



Committee: PLANNING AND HIGHWAYS REGULATORY COMMITTEE

Date: WEDNESDAY, 31ST MAY 2017

Venue: MORECAMBE TOWN HALL

Time: 10.30 A.M.

A G E N D A

Officers have prepared a report for each of the planning or related applications listed on this Agenda. Copies of all application literature and any representations received are available for viewing at the City Council's Public Access website <http://www.lancaster.gov.uk/publicaccess> by searching for the relevant applicant number.

1 Apologies for Absence

2 Appointment of Vice-Chairman

To appoint a Vice-Chairman for the duration of the 2017/18 municipal year.

3 Minutes

Minutes of meeting held on 8th May, 2017 (previously circulated).

4 Items of Urgent Business authorised by the Chairman

5 Declarations of Interest

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Planning Applications for Decision

Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on community safety issues. Where it is considered that the

proposed development has particular implications for community safety, the issue is fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to local finance considerations when determining planning applications. Local finance considerations are defined as a grant or other financial assistance that has been provided; will be provided; or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has, will or could receive in payment of the Community Infrastructure Levy. Whether a local finance consideration is material to the planning decision will depend upon whether it could help to make development acceptable in planning terms, and where necessary these issues are fully considered within the main body of the individual planning application report. The weight attributed to this is a matter for the decision-taker.

Human Rights Act

Planning application recommendations have been reached after consideration of The Human Rights Act. Unless otherwise explicitly stated in the report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

6	A6 17/00073/FUL	Land Adjacent Aikengill, Scotforth Road, Lancaster	Scotforth East Ward	(Pages 1 - 15)
		Erection of 7 dwellings with associated new access and cycle paths for Fellside Land Developments Ltd		
7	A7 17/00244/OUT	Land To The South West Of Thorneycroft, Kirkby Lonsdale Road, Arkholme	Kellet Ward	(Pages 16 - 30)
		Outline application for the erection of 12 dwellings, creation of a new vehicular access, field access road and pedestrian links for Mr T Jenkinson		
8	A8 17/00170/OUT	Land Rear Of Ingleborough View, Station Road, Hornby	Upper Lune Valley Ward	(Pages 31 - 46)
		Outline application for the erection of up to 11 dwellings and creation of a new access and associated landscaping for Mr And Mrs Norris		

9	A9 17/00352/FUL	Land To The Rear Of, Dragons Head Hotel, Main Street	Upper Lune Valley Ward	(Pages 47 - 57)
		Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access and erection of a first floor side extension over existing pub for Mr Simon Nutter		
10	A10 16/01136/FUL	Land Opposite 26 To 48, Lancaster Road, Overton	Overton Ward	(Pages 58 - 72)
		Erection of 32 dwellings with associated access, internal roads, open space and landscaping for Messrs Hancock & Grantham		
11	A11 16/01487/VLA	Land East Of Railway Line, St Michaels Lane, Bolton Le Sands	Bolton and Slyne	(Pages 73 - 78)
		Variation of legal agreement attached to planning permission 15/01167/FUL to vary the affordable housing provision for Mr Gary Middlebrook		
12	A12 17/00304/FUL	Land Adjacent Marine Road Central, Marine Road West And Sandylands Promenade , Morecambe, Lancashire	Harbour Ward	(Pages 79 - 86)
		Demolition and reconstruction of the Wave Reflection Wall, incorporating creation of new occasional-use vehicular accesses onto the Morecambe Promenade from the Marine Road West, Marine Road Centre and Central Drive roundabouts and at the Marine Road West/Regent Road Junction, creation of new keynote 'up and over' access points opposite the Frontierland Development Site and opposite Regent Road, demolition of an existing toilet block and shelter, upgrading the existing stepped access at West End Gardens and associated works for Lancaster City Council		

13 Delegated Planning Decisions (Pages 87 - 93)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Carla Brayshaw (Chairman), June Ashworth, Eileen Blamire, Dave Brookes, Abbott Bryning, Ian Clift, Claire Cozler, Helen Helme, Andrew Kay, Karen Leytham, Jane Parkinson, Robert Redfern, Sylvia Rogerson, Susan Sykes and Malcolm Thomas

(ii) Substitute Membership

Councillors Jon Barry, Stuart Bateson, Sheila Denwood, Mel Guilding, Tim Hamilton-Cox, Janice Hanson and Geoff Knight

(iii) Queries regarding this Agenda

Please contact Tessa Mott, Democratic Services: telephone (01524) 582074 or email tmott@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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Published on Thursday 18th May, 2017.

Agenda Item	Committee Date	Application Number
A6	31 May 2017	17/00073/FUL
Application Site Land Adjacent Aikengill Scotforth Road Lancaster Lancashire	Proposal Erection of 7 dwellings with associated new access and cycle paths	
Name of Applicant Fellside Land Developments Ltd	Name of Agent JWPC Chartered Town Planners	
Decision Target Date 24 April 2017	Reason For Delay Committee Cycle and ongoing negotiations	
Case Officer	Ms Charlotte Seward	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The proposed site lies to the east of the A6 and is surrounded by residential development to the north, east and south, including Collingwood Park, Oakwood Gardens, Mulberry Lane and Brantwood Drive. The site is an undulating area of unmanaged grassland, whose ground level is elevated above the A6. The boundaries of the site are characterised by a retaining wall and hedgerow to the west and hedgerow to the east of the site. To the south is a boundary fence. A group of trees to the south of this boundary are protected by a Tree Preservation Order. There is an existing public right of way (footpath no.55) which runs through the site and is well used by local residents for dog walking. The site is not allocated for development within the existing or emerging Local Plan.

2.0 The Proposal

- 2.1 This full application seeks to develop the site for 7 4-bed houses with associated access, parking, drainage and landscaping. The scheme also includes the provision of a cycleway to form part of the Strategic Cycle Network.
- 2.2 Each of the dwellings is proposed to have a garden space and access to 2 or 3 parking spaces, with 5 of the dwellings having a garage each. The dwellings will be brick faced and will feature a projecting gable to their front elevation and external chimney breasts to the side. The site will be regraded to facilitate its development with retaining walls between the gardens of each unit. A scheme for landscaping and planting is proposed.
- 2.3 An access is proposed to be created onto the A6 Scotforth Road. The access road will split to the south to serve units 1-4 and to the north to serve units 5-7. The proposal also includes the formation of a shared use cycleway running along the east of the site from north to south.

3.0 Site History

- 3.1 Pre-application advice was provided in April 2016 (Ref: 16/00316/PRETWO) for a proposal at this site for 14 dwellings. The advice given identified that the principle of housing at this location could

be considered acceptable but that issues such as streetscene impact, spatial standards, footpath/cycle linkage, lack of amenity space and highway arrangements resulted in a proposal that could not be supported at application.

- 3.2 A subsequent application (16/01037/FUL) for 13 dwellings with associated access and regrading of land was withdrawn. This was principally in relation to the number of the dwellings proposed and highway safety concerns.

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objection subject to conditions - construction of the access to base course before commencement of development within site; completion of the access in full (including visibility splays to 2.4m x 73m) prior to occupation of any unit; agreement and implementation of a scheme for provision of a share use cycleway; agreement of scheme for off-site highway improvement works for the provision of traverse stop and give way thermoplastic lines, and a construction method statement.</p> <p>Further comments have also been received in relation to the third party objections regarding the impact of this proposal on the deliverability of Bailrigg Garden Village. County Highways' view is that the Garden Village is not yet committed, and whilst the Aikengill development may compromise initial access proposals, as shown on the plan, the design could be changed. Furthermore, it is noted that a formal safety audit would only be required in the event that an access was proposed on the land to the west of the A6 where this formed part of the proposals for the Aikengill site.</p>
Planning and Housing Policy Team	<p>Comments – Site is located within the urban area of Lancaster where sustainable development can be supported in principle. Key considerations include the Council's lack of a 5 year housing land supply, the impact of the scheme on the highway and any other adverse impacts. This scheme may be able to be supported where any impacts do not significantly and demonstrably outweigh the benefits of delivering much needed housing.</p> <p>Further comments have been provided about the proposed development in relation to Bailrigg Garden Village, stating that a determination to refuse this proposal on grounds of prematurity at this time could not be sustained.</p>
Tree Protection Officer	No objection subject to conditions – scheme for planting, implementation of Arboricultural Report.
United Utilities	No objection subject to conditions – pre- commencement conditions in relation to separate foul and surface water systems, provision of surface water drainage in relation to the drainage hierarchy as set out in the NPPF, management and maintenance of surface water drainage system.
Environment Agency (EA)	Comments – refers the Council to the EA's standing advice.
Lead Local Flood Authority (LLFA)	Comments – It is not listed in the 'When to consult the LLFA document or in the Development Management Procedure Order 2010.'
Ramblers Association	Comments - Request for the cycleway to be formally adopted preferably as a bridleway and that the whole length of the public right of way is modified accordingly.

