

**LANCASTER DISTRICT LOCAL PLAN EXAMINATION**

**PROCEDURAL NOTE IN RELATION TO MODIFICATION TO THE  
FOLLOWING POLICIES**

**POLICY H3 – HERITAGE LED HOUSING DEVELOPMENT**

**POLICY DOS1 – BULK ROAD & LAWSON'S QUAY, LANCASTER**

**POLICY EN7 – LOCAL LANDSCAPE DESIGNATIONS**

**POLICY EN10 – GRAB LANE PRESERVED SETTING AREA**

**POLICY DM3 – THE DELIVERY OF AFFORDABLE HOUSING**

**POLICY DM9 – ACCOMMODATION FOR GYPSIES & TRAVELLERS**

**POLICY DM14 – PROPOSALS INVOLVING EMPLOYMENT LAND &  
PREMISES**

## POLICY H3 – HERITAGE LED HOUSING DEVELOPMENT

*Following further consideration the Council believe it would be beneficial, for the purposes of clarity, to make specific reference to land at Stone Row Head in addition to the land at Ridge Lea (Ridge Lea is directly adjacent to the north of the Stone Row Head site) and the University of Cumbria Campus. This policy seeks to encourage the re-use of non-designated heritage assets rather seeking an immediate presumption of demolition. Modified content also reflects agreed changes as set out in the Statement of Common Ground (SoCG) between the City Council and Historic England.*

*The modifications to Policy H3 (and supporting text) are set out below.*

### Policy H3: Heritage Led Housing Development

In the interests of conserving non-designated local heritage assets the ~~City~~ Council will support proposals for residential development at the following locations:

**H3.1** Land at Ridge Lea Hospital, East Lancaster

**H3.2** ~~Land at Stone Row Head, East Lancaster;~~ and

**H3.3** Land at the University of Cumbria Campus, East Lancaster

Development proposals at these sites will be taken forward through a conservation-led approach with a presumption in favour of the retention and conservation of identified heritage assets on site, including their wider setting.

Future proposals will need to be supported by a comprehensive masterplan demonstrating how the heritage assets and their setting will be conserved through the proposal and their future protected and secured. Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.

Proposals which would result in substantial harm to or total loss of the significance of the heritage assets will not be supported. Proposals which result in less than substantial harm or partial loss of the significance of the heritage assets would require a clear and convincing justification.

New development should make a positive contribution to the local character and distinctiveness of the sites with opportunities to draw on the contribution made by the historic environment to the character of the place secured. Development should create a strong sense of place and provide a well-designed and high quality environment for its residents.

Proposals will also need to demonstrate how the site relates to adjacent communities in East Lancaster, having regard to wider residential amenity, highway, cycle and pedestrian connectivity.

#### Land at Ridge Lea Hospital

The site is expected to accommodate around ~~75~~ **70** residential units through the sympathetic conversion of the main hospital building and some sensitive development in the grounds.

Proposals will need to provide a high quality design, layout and use of materials respecting the character and setting of this local heritage asset and its location in East Lancaster. This should include the retention and reinforcement of the existing landscape structure of the site,

including the protection of the surrounding woodland area and tree planting. Sensitive design on the boundaries of the site will be required, recognising the site's role and importance in defining the setting in East Lancaster and its proximity to other sensitive uses.

~~Proposals will also need to demonstrate how the site relates to adjacent communities in East Lancaster having regard to wider residential amenity, highway, cycle and pedestrian connectivity. The provision of a primary vehicle access point onto Quernmore Road will need to be secured.~~

#### Land at Stone Row Head

The site is expected to accommodate 10 residential units through sympathetic conversion of some parts of the existing farmstead buildings and some sensitive development within the immediate setting.

Proposals should be led by an informed understanding of the significance of the farm buildings. This understanding should inform the retention of buildings and/or structures within the site and the sensitive design, siting and heights of buildings within the grounds.

#### University of Cumbria Campus

The site is expected to accommodate around 15 residential units through the sympathetic conversion of the barrack buildings.

Proposals will need to have regard to the relationship of the site with the wider University of Cumbria footprint taking account of the continued operation of the University and the site's interrelationship with the wider environmental and historical assets of the campus. Proposals should have due regard to Policy EC6 of this DPD.

~~Proposals will also need to demonstrate how this site relates to adjacent communities in East Lancaster having regard to wider residential amenity, highway, cycle and pedestrian connectivity.~~ Proposals will be expected to provide a well-designed and high-quality environment for its residents and adjacent communities, complementing existing design practices of the University and its historic past.

