1 per 2000sqm (min.2 spaces)	-	-
C1	Hotels	Hotels, Boarding & Guest-houses	1 per bedroom plus staff parking	1 per bedroom plus staff parking	1 per bedroom plus staff parking	3 bays or 6% of total	4 bays plus 4% of total	1 per 25 guest rooms (min.2)	1 per 40 5 guest rooms (min.2)	10% of total cycle parking (min. 2)	1 per 25 guest rooms (min.2)	Negotiated on a case-by-case basis	1 (Hotels Only)
C2	Resident Institutions	Residential Care Homes, Nursing Homes	1 per 4 beds	1 per 5 beds	1 per 5 beds	3 bays or 6% of total	4 bays plus 4% of total	1 in 10 beds (min. 2 spaces)	1 per 40 20 beds (min.2)	10% of total cycle parking (min. 2)	1 per 100 beds (min. 2 spaces)	-	-
		Sheltered Accommodation	1 per 2 beds	1 per 3 beds	1 per 3 beds	3 bays or 6% of total	4 bays plus 4% of total	1 per 10 beds (min. 2 spaces)	1 per 20 10 beds (min.2)	10% of total cycle parking (min. 2)	1 per 50 beds (min. 2 spaces)	-	-
		Student Accommodation	1 per resident staff and 1 per 10 beds	1 per resident staff and 1 per 5 beds	1 per resident staff and 1 per 5 beds	3 bays or 6% of total	2 bays or 4% of total	1 per 200 beds (min. 2 spaces)	1 per 3- bedroom	10% of total cycle parking (min. 2)	1 per 100 beds (min. 2 spaces)	-	-
C3	Dwelling Houses	1 Bedroom	1 space	1 space	1 space	Negotiated on a case-by-case basis	Negotiated on a case-by-case basis	Case-by-case	Case-by-Case 1 per Dwelling (min. 1)	Case-by-case	-	-	-
		2/3 Bedrooms	2 spaces	2 spaces	2 spaces	Negotiated on a case-by-case basis	Negotiated on a case-by-case basis	Case-by-case	Case-by-Case 2 per Dwelling (min. 2)	-	-	-	-
		4+ Bedrooms	3 spaces	3 spaces	3 spaces			Case-by-case	Case-by-Case 3 per dwelling	Case-by-case	-	-	-

Local Plan for Lancaster District – Part Two: **Climate Emergency** Review of the Development Management DPD

USE CLASS #	BROAD LAND USE	SPECIFIC LAND USE	A*	B	C	DISABLED PARKING		MOBILITY SCOOTER SPACES**	BICYCLE SPACES** *	NON-STANDARD CYCLES (adapted cycles, trailers, tricycles, tandem bikes, cargo bikes etc.)	MOTORCYCLE SPACES	COACHES	
			SPACE CAR PARKING PER GROSS FLOOR AREA (UNLESS OTHERWISE INDICATED)			UP TO 200 BAYS	OVER 200 BAYS					MINIMUM PARKING	MINIMUM DROP-OFF
									(min. 3)				
		Flatted Development	Case-by-Case	Case-by-Case	Case-by-Case			5% of number of flats (min. 2)	Case-by-Case 1 per 1 bedroom flat, 2 per 2-4+ bedroom flat (min. 2)	15% of total cycle parking (min. 2)	-	-	-
D1	Non-Residential Institutions	Clinics and Health Centres	1 per 2 staff plus 4 per consulting room	1 per 2 staff plus 4 per consulting room	1 per 2 staff plus 4 per consulting room	3 bays or 6% of total	4 bays plus 4% of total	1 per 2 consulting rooms (min. 1)	2 per consulting room (min)	10% of total cycle parking (min. 2)	1 per 2 consulting rooms (min)	-	-
		Crèches, Day Nursery, Day Centre	1 per member of staff plus 1 drop off space per 10 children	1 per member of staff plus 1 drop off space per 10 children	1 per member of staff plus 1 drop off space per 10 children	3 bays or 6% of total	4 bays plus 4% of total	Case-by-case (min. 1)	1 per 5 staff plus 1 per 3 students	25% of total cycle parking (min. 2)	1 per 10 staff (min. 2 spaces)	Case-by-Case Case-by-case based on demand for school buses	-
		Schools (Primary & Secondary)	2 per classroom	2 per classroom	2 per classroom	Case-by-Case Case-by-case	Case-by-Case Case-by-case	Case-by-case (min. 1)	1 per 5 staff plus 1 per 3 students	15% of total cycle parking (min. 2)	1 per 10 staff	Case-by-Case Case-by-case	1
		Art Galleries Libraries Museum	1 per 40sqm	1 per 25sqm	1 per 20sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 500sqm (min.2)	1 per 200 50sqm (min.2)	10% of total cycle parking (min. 2)	1 per 500sqm (min.2)	Case-by-Case Case-by-case	1
		Halls & Places of Worship	1 per 10sqm	1 per 6sqm	1 per 5sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 125sqm (min.2)	1 per 50sqm (min.2)	10% of total cycle parking (min. 2)	1 per 125sqm (min.2)	-	-
		Higher & Further Education	1 per 2 staff	1 per 2 staff plus 1 per 15 students	1 per 2 staff plus 1 per 10 students	Case-by-Case Case-by-case (min. 1)	Case-by-Case Case-by-case (min. 1)	Case-by-case (min. 1)	1 per 5 staff plus 1 per 3 students	10% of total cycle parking (min. 2)	1 per 10 staff plus 1 per 10 students	Case-by-Case Case-by-case	1
D2	Assembly & Leisure	Cinemas, bingo, casino, conference centres, music & concert halls	1 per 10 seats	1 per 6 seats	1 per 5 seats	3 bays or 6% of total	4 bays plus 4% of total	1 per 50 seats (min.2 spaces)	1 per 20 seats (min.2)	10% of total cycle parking (min. 2)	1 per 50 seats (min.2 spaces)	Case-by-Case Case-by-case	1