5.0 Neighbour Representations

- 5.1 Within the 6 letters of objection received at the time of compiling this report, the following material planning concerns were raised:

- Safety of the proposed highways access and cycleway entrance in relation to the proposed Booths access and proposed access for Bailrigg Garden Village;
- Traffic generation and the impact on traffic congestion and air quality;
- Safety and amenity of proposed cycleway, including the potential impact on the security of surrounding residential properties;

- Prematurity in relation to the Bailrigg Garden Village;
- Loss of amenity of the public footpath from open natural path to enclosed path by high timber fences;
- Impact of loss of the hedgerow on habitat and amenity;
- Responsibility of the management of retained hedgerow;
- Scale of two-storey dwellings in relation to neighbouring properties and the levels of the site;
- Adverse impact on scale and design of new dwellings on privacy of existing neighbouring properties; and,
- Objection to suggested use of Mulberry Lane as an alternative access on amenity of the residential of Mulberry Lane.

5.2 Two representation of objection have been received from landowners, PEEL and Bryan G Hall on behalf of CEP, to the west of the A6 opposite from the proposed development site. CEP objects on the grounds of prematurity in relation to Bailrigg Garden Village and the potential for conflict with access onto the A6 and over the railway line. They have also raised concern about the design of the access in relation to visibility and potential for backing onto the highway. Bryan G Hall, on behalf of CEP objects on the grounds of prematurity in relation to Bailrigg Garden Village and the potential for conflict with access onto the A6 and the proposed bridge over the railway line, the acceptability of access in relation to Booths access, and acceptability of the impact of traffic generation from the proposal. They also request a Road Safety Audit of access in relation to the Booths access or the potential Bailrigg Garden Village access.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 80 – Sustainable Drainage

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-

making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirement
- SC5: Quality in Design

6.4 Development Management Development Plan Document (DPD)

- NPPF1: Presumption in favour of sustainable development
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking and Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: The Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM39: Surface Water Run Off and Sustainable Drainage
- DM41: New Residential Development
- DM48: Community Infrastructure

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Housing Land Supply
- Housing Mix
- Affordable Housing Contribution
- Site Layout
- Scale, Design and Appearance
- Residential Amenity
- Access, Parking and Traffic Generation (including prematurity in relation to Bailrigg Garden Village)
- Cycleway
- Surface Water Drainage Scheme and Foul Drainage
- Public Open Space
- Impact on Trees and Proposed Landscaping Plan
- Habitat
- Contamination

7.2 Principle of Development

7.2.1 The site is located within the urban area of Lancaster, which in addition to the existing urban area of Morecambe, Heysham and Carnforth, is where Policy SC2 seeks to direct 90% of all new dwellings within the District. Policy requires that development proposals are directed to where sustainable travel patterns can be achieved, should minimise the need to travel by private car and maximise opportunity for walking, cycling and public transport. This site can be considered to be sustainable in relation to transport and access to services. It is within 200m of bus stops north of the site on A6 and bus stops on Collingham Park. In addition it is located close to existing cycle network and includes the provision of a cycleway to develop part of the strategic cycle network. It is located within 250m of a petrol station, 530m to a supermarket and within 1km of a primary school. As such this location can be considered to be able to access sustainable modes of transport.

7.2.2 Whilst this site is unallocated and not previously developed, it is bounded by residential properties to the north, south and east, and the A6 to the west. As such this site is very much situated within an established area of housing and its development for housing would fit within the wider landscape character. The site is not allocated as Public Open Space, however, it is a currently a field with a designated public right of way across the site. This proposal would lead to the loss of current, natural

green space, but within 200m of the site there is access to an urban greenspace/nature corridor which links to a number of open spaces – which including Collingham Park, Abbeystead Drive, Lentworth Drive, and the outdoor sports facilities at Barton Road Playing fields and Royal Albert (both within 1.2km of the site). As such, it is considered that the redevelopment of this parcel of land can be considered acceptable.

- 7.2.3 Given the location of this development within the urban centre, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for housing is supported in principle, subject to detailed matters being acceptable.

7.3 **Housing Land Supply**

- 7.3.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Where the development plan is out of date, or the local planning authority does not have a 5 year housing land supply permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 7.3.2 The 2016 Housing Land Monitoring Report (HLMR) and accompanying 2016 Housing Land Supply Statement (March 2017) identify a five year supply position of **3.9 years** against its adopted housing requirement of 400 dwellings per annum. As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer the opportunity for housing delivery should be considered favourably.

7.4 **Housing Mix**

- 7.4.1 Policy DM41 of the Development Management DPD requires that new residential development must provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need. The proposed development is for seven 4-bed houses. The Council's 2015 Lancaster Independent Housing Requirement Study (2015) identifies a need for between 553-763 dwellings per annum between 2013 and 2031. The study noted that the majority of stock within Lancaster is 3-bed homes, with a relatively smaller proportion of 4-bed homes within the housing market. Further it notes this there is a high proportion of households in Lancaster which contain at least one fewer bedroom than required. The 2013 Meeting Housing Needs SPD identifies that the predominant need is for semi-detached, terraced, & flats/maisonettes house types, of the 2 and 3 bed size. The 2011 Local Housing Needs and Demand Survey identified need in market housing for detached (19.9%) and 4-bed (15.4%) houses.
- 7.4.2 Whilst the proposal would not be meeting the predominant need for Lancaster identified in 2013, this does not exclude the delivery of detached 4-bed homes. Furthermore, the 2011 Survey identified need for detached 4-bed homes. The more recent 2015 study carried out to support the Strategic Housing Market Assessment suggested that there may be less supply in the 4-bed home market. As such the delivery of 7 4-bed homes would still assist in delivering a balanced housing market. Given the constrained nature of this site, and the density of the surrounding residential development, the delivery of a single house type at this site can be considered to be acceptable.

7.5 **Affordable Housing Contribution**

- 7.5.1 Policy DM41 (New Residential Development) requires for development in urban locations to contribute up to 20% on site affordable housing for developments of 5-14 units in urban locations. However, National Planning Practice Guidance (NPPG) paragraph 31 (under Planning Obligations) was revised in November 2016 to identify specific circumstances where contributions should not be sought from small scale development. These circumstances include contributions from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 sq.m (gross internal area). The Draft Development Management DPD which has just completed a consultation stage of the Local Plan process has updated Policy DM41 (now Draft DM3) to fall in line with the current NPPG. This requires that residential developments that exceed 1000 sq.m *and* comprise 10 units or less will be required to make a 20% financial contribution towards the delivery of affordable housing in the District in the form of a commuted sum payable on completion of the units. This proposal is under 10 units. Further information has been submitted to confirm that the combined gross floor space of the development is 999.6sqm and as such does not

exceed this threshold. In accordance with NPPG, there is no requirement for affordable housing provision (or financial contribution) for the proposed development at this location. However, should the applicant seek to vary the approved plan (condition 2) in the future in such a manner that the development exceeded 1000 sq.m, then a financial contribution could be secured at that time.

7.6 **Site Layout**

7.6.1 The site is constrained by the surrounding housing development, the existence of the public right of way across the site, the topography of the site, the proximity and orientation of neighbouring properties, protected trees and the need to create an access onto the A6. The site layout has had to respond to these in a way which manages these constraints but also delivers a comprehensive design.

7.6.2 The previous submission for 13 homes (16/01037/FUL) was considered to be an overdevelopment of the site and to have a poor layout design. This proposal has reduced the number of dwellings to be delivered. This has allowed the siting of the dwellings to have a density which reflects the surrounding housing development, has a better relationship with the streetscene as viewed from the A6, and allows the development to be better situated in relation to existing houses to ensure appropriate levels of residential amenity. These elements will be discussed in more details in the following assessment.