*The additional paragraphs are also suggested to be added to the supplementary text of Policy H3 to provide clarify and consistency to the policy.*

#### Stone Row Head

Stone Row Head Farm was acquired in 1908 by the Asylum board and was one of three farms in the early 20<sup>th</sup> Century which supported Lancaster Moor Hospital and provided its patients with an understanding of agricultural work. The farmstead has been altered and extended to the north of the site in the early 20<sup>th</sup> Century.

In the interests of conserving the historic interest of the farmstead, any additional development will need to be sympathetic to the vernacular appearance of these buildings.

## POLICY DOS1 – LAND AT BULK ROAD & LAWSON’S QUAY, LANCASTER

*Policy DOS1 current states that ‘proposals for residential apartments (including student accommodation) on this site will also be supported where they meet appropriate amenity standards and are consistent with all relevant policies within the Local Plan’.*

*After further consideration and considering the submitted policy approach against the most up-to-date evidence the Council believe a modification is required to ensure soundness. 50% of the site is located within Flood Zone 2 and 50% of the site is located within Flood Zone 3 and therefore to ensure consistency with national planning policy the policy should not be seeking to support residential development in this location. Modified content also reflects agreed changes as set out in the Statement of Common Ground (SoCG) between the City Council and Historic England.*

*The modifications to Policy DOS1 are set out below.*

### **Policy DOS1: Land at Bulk Road & Lawson’s Quay, Central Lancaster**

The Council will support the regeneration of this site for a range of development uses, including commercial uses, leisure uses and retail uses where such proposals seek to complement the ongoing regeneration of the neighbouring Canal Corridor North Site (as defined in Policy SG5 of this DPD).

Proposed uses at the Bulk Road & Lawson’s Quay site should not include uses that could be located on an available, sequentially preferable, site that is located either within, or adjacent to the Primary Shopping Area.

~~Proposals for residential apartments (including student accommodation) on this site will also be supported where they meet appropriate amenity standards and are consistent with all relevant policies within the Local Plan.~~

Proposals will be expected to address the following issues:

- I. Proposals should seek to ensure that no adverse impact is created on the surrounding road network, local amenity and highway safety. Proposals that involve a significant increase in traffic movements into the site will need to satisfactorily demonstrate that it will not have any adverse impact on the traffic movements into central Lancaster;
- II. That any proposed uses on the site for employment or commercial purposes do not impact on residential amenity of existing properties on Bulk Road in terms of noise, smell, light or air pollution;
- III. ~~That any proposed use on the site for residential purposes meet appropriate amenity standards in terms of privacy distances, daylight and space standards in accordance with other relevant policies within the Development Management DPD;~~
- IV. The preparation of a Flood Risk Assessment that details how, through design, construction and occupation phases of development proposals will deal with the matter of flood risk, particularly in relation to impacts on the River Lune which is to the north of the site. This should include suitable and appropriate measures which are delivered to the satisfaction of both the Environment Agency and Lead Local Flood Authority;
- V. Appropriate linkages are generated from the site to the city centre, encouraging access to the site by both cycling and walking;

VI. Proposals seek to preserve, or enhance the setting of numerous heritage assets in the immediate vicinity and across the wider townscape of Lancaster. *Proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment for the site.*

Any development proposals for the site should also have due regard to all relevant policies contained within the Local Plan and, in particular the Development Management DPD.

#### Land at Bulk Road & Lawson's Quay, Central Lancaster

The Council has allocated the land at Bulk Road and Lawson's Quay as a development opportunity site as it provides the opportunity to improve the eastern gateway to the city centre and address long-term vacancy issues and dereliction of the site.

Support will be given to the redevelopment of this site for a range of commercial ~~and residential~~ uses, including office / business uses, leisure uses, ~~flatted development (including student accommodation)~~ and some types of retail use provided they do not seek to conflict with the wider aims of the Council to deliver regeneration and growth at the Lancaster Canal Corridor site. It should be demonstrated that any retail uses proposed for this site will compliment and support the retail offer in the city centre, both in terms of the existing offer and the offer proposed via the Canal Corridor Scheme.

Proposals that would undermine the redevelopment and regeneration of the Lancaster Canal ~~Quarter Corridor~~, including proposals for development of comparison retail units (A1 use class), will not be supported and would be more appropriately sited within the Primary Shopping Area of Lancaster, as identified in the Local Plan Policies Map.