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			SPACE CAR PARKING PER GROSS FLOOR AREA (UNLESS OTHERWISE INDICATED)			UP TO 200 BAYS	OVER 200 BAYS					MINIMUM PARKING	MINIMUM DROP-OFF
		General leisure, dance halls (not nightclubs, swimming baths, skating rinks and gyms)	1 per 25sqm	1 per 23sqm	1 per 22sqm	3 bays or 6% of total	4 bays plus 4% of total	1 per 50 seats (min.2 spaces)	1 per 20 seats (min.2)	10% of total cycle parking (min. 2)	1 per 50 seats (min.2 spaces)	Case-by-Case	1
		Theatres	1 per 10 seats	1 per 6 seats	1 per 5 seats	3 bays or 6% of total	4 bays plus 4% of total	1 per 50 seats (min.2 spaces)	1 per 20 seats (min.2)	10% of total cycle parking (min. 2)	1 per 50 seats (min.2 spaces)	-	1
		Motor car showrooms	1 per 60sqm internal space	1 per 52sqm internal space	1 per 50sqm internal space	3 bays or 6% of total	4 bays plus 4% of total	Minimum of 2 spaces	1 per 5 staff	10% of total cycle parking (min. 2)	Minimum of 2 spaces	-	-
		Petrol Filling Stations	1 space per pump	1 space per pump	1 space per pump	1 space minimum	-	Minimum of 1 spaces	1 per 5 staff	10% of total cycle parking (min. 2)	Minimum of 2 spaces	-	-

**Key: Area A = Town Centre Locations, Area B = Local or Neighbourhood Centres and Area C = All other Areas.**

**Notes:-**

\*In low car developments greater provision for cycle and mobility scooter should be made. This should be done on a case-by-case basis.

\*\*Mobility scooter parking should be co-located with disabled parking or in close proximity to the entrance. Provision falling under C3 should be covered and secure. Where mobility scooter parking falling under C3 cannot be provided at an individual dwelling then a communal facility should be provided which is covered and secure, for example flatted or terraced properties.

\*\*\*Provision for residential cycle parking should be covered and secure. Where cycle parking falling under C3 cannot be provided at an individual dwelling then a communal facility should be provided which is covered and secure, for example flatted or terraced properties. For non-residential cycle parking, provision should include long term facilities for staff that is covered and secure. Guidance on cycle parking design can be found in LTN 1/20 Section 11. [Cycle Infrastructure Design \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/67144/lt_n1_20.pdf)

# Consideration should be given to the changes to the Use Class Order (September 2020), particularly in relation to the application of Class E uses.

# Appendix F: Criteria for Housing Development for Rural Workers

## Background

- F.1 The Council has successfully used Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas to determine the criteria for housing development for use by rural workers. In the absence of new guidance from Central Government following the publication of the National Planning Policy Framework the Council will continue to use these criteria.