7.7 **Scale, Design and Appearance**

7.7.1 Policy DM35 of the Development Management DPD requires that the new development should make a positive contribution to the surrounding landscape. There is a large diversity of housing types and styles in this residential area from bungalows to two storey houses with a range of forms and materials. Oakwood Gardens to the south has two storey houses with a variety of roof forms including asymmetric roof slopes and split ridge heights. It also includes a variety of materials, including full brick elevations, render and timber cladding. The properties on Mulberry Lane are dual pitched with a projecting gable on the principal elevation, external chimney breasts and attached garages. The materials utilised are render and hanging tile cladding.

7.7.2 The proposed dwellings would be two-storey dual-pitched dwellings with a projecting gable and external chimney breast, echoing the scale, form and style of the properties on Mulberry Lane. The facing materials would be brick and artstone with concrete grey tiles, which is reflective of properties on Oakwood Gardens and the wider area of Collingham Park. The dwellings would appear elevated above the road due to the proposed levels of the site. However, this would be in the context of the adjacent residential properties which are set at a higher ground level than this site. Subject to the control of materials the scale, design and appearance of the proposed houses would be sympathetic to the character of the surrounding residential properties.

7.8 **Residential Amenity**

7.8.1 Policy DM35 sets out the key design principles which new development should address. The following assessment addresses overlooking, overbearingness, overshadowing, garden space and facilities for refuse and recycling.

7.8.2 **Overlooking**

7.8.2.1 Proposed housing should be designed to ensure that new dwellings are as private and as free from overlooking as possible. As a general rule a distance of 21m between habitable windows and 12m between windows and a blank elevation should be achieved. Between the proposed houses the 12m distance between windows and blank/side elevations has been maintained. However, to ensure privacy is maintained the first floor bathroom window will be required to be obscure glazed by condition of any permission granted.

7.8.2.2 The distance between facing habitable windows of the new proposed units exceeds the 21m for all the units with the exception of units 3 and 4 which at its closest point is 17.6m. This was raised as an issue with the developer, however, no change to the plans have been made. Given the constraints of the layout of this site it is difficult to see how this distance could be increased. As a standalone issue it is not considered to be so adverse that it could not be considered acceptable.

- 7.8.2.3 In relation to the existing neighbouring properties the rear elevation of 1 Oakwood Gardens is within 16m of unit 3. At ground level the intervening hedgerow and fence will ensure that no adverse impact on privacy for both properties. At first floor level 1 Oakmere Gardens has the potential to overlook on proposed unit 3 with a potential for an adverse impact. Given the constraints on the layout it is difficult to overcome this by adjusting the layout as this would promote impact on other properties within the site. On balance though it is not considered to be sufficiently adverse to refuse.
- 7.8.2.4 The concern for units 3 and 4 is the combination of the distance between existing properties, the facing between units 3 and 4 and the relationship to the cycleway. The layout is not proposed to be amended due to the likelihood of this creating separate issues. However, it is possible to mitigate the impact from the cycleway by raising sections of the boundary treatment to 1.8m and by having landscaping to help screen any views from the cycleway. As such conditions requiring the final details and fencing can be secured by condition. On balance it is considered that the dwellings' amenity would not be so adversely affected that it would warrant refusal. The impact of the cycleway in relation to units 4 and 7 can also be managed by control over the fencing and landscaping.
- 7.8.2.5 The relationship of Units 1 and 2 with the existing neighbouring properties, 2 and 3 Oakwood Gardens, is 18m and 12m respectively. This is acceptable for habitable room to blank elevation. Any impact is limited by the angle of orientation of the neighbouring properties to each other.
- 7.8.2.6 In relation to 1 and 6 Mulberry Lane these properties are on a higher ground level and present blank elevations to the proposed units 3 and 4. As the blank elevations of units 3 and 4 face these elevations and are of a distance of 12m, this relationship can be considered acceptable. In relation to Aikengill, the closest proposed property is Unit 7 and this is of a distance of 18m at its closest point. The angle of the properties to each other and the physical separation by boundaries together will ensure that there would be no adverse impact on either properties.
- 7.8.3 Overbearingness
- 7.8.3.1 The topography of the site results in the ground level of the proposed units varying by a significant amount. Units 1, 2 and 3 will be stepped up in terms of finished ground level. This will result in the scale of unit 2 relative to unit 1 being perceived as larger, and 3 relative to 2. It is proposed that the boundaries between the properties would be 1.8m, but together with the proposed retaining walls this would be perceived as a 3m boundary on the lower side. This will be in addition to the side elevation of the proposed unit adding 1-1.2m to the overall perceived height of the dwelling. This would not affect the amenity within units 1 or 2 due to the side elevations facing each other having no windows with exception of the obscure glazed bathroom window on unit 2. Unit 2 will perceive unit 1 as being lower and as such can be considered acceptable. However, this would have an impact on the amenity of the garden. Unit 1 would have an unimpeded outlook to the west and as such the impact can be considered not to be detrimental. The rear garden of unit 2 would feel quite enclosed as a result of the surrounding properties. On balance though it is not considered to be sufficiently adverse to refuse.
- 7.8.3.2 Units 4 and 7 are unaffected by the levels of the site in relation to the other proposed units. A cross section has not been provided to show the relationship of units 5 and 6 to unit 4. There is a proposed gap of 2.3m between 6 and 4 and, 3.6m between units 5 and 4. These are sufficient to be perceived from within the dwelling and the gardens of units 5 and 6. However, the siting of the dwellings to each other means that the dwelling only affects part of the house/garden area. The remainder would also allow for wider views. As such this can be considered acceptable.
- 7.8.3.3 Units 1, 2 and 3 would be within 7-9m of the rear boundary of the site and the garden boundary with the houses at Oakwood Gardens. This is bounded by a timber fence and trees of varying size so it is a soft rather than a hard boundary. As such it is unlikely to have an adverse impact in terms of overbearingness.
- 7.8.3.4 Given the finished levels of the site are key to the amenity of the proposed dwellings, full details of the finished floor and site levels will be required by condition.
- 7.8.4 Overshadowing
- 7.8.4.1 The orientation of the properties to one another within the site and to the neighbouring properties externally would ensure there would be no adverse impacts as a result of overshadowing. Whilst

there may be a small degree of overshadowing in the morning, by midday and the afternoon/evening each of the properties would not be over shadowed.

7.8.5 Garden space

7.8.5.1 Rear gardens as a general rule should achieve a depth of 10m. This is achieved on each of the proposed units with the exception of 1 and 2. However, the total garden space for each of these units does exceed the required 50sqm by a significant margin and as a result whilst this does not meet normal depth requirements, this can be considered to be an appropriate overall garden provision. Whilst this is the case, the applicant will still need to define, via condition discharge and a curtilage plan for each of these dwellings, the relationship of these garden areas to the drainage attenuation tank. Additionally the landscaping close to the cycleway north connection point will require clarification.

7.8.5.2 Any potential overlooking between the properties' gardens has been managed by the design of the elevations and the condition to make the first floor side elevation widows obscure glazed. Furthermore, boundary fences have been proposed to protect privacy at a ground level. The final details of these boundaries need to be controlled by condition. Any potential overlooking from the cycleway is to be managed by landscaping and boundary fencing, the final details which are to be agreed by condition. This will ensure adequate protection of the amenity of gardens for units 3, 4 and 7.

7.8.6 Refuse and recycling

7.8.6.1 The initial proposal for bin storage was not acceptable. Additional details have been provided to show a specified location for bins and recycling which can be considered acceptable.

7.9 Access, parking and traffic generation

7.9.1 Policy DM20 sets out the requirements that need to be met in order to ensure that new development is acceptable in terms of location, access, parking, provision of safe streets and reducing as far as possible negative impacts of cars. The proposed access is to be created onto the A6 Scotforth Road which is 40mph at the point of connection. It reduces to 30mph just to the north of the site. The proposed access is to be located 43m to the north of the southern boundary of the site and 76m south of the northern boundary of the site. The access has been moved south (compared to the 2016 planning application proposal) to improve the relationship of the access with the extant Booths permission.