Access to the site is achieved from Skerton Bridge, Caton Road and Lancaster's one-way system all of which suffer from serious congestion. Any proposals for this site will therefore be expected to set out clearly how traffic to and from the site will be managed to ensure that there will be no unacceptable impacts on traffic flow and the local highway network and that highway safety is not compromised. Any proposal should have due reference to the aspirations of the Lancaster District Highways and Transport Masterplan and support the implementation of any schemes as set out in Policy DM63 of the Development Management DPD. Proposals should also ensure there is safe access from the city centre for both pedestrians and cyclists.

Any proposed uses on the site should not have a detrimental impact on the local residential amenity of properties on Bulk Road. Proposed uses should not ensure satisfactory amenity in terms of light, odour, noise or air pollution.

## POLICY EN7 – LOCAL LANDSCAPE DESIGNATIONS

*Following discussions at the Examination, in particular Examination Day 5, the Council believe that further clarification should be provided in the supporting text of Policy EN7 which sets out clear definitions for both 'Key Urban Landscapes' and 'Urban Setting Landscapes'.*

*The modifications to the supporting text of Policy EN7 is set out below.*

### **Key Urban Landscapes (KULs)**

*KULs include those areas within the main urban area 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 areas 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 via other policies within the Local Plan. ~~The district contains a number of areas of open land which are of value in their own right but also together with other areas across the district make a fundamental contribution to the character of the main urban areas of the district.~~*

These **KULs** include the grounds of Lancaster Moor Hospital, University of Cumbria, Ripley St. Thomas School ~~and Lancaster University~~, together with Williamsons Park, Quay Meadow and Ryelands Park and the urban coastline between Sandylands and Higher Heysham. Although some development has taken place in these areas, they remain essentially open and contribute to the *townscape of the main urban area* ~~setting of the City~~.

### **Urban Setting Landscapes (USLs)**

Key Urban Landscapes are complemented by a number of large areas of open land on the edge of the main urban areas of the district. These are *peripheral to the built form located on the edge of the main urban area. These 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 either within the landscape or surrounding it* ~~particularly important to the setting of the main urban areas and while not always aesthetic value in their own right provide an important role and function in defining the urban areas.~~

These range from the elevated land to the east ~~and of Lancaster to the~~ open countryside *to the north of Lancaster* ~~between Morecambe and Heysham~~ and land surrounding *Morecambe and* Carnforth. Together these areas provide an important role in maintaining a distinction between the town and the country and in providing a rural backdrop and setting to the urban area.

## POLICY EN10 – GRAB LANE PRESERVED SETTING AREA

*Following discussions at the Examination, in particular Examination Day 5, the Council believe that further text should be provided within Policy EN10 which sets out further clarification over the purposes of the preserved setting areas.*

*The modifications to Policy EN10 is set out below.*

### Policy EN10: Grab Lane Preserved Setting Area

The land surrounding the residential development at Grab Lane has been identified for protection under Policy EN10 of this DPD. The protection is to ensure that the landscape areas remain permanently open and free from future development. The Council has identified two specific areas of protection in order to address the following:

|               |   |
|---------------|---|
| Policy EN10.1 | Land adjacent to Fenham Carr has been protected for a range of open space uses, including informal amenity space and the opportunities to deliver innovative storage solutions for drainage, for instance the creation of balancing ponds and other sympathetic SuDS schemes. <u>It will preserve the immediate rural setting of the Ashton Memorial and Williamson Park, which are designated heritage assets, provided by the valley fields and help protect the Park's setting in closer views north-west from Wyresdale Road and on Fenham Carr Lane.</u> |
| Policy EN10.2 | Land adjacent to the M6 has been protected to maintain a green gap between development and the motorway to protect residential amenity and <u>the wider setting of the Ashton Memorial and Williamson Park. It will preserve the public's visual amenity and appreciation of the designated heritage assets from Newlands Road and the M6.</u> views towards the Ashton Memorial and Williamson Park.   |

## POLICY DM3 – THE DELIVERY OF AFFORDABLE HOUSING

*The Council have put forward proposed modifications to Policy DM3 as part of the Statement of Common Ground Addendum connected to the North Lancaster Strategic Site (HD27). For the purposes of clarity the Council have provided a full version of the policy below which includes both the proposed modifications to Policy DM3 (as per document HD27) and the proposed modifications to the justification text which supports policy DM3.*