## Introduction

- F.2 This appendix provides guidance to applicants on Policy DM10 relating to proposals involving residential accommodation for rural land-based workers, in particular agricultural and forestry workers.
- F.3 The majority of residential planning applications received by the Council propose new homes in locations identified as suitable for housing by the adopted development plan. However, with rural enterprises, any dwelling likely to be sought for use in connection with such an enterprise is likely to be in a rural setting, therefore outside areas allocated for housing. The National Planning Policy Framework seeks to promote sustainable development in rural areas, however requires Council's to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- F.4 The Council acknowledges the needs of rural-based enterprises and will be supportive of those enterprises that have genuine requirements. In order for the Council to establish whether the requirement is genuine, then a rigorous process is applied to proposals for occupational dwellings. This is required to ensure that only necessary development takes place and is concentrated on appropriate enterprises that meet the established criteria.

## Occupational Dwellings

- F.5 In most cases occupational dwellings will be for occupation by workers in rural-based employment. However in some instances there may be justification for dwellings to be occupied by forestry workers where the enterprise requires the intensive nursery production of trees.
- F.6 In addition, there may also be other rural enterprises where occupational dwellings are required and the Council will consider proposals on a case by case basis. In such cases, the enterprise, including any development necessary for its operation, must be considered against the same rigorous policy tests set out within Policy DM10 and satisfy all other relevant Local Plan policy.
- F.7 The Council will not support proposals for occupational dwellings that are unusually large in relation to the needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term. It is the functional need rather than the requirements of the owner or occupier that are relevant in determining the size of dwelling and its curtilage.

## Policy Test: Establishing a Functional Need

- F.8 A functional test is necessary to establish whether it is essential for the proper functioning of the rural-based enterprise for one or more rural workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:
- (i) In case animals or agricultural processes require essential care at short notice; and
  - (ii) To deal quickly with emergencies that could otherwise cause serious loss of crops and products, for example by frost damage or the failure of automatic systems.
- F.9 In cases where the Council is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable of conversion to dwellings have recently been sold separately from the land concerned. Such a sale could constitute evidence of a lack of need.
- F.10 The protection of livestock from theft or injury by intruders may contribute to animal welfare grounds for the need for an agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing and food production, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.

Occupancy Conditions

- F.14 Where planning permission is granted, residential accommodation for agricultural / forestry / rural-based workers will be subject to the following planning conditions:
- 1. Occupancy will be limited to agricultural / forestry / rural based workers only;
  - 2. The removal of specific permitted development rights for development within the curtilage of the dwelling under Part 1 of the Town and Country Planning (General Permitted Development) Order 1995.
- F.15 Occupancy conditions relating to a main farm building or equivalent will not be removed to allow the occupants to relocate to a new agricultural workers dwelling or equivalent.
- F.16 The Council recognises that changes in the scale and character of agricultural / forestry practices over time may affect the longer-term requirement for occupational dwellings for which permission has been granted subject to an occupancy condition. Therefore such dwellings with occupancy conditions attached should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. However, where there remains a local demand for agricultural / rural dwellings the Council would seek to retain the occupational dwelling.
- F.17 The removal of an occupancy condition will only be permitted in exceptional circumstances providing that:
- 1. The applicant can demonstrate there is no longer a long-term need for the occupational dwelling on the particular enterprise on which the dwelling is located; and

2. The applicant can demonstrate that the occupational dwelling has been marketed at a realistic price that takes account of planning conditions, has been marketed within the appropriate media over a period of at least 12 months and that no reasonable offer has been refused, so to demonstrate that there is no demand for the dwelling in the area.

F.18 The removal of occupancy conditions will also be subject to the provisions of Policy DM10 of the Development Management DPD.

Submission Version

## Appendix G: Purpose Built Student Accommodation

- G.1 These criteria have been prepared to ensure that appropriate standards are adopted for all purpose built student accommodation.
- G.2 The minimum space standards set out below will be applied as appropriate, with some areas excluded from the calculations (e.g. areas with limited headroom under 1.5m from the finished floor level, alcoves etc).
- G.3 Each unit of accommodation shall normally compromise no more than six bedrooms.

### **Bedrooms:**

**Bedrooms must be a minimum of 9sqm without an en-suite, or minimum of 11sqm with an en-suite.**

**All bedrooms must demonstrate on plan that the following can be accommodated:**

- Bed (minimum size 2m by 0.9m);
- Desk and chair;
- Wardrobe;
- Chest of drawers (minimum 0.8m wide); and
- Adequate circulation space.

**Bedrooms should accommodate no more than one resident. If the proposal is for accommodation to serve a couple (i.e. postgraduate couple) the minimum space standards for a single bedroom would not apply as additional space would be required. Such bedrooms must demonstrate on plan that the following can be accommodated:**

- Double bed (minimum size of 2m by 1.5m);
- En-suite (minimum 2sqm);
- 2 desks with a chair each;
- 2 Wardrobes;
- 2 Chests of drawers (each with a minimum width of 0.8m);
- Small sitting area for 2 people incorporating 2 'easy' chairs; and
- Adequate circulation space.