7.9.2 This access will require a significant amount of excavation due to level changes, removal of a wall and the existing hedgerow. Following initial assessment of the access, further details have been provided by the applicant to show a cross section of the access, clarification of the removal of hedge and wall in relation to the visibility splays, amendments to the landscaping plan and drainage plans. The visibility splays proposed are 2.4m back from the carriageway and 73m in both directions as required by County Highways. The proposal would involve the removal of 45m of hedgerow and the existing retaining wall to allow for the required visibility splays. The landscaping scheme has been amended to ensure that there are no trees within the visibility splays or in the area of land adjacent to the access. A condition will require the final levels of the land either side of the access to be agreed to ensure this is finished satisfactorily in relation to visual amenity.

7.9.3 County Highways have to date raised no objections on the principle of the access in the proposed location, subject to a number of conditions. As such, subject to relevant conditions the proposed access could be considered to be safe on its own merits and relative to the extant Booths permission. However, objections have been received about the relationship of the proposed access to the Bailrigg Garden Village in terms of conflict with a potential further access and on the grounds of prematurity (this element is considered separately overleaf).

7.9.4 It should be noted that within the objections it has been requested that access through Mulberry Lane be considered as an alternative to the proposed access onto the A6. In addition, an objection has been received from a resident of Mulberry Lane to the suggestion of a proposed alternative access through Mulberry Lane. Access through Mulberry Lane has been considered by the applicant, who advises that this is not feasible due to likely adverse possession and resident objection.

7.10 Prematurity in relation to Bailrigg Garden Village

- 7.10.1 In January 2017 the Government announced backing for 14 new garden villages, one of which will be located at Bailrigg. This announcement – an expansion of the Government’s existing garden towns programme – sought to provide access to funding over the next 2 financial years to support delivery of locally-led proposals. The proposed Bailrigg Garden Village is being considered through the Local Plan Consultation, including policies within the Strategic Policies and Land Allocation DPD, the South Lancaster/Bailrigg Garden Village Area Map and the Bailrigg Garden Village (BGV) Position Statement. The position statement makes clear that *“It is important to note that whilst the application for Garden Village status has been accepted, this does not guarantee that development will take place in this location. Any allocations for development in this area must still pass through the Local Plan and be scrutinised at Public Examination”*.
- 7.10.2 Within section 7.9 of the position statement it is identified that there will need to be a number of access points to ensure suitable and appropriate flow of traffic, including the Northern Gateway and a crossing at Lawson’s Bridge over the West Coast Mainline into the area at Whinney Carr. Section 7.10 goes on to state that *“These access points are illustratively highlighted on the Local Plan Policies Map and further work is required in terms the overall design and layout of such junctions, for example to whether they need to be signalised junctions, a roundabout or more normalised T-junction arrangement. The Council will continue to work with Lancashire County Council and stakeholders to investigate such requirements which will inform the future masterplans and proposals. It is important to note that preliminary discussions have already taken place and there are no in principle issues to the delivery of such access arrangements”*.
- 7.10.3 With regard to this application at Aikengill, the Planning and Housing Policy Team initially commented as follows: *“The relationship of this site to the adjacent approved development at Booths and future proposals for growth to the south of Lancaster being explored through the Draft Strategic Policies and Land Allocations DPD will also need to be considered. The advice and views of County Council Highways will be an important consideration in this assessment”*. Following subsequent consideration of the application in the context of the issue of prematurity, the status of the Garden Village proposal, the stage of development of the local plan, and the status of other development proposals in the vicinity, comments received about the proposal from third parties and the further professional advice received from County Council officers, the Planning and Housing Policy Team have advised that they *“concur with [the] reasoning that, in effect, a determination to refuse this proposal on the grounds of prematurity at this time could not be sustained”*.
- 7.10.4 Objections have been received in relation to this issue from Peel Investments (North) Limited and on behalf of CEP. Both objections focus on the positioning of the proposed access conflicting with a possible connection point to the A6 and over the railway bridge on the grounds that the approval of this site would be premature in relation to the Bailrigg Garden Village proposals. Both suggest that the proposal should be refused on the grounds of prematurity. CEP also raises the issue of Traffic Generation in relation to the impact on the A6. It should be noted that CEP’s planning submission for the site, for a foodstore with access, landscaping and other associated development (Ref: 10/00366/OUT) was refused. This decision was then subject to appeal. A Planning Inspector reported (24 May 2012) that the appeal should be dismissed. The Secretary of State (16 August 2012) considered that the proposal conflicted with the Development Plan in a number of respects, and whilst noting that there were material considerations that weighed in its favour, they were considered insufficient to outweigh the conflict and so the Secretary of State concurred that the appeal should be dismissed.
- 7.10.5 Local planning authorities must determine planning applications in a timely manner and cannot defer them indefinitely. To do so would almost certainly lead to an applicant appealing against ‘non-determination’ of the planning application. Whilst indefinite deferral is clearly not an option, there is (in extreme circumstances) the option of refusing an application on the grounds of prematurity. National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states: *“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”*.

- 7.10.6 In this case the Bailrigg Garden Village is part of the Local Plan Update. Part One and Part Two consultation processes ran from 27 January to 24 March 2017. Based on the current timetable the Local Plan will be adopted in September 2018. As such the weight that can be given to the issue of conflict with a proposed connection to the A6 and railway bridge is questionable.
- 7.10.7 For further clarity on the highway implications of the proposal, a copy of the objections were sent to County Highways. They responded to say that, in their view, the BGV proposals could not be given weight in the consideration of this planning application. Furthermore, it is noted that a formal safety audit would only be required in the event that an access was proposed on the land to the west of the A6 where this formed part of the proposals for the Aikengill site.
- 7.10.8 It is of course a matter of judgement for the decision-taker – i.e. the local planning authority – to determine how much weight should be attributed to all material considerations. Additionally, the NPPF (Paragraph 216) advises that decision-takers may also give weight to relevant policies in existing plans, according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 7.10.9 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), the two questions that need to be considered are:
- Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - Is the emerging plan at an advanced stage (even though it is not yet formally part of the development plan for the area).
- 7.10.10 Taking the Local Plan position into account, particularly the matters set out in Paragraph 7.10.1 of this report, the local planning authority is clearly correct in attributing some limited weight to the relevant BGV policies within the emerging plans. BGV has the potential to make a very significant contribution towards the district's land supply to meet its housing need. Indeed Officers are realistic to acknowledge that without the BGV, there are presently limited alternative development opportunities to deliver that housing need elsewhere.
- 7.10.11 The BGV land allocation is more extensive (in terms of area) than the previous Whinney Carr land allocation, and the overall form of development (i.e. a Garden Village) differs in terms of its sheer ambition. Using the Government's own definition in its' March 2016 prospectus, the Garden Village should deliver new communities that *"...work as self-sustaining places, not dormitory suburbs. They should have high quality and good design hard-wired in from the outset..."* To achieve this, the City Council continues to work with the Government's Homes and Communities Agency, including their Advisory Team for Large Scale Applications (ATLAS) with regard to further exploring their aspirations for the Garden Village. These aspirations will be developed, tested and refined as part of future masterplanning and technical work. Development on this scale will also be shaped by engagement with the local community, landowners and developers. However, this work will not, in any way, prejudice decisions on the principle of developing BGV, which will be tested as part of the statutory plan-making process for the Local Plan.
- 7.10.12 In terms of the masterplanning work for BGV, the issue of access to the wider highway network (and the wider issues of sustainable transport options/infrastructure) will be one of the fundamental issues. At this stage, draft Policy SG1 acknowledges the potential for the creation of a new commercial/community/retail centre on land at Lawson's Bridge which meets the basic local needs of residents of South Lancaster. However, there remains much progress and decision-making to be undertaken before there is certainty that BGV (as illustrated in the draft Local Plan) can be taken

forward as a formal proposal of an adopted Local Plan. Additionally the Council's January Position Status makes clear reference to the indicative nature of the proposals and the limited weight that they currently have. At this stage there are no layout plans for BGV, and any indicative proposals regarding localised or wider site access could be subject to change during the technical and masterplanning process. Furthermore, County Highways have advised that (even if the BGV masterplan did elect to use the access proposals that were advanced during 10/00366/OUT), that the access design could be changed.

- 7.10.13 Taking all these matters into account, and noting the objections that have been received in relation to prematurity, it is considered that the impact of this proposed access at Aikengill is not so significant as to constrain the concept of the eventual layout of the Garden Village, and as such it does not warrant a refusal on grounds of prematurity.