### 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

With the exception of ~~Other than in the most exceptional circumstances or for~~ schemes within the West End Masterplan and Morecambe Area Action Plan boundaries, new housing

development must 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:

| <u>Reference Affordable Housing Target by Development Type (Average)</u>  |                          |  |                 |
|---|--------------------------|--|-----------------|
| NUMBER OF DWELLINGS   | LOCATION                 | AFFORDABLE HOUSING   | DELIVERY METHOD |
| 15-plus   | Urban                    | Minimum 30% (Brownfield and Greenfield) up to 40% (Greenfield) | On-site         |
| 11-plus   | Rural (excluding AONB's) | Minimum 30% (Brownfield and Greenfield) up to 40% (Greenfield) | On-site         |
| 11 to 14  | Urban                    | Minimum 20%  | On-site         |
| Developments exceeding 1,000 sqm (Gross Internal Area) and under 11 units   | Urban/Rural              | Minimum 20%  | On-site         |
| Affordable housing requirements within the Arnsdale & Silverdale AONB are identified within the Arnsdale & Silverdale AONB DPD and requirements for Forest of Bowland AONB identified under Policy DM6 of this DPD. |                          |  |                 |

Reference Affordable Housing Target by Development Type

Lancaster and Carnforth and Rural West\*

|                   |                    |                |            |
|-------------------|--------------------|----------------|------------|
| <u>Greenfield</u> | <u>15 and over</u> | <u>On site</u> | <u>30%</u> |
| <u>Greenfield</u> | <u>10-14</u>       | <u>On site</u> | <u>20%</u> |
| <u>Brownfield</u> | <u>10 and over</u> | <u>On site</u> | <u>20%</u> |

Morecambe, Heysham and Overton

|                   |                    |                |            |
|-------------------|--------------------|----------------|------------|
| <u>Greenfield</u> | <u>10 and over</u> | <u>On site</u> | <u>15%</u> |
|-------------------|--------------------|----------------|------------|

Rural East\*\*

|   |                    |                |            |
|---|--------------------|----------------|------------|
| <u>Greenfield</u>   | <u>10 and over</u> | <u>On site</u> | <u>40%</u> |
| <u>Brownfield</u>   | <u>10 and over</u> | <u>On site</u> | <u>30%</u> |
| <u>Nil contribution will be sought on schemes of less than 10 units outside of the districts two Areas of Outstanding Natural Beauty, nor will any contribution be sought on schemes in any part of the district which comprise solely of apartment led development, nor brownfield development in Morecambe and Heysham.</u> |                    |                |            |
| <u>* 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)</u>   |                    |                |            |
| <u>** Rural West includes the wards of Ellel and Bolton-with-Slyne</u>  |                    |                |            |

Affordable housing requirements within the Arnsdale & Silverdale AONB are identified within the Arnsdale & Silverdale AONB DPD and requirements for Forest of Bowland AONB 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, ~~and tenure~~ ~~form of provision, location within a site~~ and the means of delivery will ~~accord with~~ ~~be subject to negotiation at the time of a planning application.~~ ~~However, close consideration of the latest available evidence will be required including~~ the most up-to-date Strategic Housing Market Assessment or ~~where there is~~ an up-to-date ~~and robust~~ village or parish housing needs assessment that is a more appropriate indication of housing need;
- III. Accommodation provided will be required to be genuinely available to those households who have been identified as being in housing need;
- IV. 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):
  - 60% affordable / social rent and 40% intermediate tenure.
  - 50% affordable / social rent and 50% intermediate tenure.
- 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.

## Proposed Wording for Policy DM3 Justification Text

### Affordable Housing Requirements

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 ~~D~~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.

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 ~~298~~ 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.

~~The Local Plan has been prepared at a time when the definition of affordable housing is evolving. The 2017 Housing White Paper (Fixing Our Broken Housing Market)<sup>1</sup> proposed a wider definition of affordable housing to be incorporated into the revised National Planning Policy Framework. It is expected that the Framework will be revised in 2018.~~

### Affordable Housing Thresholds

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 the remaining parts of the District the ~~City~~ Council will require all proposals for residential development of more than ten dwellings or which have a combined gross floorspace of 1,000 square metres or more (not including replacement dwellings) to contribute towards the delivery of on-site affordable housing.

### Amount of affordable housing

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 D~~district when also taking account of 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.