### **Kitchens:**

**Kitchens and kitchen / diners must not serve more than six residents. A kitchen and dining area must be provided in each unit of accommodation. If the kitchen and dining areas are to be provided in separate rooms, they should be situated on the same floor as each other (i.e. not separated by changes in levels).**

**All kitchens must demonstrate on plan that the following can be accommodated:**

- Sink;
- Cooker with oven, grill, four hobs and extractor;
- Full height fridge/freezer – one for every three residents;
- Two cupboards per resident (minimum 0.6m wide);
- Adequate work surface for the number of residents; and
- Adequate circulation space.

All dining areas must demonstrate on plan that the following can be accommodated:

- Dining table of an adequate size to accommodate all residents at one sitting; and
- Chairs (one per resident).

If a separate living room is to be provided in addition to the kitchen and dining areas, or as part of these areas, then appropriate space standards should be applied (i.e. if separate, it should be demonstrated that appropriate levels of comfortable seating can be provided to accommodate all residents at one time, if combined then the minimum standards set out above should be increased accordingly). Living rooms should be designed to accommodate no more than 6 people to prevent their size becoming unmanageable in terms of attracting anti-social behaviour.

#### **Bathrooms:**

Bathrooms must be a minimum of 3.7sqm.

All bathrooms must demonstrate on plan that the following can be accommodated:

- Bath and/or shower;
- WC;
- Wash hand basin (should be of an adequate size for personal hygiene purposes including personal washing, cleaning of teeth and shaving);
- Circulation space to allow for changing; and
- Hanging / temporary storage facilities for towels, clothes and toiletries.

There must be at least one bathroom for every three bedrooms. Where possible, a bathroom should be provided on each floor where a bedroom is proposed /exists. Each bathroom must be accessible from a common area (i.e. corridor or hall) and if served by a window the glazing should be obscured.

#### **Amenity:**

All living spaces (kitchens, kitchen/diners, dining rooms, living rooms and bedrooms) must have an adequate level of natural light and adequate outlook (i.e. clear glazed windows with the lowest part of the glazing set at a height no greater than 1.5m from the finished floor level with a separation distance of at least 12m between the window and any wall or structure opposite (or at least 21m if facing windows serving a habitable room)).

Therefore it is very unlikely that living spaces within basements or lower ground floors will be supported.

**Other Issues:**

***Cycle Storage***

Cycle storage should be easily accessible from the street (i.e. if steps/stairs form part of the access they should be easy to negotiate) and ideally should be an integral part of the building. If no rooms are available within the building that meets these requirements then a secured and fully covered storage facility must be provided within a secured external area within the curtilage of the building without having an adverse impact on the street scene). One cycle space should be provided per resident.

***Refuse Storage***

Provision must be made for refuse storage containers to be located on an area of external hard standing with suitable access from the internal space and to the street, without having an adverse impact on the street scene (i.e. discreetly screened). Where no external space is available within the building's curtilage the provision should be made within the building, subject to meeting fire and building regulations and again easy access can be provided to the street for refuse collections (i.e. if steps/stairs form part of the access they should be easy to negotiate).

***Access and Security***

Future residents should feel safe accessing the building and feel safe when residing within it. Therefore access to each self-contained unit should be via a single front door into a common area (i.e. a corridor or hall). All main access points from the street must be secured with appropriate levels of security including lighting, natural surveillance, locks and potentially CCTV.

**Studio Accommodation**

- G.4 Proposals for studio accommodation must be a minimum of 19sqm with an en-suite (for single person occupancy).
- G.5 All studios must demonstrate on plan that the following can be accommodated:
- Bed (minimum size of 2m by 0.9m)
  - Desk and Chair
  - Wardrobe
  - Chest of Drawers (minimum of 0.8m wide)
  - Kitchenette, incorporating an oven, hob, sink, 2 cupboards (or equivalent) and adequate work surface space;
  - Dining surface with seat / stall
  - Adequate circulation space
  - En-suite with a toilet, adequately sized wash basin, shower, circulation space for changing and hanging space for clothes, towels etc.