7.11 Parking

- 7.11.11 The location of the proposed development is sustainable. It is well related to public transport and within close access of services. Appendix B of the Development Management DPD requires 3 parking spaces for 4 bed dwellings. 6 of the 7 houses will have access to 3 car parking spaces. The parking spaces shown outside and within the garages are of an appropriate size. Unit 5 only has two parking spaces. The revised plans have altered the proposed layout of the garden to ensure that there is access to the garage by car. Appendix B also requires the provision for bicycles storage. 5 of the 7 properties have garages which are of a size which will allow for the provision of bicycle storage. The 2 units which do not have a garage have sufficient rear garden space to accommodate an external bike store which would facilitate 2 bike storage spaces. On balance, given the sustainable location of this proposal, the parking and bike store provision is appropriate.

7.12 Transport Statement

- 7.12.1 Policy requires that the negative impacts of cars, including volumes of traffic, fumes and noise, are sought to be reduced as far as possible. The previous application for 13 dwellings was a major application and required the submission of a Transport Statement. Following the reduction of the scheme to 7 dwellings the application is now classified as a minor, and as such did not automatically require a Transport Statement. However, this application has been submitted with a revised transport statement. This details non car based transport options and concluded that the site is highly accessible and sustainable. The document concludes that the proposal would not have a perceptible impact in highways safety and operation in the area. It suggests that the traffic generation in relation to the existing traffic and proposed future Garden Village would be minimal.
- 7.12.2 The scale of the development is anticipated to generate 32 trips per day for the 7 dwellings, with an estimation of 4 trips per dwelling. This number of trips in the context of the traffic volume on the A6 is limited, and would not be considered to impact traffic in a way that would cause any change to congestion issues in the wider context. As discussed above, in relation to Bailrigg Garden Village, the scale of this development is minor and is unlikely to have an undue impact on the ability of the proposed master-planning to come forward. In summary, the proposed traffic generation from 7 houses would not have an adverse impact on the highway in relation to trip generation.

7.13 Cycleway

- 7.13.1 The proposal site is identified as part of the Strategic Cycle Network within the Local Plan Proposals Maps 2004. The proposed development seeks to provide this section of cycle route to ensure that the site can function as part of the wider strategic network. This will also form an alteration and diversion of the public right of way.
- 7.13.2 The Ramblers' Association has not made comment on the acceptability of the proposal. However, they have advised that the Public Right of Way will need to be formally adopted preferably as a bridleway and the definitive map updated accordingly. Objection had been raised to the proposed design of the cycleway in terms of amenity, lighting and safety in relation to connection with A6 and relationship to the Aikengill access.
- 7.13.3 The initial design of the proposed cycleway was unacceptable in relation to a number of elements: proposed connections to the south and north, width of the cycleway and verge, boundary treatments, lighting, and signage. Whilst County Highways has been consulted in relation to the cycleway

design, no response has been received other than to state it should be for shared use. However, detailed consultation has been undertaken with the Council's Project Engineer in relation to the design of the proposed cycleway.

- 7.13.4 In response the applicant has provided a revised design which provides a 3m wide hard surfacing with 0.5m verge on each side, provision of details of the southern connection, alterations to the northern connection, proposals for lighting, and a variable height boundary on the western elevation. Additional consultation with the Council's Project Engineer still identified concerns with the proposed cycleway, including the northern and southern connections, lighting design, signage and justification for the proposed additional north access. It is considered that the final design in relation to these elements can be controlled through condition which requires the agreement of details prior to commencement of development. Overall the provision of the cycleway will be a small but strategic provision to the District's cycle network.

7.14 **Surface Water Drainage Scheme and Foul Drainage**

- 7.14.1 A proposed drainage strategy and proposed drainage general arrangement have been submitted to support this application. Initial assessment of the drainage strategy and the proposed plan identified concern in relation to the proposal to connect surface water and foul to the combined sewer, surface water run-off into the highway, and positioning of the attenuation tank in relation to the proposed access and landscaping. On this basis the applicant submitted revisions, including a cross section of the proposed attenuation tank.
- 7.14.2 Consultation responses have been received from United Utilities and County Highways. United Utilities has advised that they have no objections subject to the imposition of several pre-commencement conditions on any permission granted. County Highways express concern for the potential for surface water run-off into the highway, and connection into the surface water drainage into combined sewer exacerbating existing drainage issues.
- 7.14.3 The proposed drainage strategy has been designed so that foul and surface water are dealt with separately on site and then merged to enter the combined public sewer. The scheme proposed to deal with surface water includes a mixture of filter drains across the east and west part of the site, pipe gullies and man holes at 7 different points across the site and along the access area, narrowing pipe gauges, a hydrobrake and a 40m³ attenuation tank. Together these elements are estimated to provide 70m³ of storage on site which has been designed to address 1 in 100 year storm plus +30% for climate change. Whilst the applicant has taken steps to set out a surface water system the details at this stage do not provide full confidence that the attenuation is of the correct capacity and that there are measures in place to ensure that the system capacity will not be overloaded and over spill onto the highway. It is also not clear how the drainage falls will ensure that the water will be able to connect into the attenuation tank before reaching the highway.
- 7.14.4 United Utilities has requested that the drainage hierarchy be applied, and connection to a combined sewer allowed only where the more sustainable options in the hierarchy have been discounted. The strategy submitted sets out that in ground infiltration is not possible in this location due to clay soil and the area's risk to ground water flooding also suggests that on site drainage is not practicable. However, it is not clear whether infiltration tests have been carried out. No information has been provided in relation to a surface water body or an alternative surface water drain. From site visits it would appear that there is not a surface water body that the site could drain to although this is not addressed within the statement. The drainage strategy does not describe why a surface water sewer cannot be connected to a separate surface water sewer and why the combined sewer is the only option. However, County Highways has advised that they would not support connection to the surface water drain in this area. Despite this, at this stage the information submitted is not sufficient to demonstrate that connection to the combined sewer is the only option, as such this will be required to be demonstrated via condition.
- 7.14.5 Limited details have been provided in relation to the management and maintenance of the proposed foul and surface water drainage. The strategy suggests that this would be limited to making the drainage strategy available to owners of the properties. Individual owner responsibility would not allow for the effective maintenance and management of the system. As such, details of this will be required by condition to be approved prior to the commencement of development.

7.15 **Impact on Trees and Proposed Landscaping Plan**

- 7.15.1 An Arboricultural Implications Assessment and Landscaping Plan have been submitted with the application. Initial assessment of the proposal found that elements of the impacts on proposed hedgerow and trees were unclear, and the proposed landscaping design was limited and promoted conflict with other issues, including highways and drainage. Furthermore, changes were requested to be made to the plan in relation to other constraints which this would need to address.
- 7.15.2 A revised Arboricultural Implications Assessment and Landscaping Plan have been submitted. A 44m section of hedgerow (not 12m as originally submitted) will be required to be removed to ensure that the visibility splays for the access can be provided. However, this increase is necessary for the provision of adequate visibility. The remaining hedge will be protected and retained. The hedgerow to the north eastern boundary is required to be removed in full to accommodate the proposed cycleway. Whilst its retention was desired, it is difficult to provide the required cycleway with the retention of this hedge. A further hedgerow is able to be retained with the exception of the most southern extent to allow for the south connection of the cycleway to the Collingwood Park. A small group of trees will be removed on the southern boundary of the site. However, the protected trees just outside the southern boundary of the site will be protected except for some pruning works. The Council's Tree Protection Officer has not raised an objection to the proposal subject to conditions to agree details of a Tree Planting Scheme and requiring the development to be carried out in accordance with the Arboricultural Implications Assessment.
- 7.15.3 A revised Soft Landscaping – Planting Proposals have been submitted. The revised scheme includes replacement hedge on the boundary with the A6 and at the southern connection point of the cycleway. Within the site planting is proposed on the boundary with the cycleway to help ensure the privacy of the occupants of Units 3, 4 and 7 and it will also go some way to replacing the loss of the hedgerow on the boundary of the Aikengill access helping to retain a green boundary in this location. Planting has also been proposed on the north section of the site within the garden to Unit 7 which will help soften views of the development from the A6 and from the existing landscaped area to the north. Individual trees within the gardens of the proposed houses will help to ensure that the character of the area is reflective of the suburban character of this location. Shrub planting and climbing plants on the retaining wall will also help to soften the infrastructure of the site. The planting around the access now shows a better relationship with the proposed drainage attenuation system. Subject to a condition requiring the agreement and implementation of this landscape plan, the landscaping of the site will ensure a high level of amenity and help to ensure privacy of the dwellings from the cycleway.