~~In light of the above, the Council has set an affordable housing requirement of 20% in urban locations between 11 and 14 dwellings overall. Whilst those schemes in rural areas of 11 or more dwellings and in urban locations of 15 or more dwellings will be expected to provide a minimum of 30%. In greenfield locations developers will be required to provide up to 40% dependent on scheme viability.~~

~~Schemes of fewer than 11 dwellings but exceed 1,000 square metres Gross Internal Area will be expected to contribute towards affordable housing through providing 20% of homes as affordable housing. Affordable housing will not be sought on schemes which do not constitute major development outside of the district's two AONB's.~~

### Tenure

The 2017<sup>8</sup> Strategic Housing Market Assessment (Part II) identified a need for a split of 56% rented and 44% 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% rented and 40% intermediate tenure ~~and~~ or 50% rented and 50% intermediate tenure, provided that the sum total is 100%. This provision exceeds ~~proposed~~ national policy. ~~set out in the Housing White Paper for a minimum of 10% of all new affordable homes to be delivered for affordable home ownership.~~

~~The Housing White Paper in February 2017 confirmed that it would not be a statutory requirement for Local Authorities to introduce starter homes.~~ The City 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 ~~will~~ therefore promotes alternative means of low cost home ownership through a preferred means of shared ownership as defined by Annex 2 of the NPPF. ~~accept a small element of starter homes as part of the intermediate tenure.~~

~~All other types of affordable housing as proposed to be introduced through the emerging revisions to the National Planning Policy Framework will be recognised within the district. However, the preferred means of delivering intermediate tenure within the District is shared ownership housing or intermediate rent.~~

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 developments as classified under Policy DM12, other than the Government's proposed form or affordable rent delivered as part of a Build to Rent Scheme ~~f affordable housing known as affordable private rent which is expected to be brought forward through Build to Rent schemes which may be delivered by specialist companies. Given that t~~ 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.

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 the Homes England ~~and Communities Agency~~, or where tenants can exercise the right to buy.

### Loss of Affordable Housing

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.

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 off-site affordable dwellings will be in addition to any other affordable dwellings generated from any new market dwellings both on the original and on the alternative site.

#### **Vacant Building Credit**

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**

The Council recognise that the delivery of affordable housing can, in certain circumstances, place strain on the viability of development, particular 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.

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.

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.

## POLICY DM9 – ACCOMMODATION FOR GYPSIES & TRAVELLERS

*The Council noted the Inspector's direction in relation to this policy and his intention to deal with the matter of accommodation for gypsies and travellers at some point during the Examination Hearing Sessions. To date no discussion has taken place. In advance of this discussion, the Council would wish to put forward a series of modifications to Policy DM10 which would provide more site location options, greater flexibility and better development outcomes.*

*The modifications to Policy DM9 are set out below.*

### Policy DM9: Accommodation for Gypsies and Travellers, and Travelling Showpeople

Proposals which may come forward in advance of the preparation of the Site Allocations for Gypsies and Travellers 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 area of Lancaster, Morecambe, Heysham or Carnforth. However, sites in other sustainable settlements 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. Are located within the urban area of Lancaster, Morecambe, Heysham or Carnforth. Sites in other locations will only be considered if it can be demonstrated that appropriate sites cannot be provided within the specified urban areas.

#### 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. In a location where the site will not cause significant harm on 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. 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 needed it would not be possible to access existing provision safely;
- X. Make adequate provision for vehicular parking, turning areas and servicing;
- XI. ~~Are capable of providing~~ Provide adequate access to all emergency vehicles; and
- XII. ~~Are currently provided with or where~~ Provide adequate utilities, sanitation facilities, a mains water supply and drainage ~~can be demonstrated to be able to be provided~~.

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 provided 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.

### **POLICY DM14 – PROPOSALS INVOLVING EMPLOYMENT LAND AND PREMISES**

*Following discussions at Day 5 of the Examination (relating to economic development) the Council believe that it would be beneficial for Policy DM15 to clarify that it specifically relates to development proposals which fall outside of allocated employment areas (whether this be for proposals for the creation of new employment spaces or proposals involving the loss of employment space).*

*The Council believe that it is important to clarify that it is not the purpose of Policy DM15 to allow for the release of employment land from within a specifically identified employment allocation. Such an approach could lead to damaging the wider integrity of an allocation for employment purposes. The Council are of the view that the allocations made for employment purposes in the Plan are robust and based on sufficient and reasonable evidence. As discussed at the Examination there are sufficient review mechanisms in place to ensure that the success and effectiveness of an allocation is closely monitored through the plan period.*

## Policy DM14: Proposals Involving Employment Land 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 designated employment areas will be supported by the Council provided that the following **criteria issues** 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-designated 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 DM43, DM45, DM46 and DM47 of this document. Proposals in the Arnside & Silverdale AONB should address the requirements of Policy AS10 of the Arnside & 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 DM62 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 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 the following criteria are met:**

- VI. It has been demonstrated, through a satisfactory and robust marketing **exercise** that has taken place over a reasonable period of time (at least 12 months) that an ongoing employment use on the site / premises is no longer appropriate and viable. Such a marketing **exercise** should **include information on all offers made, together with copies of the sales particulars and** 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.