- G.6 The minimum space standards set out below will be applied as appropriate, with some areas excluded from the calculations (e.g. areas with limited headroom under 1.5m from the finished floor level, alcoves etc).
- G.7 Studios designed for two people sharing must demonstrate on plan that the following can be accommodated:
- Double bed (minimum size of 2m by 1.5m)
  - 2 desks with a chair each
  - 2 wardrobes
  - 2 chests of drawers (minimum width of 0.8m)
  - Kitchenette, incorporating an oven, hob, sink, fridge, 4 cupboards (or equivalent) and adequate work surface space
  - Dining surface for 2 people with seats/stalls
  - Seating area incorporating 2 'easy' chairs
  - Adequate circulation space
  - En-suite with toilet, adequately sized wash basin, shower, circulation space for changing and hanging space for clothes, towels etc.
- G.8 Studios should be set out in such a manner that the space has separate 'zones'. This is to prevent living and sleeping arrangements being inappropriately combined to the detriment of the occupier (for example beds should not be placed in close proximity to kitchenettes).
- G.9 The principal rooms of each flat should have an acceptable outlook. The provision of flats with living rooms whose only outlook is over rear yards or with no view at all is unlikely to be acceptable due to the lack of amenity to future residents.
- G.10 The conversion of any property must be designed to achieve the minimum loss of privacy and amenity for neighbouring residents.

## Appendix H: Flat Conversions

- H.1 The Council will resist the conversion of flats or smaller detached or semi-detached suburban properties that are suitable for single-family occupation. The following standards will be applied to proposals for the conversion of larger properties to residential flats.

### Internal Standards

- H.2 All flats must be fully self-contained with their own kitchen, bathroom and toilet.
- H.3 Rooms within flats must be of adequate size for the purpose proposed. The submission of a drawing indicating sample furniture layouts may be required in some instances. Suggested minimum room sizes are as follows:

Room Function	Sqm	Sqft
Lounge	11.1sqm	120sqft
Main Bedroom	10.2sqm	110sqft
Second Bedroom	4.7sqm	70sqft
Kitchen	5.6sqm	60sqft
Bathroom	3.7sqm	40sqft

- H.4 Where living rooms and kitchens are combined, the room size required will be the total of the sizes set out above for each room. Combined bedrooms and kitchen / living rooms will not be acceptable. Natural daylight is required to kitchen areas.
- H.5 Internal circulation within flats must provide a maximum degree of convenience and safety for occupiers. The inability of property to provide a suitably convenient form of conversion may constitute a reason for refusal of planning permission. To provide adequate living conditions in terms of noise transmission the internal layouts of the proposed flat(s) need to be carefully considered, including their vertical and horizontal arrangements with adjoining residential units.
- H.6 The principal rooms of each flat should have an acceptable outlook. The provision of flats with living rooms whose only outlook is over rear yards or with no view at all is unlikely to be acceptable due to the lack of amenity to future residents.
- H.7 The conversion of any property must be designed to achieve the minimum loss of privacy and amenity for neighbouring residents.

### External Standards

- H.8 In general it is preferable that conversions should be carried out within the existing shell of a building. However, small extensions and alterations will be permitted where these can integrate with the character of the existing building and its surroundings, where the amenities of the adjoining residents are not impaired.
- H.9 A minimum external amenity / drying area of 9.3sqm (100sqft) should be provided for all conversions. The proposed area should be functional in shape and reasonably accessible for the occupant of all units. A condition will be imposed requiring these facilities to be available for all occupants at all times. In mid-terrace situations, developers should consider the use of

basements for rear access, additional storage space, laundry etc.

- H.10 Bin storage areas shall be provided for the occupants of all units. In exceptional circumstances provision may be made at the front of the premises subject to adequate space being available and the provision of satisfactorily designed containers.

Basement Flats

- H.11 Basements are generally considered to be unacceptable for the creation of flats for permanent residential occupation as they have a poor outlook, inadequate natural daylight and can be subject to flooding. There may of course be exceptions where the levels and amount of ground around the property make a basement suitable for conversion and these cases will be dealt with on their merits. The attention of developers is drawn to the comments above regarding the alternative uses of basements in flat conversion proposals.

Car Parking

- H.12 Car parking will be required in accordance with the Council's current standards contained within Policy DM62 and Appendix E of this DPD.
- H.13 Where all other factors are favourable, the lack of car parking will not itself constitute a justification for the refusal of planning permission. There may, however, be areas where the existing problem of on-street car parking and resultant congestion may lead to the refusal of planning permission.
- H.14 A condition will be imposed which requires the car parking spaces to be available for all occupants at all times.

Fire Escapes

- H.15 External fire escapes can be unsightly and often interfere with the outlook and privacy of residents. Whilst it is important that all flat conversions meet appropriate fire precautions, wherever possible the Council will encourage alternative means of escape such as internal lobby doors or emergency doors in party walls.