7.16 **Habitat**

- 7.16.1 An Extended Phase 1 Habitat Survey has been submitted with this application. This survey was carried out on the 10 September 2016 although the report is dated 17 January 2017. The timing of the survey has been identified within the report to have had no significant constraint on the conclusions or recommendations of the report.
- 7.16.2 In relation to bats, there is no bat roost potential on site due to lack of buildings or suitable trees. There may be a potential for the site to be used for foraging. The survey concluded that there was no evidence of badgers on the site with limited foraging potential. The site is considered to be sub-optimal habitat for Brown Hare, Otter, Water Vole, Great Crested Newts and other amphibian species. The habitat identified as not ideal for Schedule 1 species birds and is unlikely to be used by nesting birds due to the frequency of use of the area by dog walkers.
- 7.16.3 The hedgerow is identified as a priority habitat and should be retained where possible, and replacement planting carried out of equal or greater length where loss occurs. The proposals would involve the removal of approximately 120m of hedgerow. Replacement hedgerow of 42m is proposed alongside a significant amount of shrub and tree planting. Whilst this is only a replacement of 35%, it is a significant contribution in light of the space constraints of the site to deliver houses, access and the proposed cycleway. On balance this provision can be considered acceptable.
- 7.16.4 On the basis of this assessment several conditions are recommended in relation to lighting design, construction in relation to protection of hedgehogs, bat and bird boxes. Furthermore, conditions are recommended in relation to replacement planting which is addressed in the above section on landscaping. Given the limited biodiversity interest of the existing site, a planting scheme inculcating

bird and bat boxes is deemed reasonable and proportionate. Lighting to the cycleway is dealt with, by condition, separately.

7.17 Contamination

7.17.1 A Phase 1 Land Contamination Assessment (dated May 2016) has been submitted with the application. Based on the Council's Validation criteria, a land contamination assessment would not be required to be submitted to accompany this application. However, assessment of the report suggests that there are no contamination issues at the site. The chemical results indicated that no contaminants were detected above generic screening levels for a residential (with home-grown produce) end use. The geotechnical results indicated that the soil can be classified as a clay soil with low plasticity. The site is within an intermediate probability Radon Affected Area, as 5-10% of homes are above the action level. Basic radon protection measures are required in the construction of new dwellings or extensions. Whilst no consultation response has been provided by Environment Health, based on the findings (subject to an advice note in relation to building control requirements for Radon Affect Area between 3-10%), the development can be considered satisfactory in relation to land contamination.

7.17.2 Public open space

Local policy states that planning obligations may be sought from any development irrespective of type and size that creates an impact which requires mitigation. NPPF states that planning obligations must meet tests set out in paragraph 204 – necessary, relevant and fair and reasonable in scale and kind. The proposal site is not allocated as Public Open Space. It is currently a field with a designated public right of way across the site with access to other local recreational and open space facilities. As such the loss of this area of land can be considered acceptable in relation to the existing protected areas. It should be noted that due to the scale of this proposal consultation with Public Realm Officer is not required, and as such no comments have been provided. Given the scale of this proposal, the lack of designation of the existing site and the proximity of open space to this site it is considered that it would be unreasonable to require a contribution to the provision of open space. In addition, the site is too constrained in scale to provide any communal open space.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 This proposal would deliver seven homes within a part of the urban area of Lancaster that would reduce the need to travel, helping to meet the housing needs of the District. The proposed layout and design of the houses would be well related to the neighbouring residential development at Collingwood Park, Mulberry Lane and Brantwood Drive without adversely impacting on residential amenity. The proposed dwellings would have an acceptable level of amenity and outlook with appropriate provision for garden space and parking. Despite the site constraints the proposal has designed an access which would not conflict with the extant Booths access position. In addition, the proposed access is not considered to prejudice the delivery of the Bailrigg Garden Village and a refusal on grounds of prematurity is considered to be unreasonable. The proposal also presents an opportunity to deliver an important, albeit small, section of the Strategic Cycle Network. Initial proposals in relation to drainage, landscaping, site levels, cycleway and materials are considered acceptable subject to further details being supplied by condition.

10.0 Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

- 1 Standard 3 year timescale
- 2 In accordance with agreed plans
- 3 Foul and surface water drainage details
- 4 Surface water management and maintenance
- 5 Pre-commitment vehicular access to base course and then fully implemented, including protection of visibility splay
- 6 External ground levels and finished floor levels

- 7 Full construction details of cycleway and subsequent implementation
- 8 Off-site highway improvement works for traffic calming measures
- 9 Landscaping final detail and maintenance
- 10 Material details for dwelling
- 11 Location and material details of all boundaries
- 12 Implementation of tree protection plan and mitigation measures
- 13 Implementation of ecological mitigation measures
- 14 First floor window on side elevations for bath rooms to be obscure glazed
- 15 Separate drainage of foul and surface water

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None.

Agenda Item		Committee Date	Application Number
A7		31 May 2017	17/00244/OUT
Application Site		Proposal	
Land To The South West Of Thorneycroft Kirkby Lonsdale Road Arkholme Lancashire		Outline application for the erection of 12 dwellings with associated vehicular access, field access and new pedestrian links	
Name of Applicant		Name of Agent	
Mr T Jenkinson		Mr Avnish Panchal	
Decision Target Date		Reason For Delay	
31 May 2017		None	
Case Officer		Mrs Jennifer Rehman	
Departure		No	
Summary of Recommendation		Refusal	

(i) Procedural Issues

This application is a resubmission of a withdrawn application (16/01271/OUT). This earlier planning application had been recommended for refusal and was set out in the 9th January 2017 planning committee agenda (agenda item A8) but was withdrawn before the committee meeting. A summary of the previous reasons for refusal are as follows:

- 1) Unsustainable and unsuitable extension to the village which would lead to an unacceptable encroachment of the countryside to the detriment of the visual amenity of the area and intrinsic character of the landscape and settlement.
- 2) The application failed to demonstrate that a safe and suitable vehicular access could be provided and further failed to provide suitable pedestrian connections between the site and the village.
- 3) It failed to provide sufficient information to assess and consider the impacts of the proposal on protected species
- 4) Insufficient information has been submitted to demonstrate that site can drain sustainably and would not lead to an increased flood risk on site or elsewhere.

Between the drafting of the earlier report and the committee, further information was submitted to try and resolve some of the reasons for refusal. The ecology reason had been sufficiently resolved and part of the highway reason had also been satisfied (in relation to the methodology for the traffic speed survey and the required sightlines). A verbal update would have been provided on this matter if the application had not been withdrawn.

1.0 The Site and its Surroundings

- 1.1 The site is located outside the main built-up area of Arkholme village, which is located approximately 170m to the southwest of the application site and is separated by a large area of green open space comprising the village football pitch and the Village Hall. The B6254 (Kirkby Lonsdale Road) runs along the north-western boundary of the site where there are currently two existing access points. A strong native hedgerow forms the boundary with the B6254. To the northeast of the site a detached residential dwelling, known as Thorneycroft, and its curtilage abuts the site albeit separated by a belt of trees. An area of woodland is located to the rear of Thorneycroft between part of the application

site and the railway line (Carnforth to Leeds line). Medium sized pastoral fields, intersected predominately by hedgerow trees and drainage ditches extend beyond the south-eastern boundary of the site towards the River Lune floodplain.

- 1.2 The application site is in agricultural use with a small shed-like building situated within the northern part of the site. The local topography is reflective of the transitional landscapes between the Valley Floodplain and Drumlin Field landscape character types. The land rises steeply to the north side of the B6254 with the small cluster of isolated properties positioned north of Thorneycroft, elevated approximately 5m above the road level (40m Above Ordnance Datum (AOD)). To the south side of the B6254 onto the application site, the site levels fall quickly from the roadside by approximately 5-6m and then level out with a much more gradual decline towards 30m AOD, in the direction towards the River Lune, which is located approximately 500m from the site. There are shallow undulations across the site and evidence of drainage ditches and streams. The ground conditions are boggy and wet evidenced by the wetland grass/reed bed vegetation present.
- 1.3 The site is outside the village Conservation Area within land designated as 'Countryside Area' (Saved Policies Lancaster District Local Plan). There are no other land-use/environmental designations affecting the site and no protected trees within the boundaries of the site or on neighbouring land. A public right of way (Footpath No: 6) which runs in a north-south direction lies approximately 195m to the east of the site.

2.0 The Proposal

- 2.1 The applicant seeks outline planning consent for the erection of 12 residential units with an associated vehicular access off the B6254, a field access road serving the fields to the southeast of the site and pedestrian links towards the village hall and the public right of way to the southeast (Footpath no.6). Only access is being applied for at this stage; all other matters (layout, scale, landscaping and appearance) are reserved for future consideration.
- 2.2 The proposed access arrangements involves closing off the two existing field access points and the construction of a new access located approximately 4m east of the existing furthestmost western access point. The access details are limited though its position and dimensions are clear. The access (as amended) forms a major/minor style priority junction with the B6254 with a 5.5m carriageway incorporating a 6m radii with 2m wide footway provision to its northern extent. The visibility splays are proposed at 2.4m x 43m in both directions.
- 2.3 The application also proposes a pedestrian footpath from the development site, across the agricultural fields to the rear towards the existing public right of way. The indicative plan includes a new farm track to enable future access to the surrounding fields and is partly included in the red edge. The full length of this indicative track is not within the development site and so does not form part of our consideration. The provision of a field access through the site can be considered. The application also includes a pedestrian link on the south western boundary of the development site through the village hall recreational field linking to their car park. Both links are outside the applicants control but notice has been served on the relevant owners and the correct certificates have been provided.
- 2.4 The application proposes to retain the majority of the trees and hedgerows on site, with the exception of short low quality hedgerow (H2 hawthorn), and 15m of another hedgerow (H6 mixed species) together with 2 small Alder trees (T11 and T12).

3.0 Site History

- 3.1 The only relevant planning history relates to the recently withdrawn proposal for the same development.

Application Number	Proposal	Decision
16/01271/OUT	Outline application for the erection of 12 dwellings with associated vehicular access, field access road and new pedestrian links.	WITHDRAWN

This earlier application had been recommended for refusal on 4 grounds as set out at the head of this report. For information, the table below includes a summary of other recent planning applications for residential development that have been approved **elsewhere in the village**. It should also be noted that the applicant sought pre-application advice with the local planning authority (on two occasions) and was advised that the proposal was unlikely to be acceptable.

Application Number	Proposal	Decision
15/01024/OUT	Outline application for the erection of up to 17 dwellings, associated access, provision of a new church car park and a new footway along the B6254 on land East Of Arkholme Methodist Church.	Approved
15/01584/FUL	Erection of a detached dwelling with associated access and landscaping	Approved and currently being implemented
14/00895/FUL	Demolition of existing bungalow and outbuildings and erection of 14 dwellings with associated access and landscaping and subsequent S73 application to vary house type design on Plot 5 (15/00481/VCN) on land previously known as 'The Shielling'.	Approved and implemented by Russell Armor

4.0 Consultation Responses

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

Consultee	Response
Parish Council	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Site is not identified within the Council's SHLAA (2015); • The inclusion of Arkholme as a rural sustainable village in the Local Plan is incorrect due to lack of infrastructure and lack of access to public transport; • Unsustainable location and reliance on private car; • Creation of a wide, well-lit footpath through to the village hall grounds would negatively impact the villages' green infrastructure; • The proposal represents an extension of the village eastwards not an infill. • Village already has a well-used play area and the proposed play area is some distance from the village; and • Impact on the ability to host sporting events and use of the playing fields
County Highways	<p>No objections, subject to the provision of a pedestrian link between the site and the village and protection of the visibility splays. Other key points - considers the site and development unsustainable resulting in an over reliance on the private car. These policy objections remain unaltered from the highway comments to (16/01271/OUT). The access and simple "major/minor" priority junction with 2.4m x 43m is considered appropriate in capacity terms given the level of traffic levels on Kirkby Lonsdale Road, subject to securing appropriate access geometry (5.5m carriageway with 6m radii) and protection of visibility splays. The amended site access drawing addresses the access geometry requirements with the exception of the footway position. Finally, the pedestrian link to the village hall grounds is outside the applicants control on third party land. Lack of detail relating to the prospects of securing this link, which if not delivered would not be conducive to a well-designed and safe walking environment. As an alternative the construction of a 2m wider footway along Kirkby Lonsdale Road for approximately 235m to the bus stop would be required.</p> <p>LCC Highways have made it clear that without the construction of appropriate view lines at the access and the provision of a suitable pedestrian connection between the site and the village, LCC Highways would recommend the application should either be refused or not capable of being implemented (through use of Grampian conditions).</p>

	If approved then County Highways would require conditions including detail of the visibility splays; provision of pedestrian link; upgrade of bus stops; extension of 30mph limit towards the access with enhanced gateway treatment; review and provision of street lighting along the site frontage tying into the village.
Environment Agency	No objection – Any discharge of sewerage effluent made to either surface water or groundwater will need to be registered as an exempt discharge and would require an Environmental Permit. Additional advice is provided regarding soakaway position.
Lead Local Flood Authority	Objection on the grounds of insufficient information to assess the principle of surface water drainage associated with the development. <i>LLFA have been re-consulted following further information submitted on the 9.5.17. A verbal update will be provided.</i>
United Utilities	No objection subject to conditions including foul and surface water to drain separately; surface water drainage details; and maintenance and management of drainage scheme.
LCC Schools Planning Team	No objection – no contribution sought at the time of considering the application.
Conservation Officer	Confirms the development will not have an impact on the setting of the conservation area.
Tree Protection Officer	No objection in principle but raises concerns over inconsistencies in the submission which needs rectifying.
Environmental Health Service	At the time of compiling this report no comments have been received.
Public Realm Officer	At the time of compiling this report no comments have been received.
PROW Officer	At the time of compiling this report no comments have been received.
Ramblers Association	At the time of compiling this report no comments have been received.
Lancashire Constabulary	At the time of compiling this report no comments have been received.
Natural England	No comments – the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
Greater Manchester Ecological Unit (GMEU)	Comments as per the 16/01271/OUT still stand. No objections subject to <ul style="list-style-type: none"> • Works to trees limited to outside the main bird breeding season (March – July); • Any trees of moderate/high potential to support bats later proposed for felling to be limited until further bat surveys are undertaken; • Construction environmental method statement (Reasonable Avoidance Measures to prevent harm to protected species) • Tree/hedgerow retention • External lighting details/plan to be agreed – to prevent impacts on feeding/commuting bats • Biodiversity enhancement scheme

5.0 Neighbour Representations

5.1 At the time of writing this report 51 letters of objection have been received. A summary of the main reasons for opposition are as follows:

Principle concerns including: The site is not identified in the SHLAA or the Local Plan for housing development; no housing need and lack of demand for housing in the village; there are no discernible differences between this application and the withdrawn scheme (16/01271/OUT); the site is not 'infill' and not next to the existing built environment of the village nor represents a sensible or organic expansion of the village; unsustainable and disproportionate development (67% increase in properties since the development of the Herb Gardens including new, planned and proposed development); risk of precedent; the village should not be identified as a rural sustainable village; the proposal should not be considered in outline form due to the sensitive nature of the site.

Highway safety concerns including: site will be accessed off a narrow 60mph road with poor visibility and no footways; the access is substandard, steep, dangerous and would increase the risk of accidents; it is not clear that the visibility splays are achievable and can be maintained with the retention of hedgerows; November traffic survey is unrepresentative and does not accord with the

speeds/traffic levels residents witness; inadequate and inappropriate pedestrian connections to the village; uncertainty within the Highway Authority's response.

Infrastructure concerns including: the village lacks essential facilities to sustain expansion – there is no shop, no post office, no garage, no health facilities and no bus service; the public house is in decline; proposed footpath is via private land through a car park so raises issue over public safety and maintenance; the land is prone to flooding (standing water with high water table); the development would exacerbate flood risk elsewhere/downstream; no public sewerage system – potential risks of septic tank on land prone to flooding.

Landscape, nature conservation and design concerns including: loss of fields for grazing and habitats, impact on protected species; impacts on roadside hedgerows (they have already been severely chopped back); light pollution outside the built-up area of the village would be harmful to the landscape and the ecology of the area; impact on protected species and insufficient ecological report submitted; suburban form of development would be in conflict with the Conservation Area Appraisal; the development would be detrimental to the character and appearance of the village.

A number of objectors make reference to errors in the submission especially in relation to existing services within the village therefore questioning the integrity of the proposal.

An objection has been received from the Arkholme Village Hall Charity Board of Trustees. Who cite the lack of engagement from the applicants regarding the prospects of delivering and maintaining a pedestrian right of way across their land as a reason for opposition. Other concerns include the absence of engagement regarding the prospect of delivering or maintain the proposed play area on land outside the applicants/developers control; and the fact that the proposed footpath link ends at the village hall car park with no consideration of the health and safety considerations for pedestrians crossing the car park (vehicle/pedestrian conflict) which can be very busy at times;

David Morris MP has objected, on the grounds that the development would affect the fabric of the village; concerns over highway safety; concerns over deliverability of pedestrian connections and flood risk.

At the time of compiling this report 6 letters of support had been received. A summary of the reasons for support are as follows:

- There is a post office, great school, public house and school bus service;
- Additional development will support viability for a shop to operate;
- Ideal location for family homes and provides affordable homes for the community;
- Accidents on the B6254 have not been near the proposed access;
- Traffic flows freely on the B6254 with good visibility;
- There are drainage proposals to deal with surface water;
- The proposal does not impact ecology;
- The proposal is next to the existing settlement (enlarged Thorneycroft) and provides safe footpath links to serve the community – it is infill development between the playing fields and an existing dwellinghouse;
- Some public objections to the scheme unwarranted whilst the comments from the Trustees of the Village Hall don't take account of the benefits for the community at large.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles

Paragraph 32, 34, 35 and 38 - Access and Transport

Paragraphs 47, 49, 50 and 55 - Delivering Housing

Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design

Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities

Paragraph 103 – Flooding

Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment

Paragraph 120 – Risks from Pollution (contamination)

Paragraph 123 - Public health and noise considerations

Paragraphs 128-134 – Conserving and Enhancing the Historic Environment

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its' Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Saved Policies of the Lancaster District Local Plan E4 – Development in the Countryside

6.4 Lancaster District Core Strategy (LDCS)

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
SC6 - Crime and Community Safety
SC8 – Recreation and Open Space
E1 – Environmental Capital
E2 – Transportation Measures

6.5 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM25 – Green Infrastructure
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM31 - Conservation Areas
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

6.6 Emerging Local Plan policies
 Local Plan for Lancaster District 2011-2031 Part 1: Strategic Policies and Land Allocations - *Policy SP2: Lancaster District Settlement Hierarchy*.
 Local Plan for Lancaster District 2011-2031 Part 2: Review of Development Management DPD
Policy DM4: Residential development outside Main Urban Areas.
 (NB: Both retain Arkholme as a Sustainable Settlement).

- 6.7 Other Material Considerations
- Meeting Housing Needs Supplementary Planning Document (February 2013)
 - Open Space Provision within New Residential Developments Planning Advisory Note (October 2015)
 - Provision of Electric Vehicle Charging Points New Developments (February 2016)
 - Surface Water Drainage Flood Risk Management and watercourses Planning Advisory Note (May 2015)
 - Housing Land Supply Statement (March 2017)
 - Arkholme Conservation Area Appraisal (January 2016)
 - A Landscape Strategy for Lancashire - Lancaster Character Assessment (December 2000)

7.0 Comment and Analysis

7.1 The application raises the following key issues:

- 7.2 Principle of development and housing needs;
- 7.3 Landscape and visual amenity considerations;
- 7.4 Highway and pedestrian connectivity considerations;
- 7.5 Residential amenity;
- 7.6 Ecology, and;
- 7.7 Flooding and drainage.

7.2 Principle of Development

7.2.1 The NPPF introduces a requirement for Local Planning Authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Lancaster currently only has a 3.9 years supply (based on 400 new homes per annum). In such circumstances there is a presumption in favour of sustainable development. For decision making this means where the Development Plan in relation to its housing supply is assessed as being out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. As a consequence there is a clear expectation that unless material considerations imply otherwise sites that offer an opportunity to deliver housing should be considered favourably.

7.2.2 All tiers of local planning policy aim to deliver sustainable development. Most recently, the Development Management DPD creates greater opportunities for growth in the rural areas through the inclusion of a number of additional rural settlements where housing could be supported. Policy DM42 identifies Arkholme as a settlement where the Council would support new housing. However it also advises that new residential development on non-allocated sites (such as this one) must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development;
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.2.3 The site is not an allocated site and has not been considered as part of the Strategic Housing Land Availability Assessment (SHLAA, 2015). The site is located in designated 'Countryside Area' divorced from the built-up part of the village separated by a large area of green open space

occupying the village hall and football pitch. The site is located off a country road subject to the national speed limit (60mph) with no footways or lighting.

- 7.2.4 Whilst the Local Plan proposals map does not specify village boundaries, it is clear that the settlement of Arkholme is built-up around a single street (Main Street) that runs up from the River Lune to the crossroads with the B6254 where there is a cluster of development including the school. The village has a strong linear settlement plan form which is acknowledged in the Conservation Area Appraisal (where paragraph 3.1 of the appraisal clearly states that the Conservation Area covers the whole of the village). The Conservation Area boundary does not include the application site or the adjacent village hall and recreational grounds, though clearly the village hall and recreational grounds serve the local community.
- 7.2.5 The applicant contends that the village hall and recreation field form part of the village fabric and that because the land between the site and the settlement is not in agricultural use (it is a sports field), that the proposal provides an infilling at the northern side of the settlement. This argument is based on a group of three residential properties (one associated with a farming enterprise) to the north of the site (Thoneycroft, Thorneys and New Croft). This small cluster of residential development comprises a sporadic cluster of isolated dwellings, which is not uncommon in the countryside. They do not form part of the built-up part of the village any more than the application site. To argue the proposal represents infill development within the settlement is, in our opinion, ill-conceived. Despite lying adjacent to existing recreational green space, the proposed site relates to an agricultural field some 170m from the edge of the built-up area of the village, accessed off an unlit 60mph road with no footways. The site is both visually and physically unrelated and poorly integrated with the existing settlement, and therefore fails the first test of Policy DM42.
- 7.2.6 With regards to housing needs, the pre-ambles to Policy DM42 states that the Council will support proposals for new housing in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. The level of services and access to public transport within the village has diminished over recent years. The village now has a school, village hall, church and public house with post office services operating from the village hall 4 hours per week. The public bus services (except the school bus) serving the village had ceased completely until very recently (2nd May 2017) when a very limited bus service (Service 81A) was reinstated between Lancaster and Kirkby Lonsdale via Arkholme. This service runs in both directions arriving at Kirkby Lonsdale at 0835 am with the return bus being at 1750 pm, six days a week throughout the year. LCC Highways have informed officers that whilst these journeys are welcomed, they only exist to facilitate Kirkby Lonsdale Minicoaches' access to the Kirkby Lonsdale service they currently operate. There are no healthcare services, though this is not uncommon nowadays in smaller rural settlements, and no local shop. As such it is unreasonable to suggest the village is not quite as sustainable as previously considered. Notwithstanding this, it is a village identified in Policy DM42 where housing could be supported in principle (where it meets the general policy requirements of Policy DM42 which is not the case here) and continues to remain an identified sustainable settlement in the Emerging Local Plan too.
- 7.2.7 It goes on to state that proposals should have clear benefits for the local community and that they meet rural housing needs. The Council's Meeting Housing Needs SPD, which is informed by evidence from the District's Housing Needs Survey, indicates that in 'other rural settlements' (Arkholme is included in this classification) the identified need for market and affordable housing is predominately 4+ bedrooms and some 3 bedrooms properties. Since the adoption of the Meeting Housing Needs SPD in 2013 there have been significant welfare reforms which have increased the priority of smaller properties in the affordable sector. The proposal is in outline so the size of units are not for determination at this stage, though the indicative submission documents appear to conform to the market housing need requirements set out in the SPD. In terms of affordable housing provision, given the scheme is for more than 10 dwelling units on a greenfield site, up to 40% affordable housing on site should be provided in accordance Policy DM41. The applicant has indicated 5 of the 12 units would be affordable which complies with our policy, however, the size of the affordable housing units would need to include a mix of 2-bedroom and 3-bedroom properties. This could be incorporated into a legal agreement in the event the application was considered acceptable.
- 7.2.8 There has been significant local opposition to the scheme with one of the key areas of concern relating to the housing needs of the village, particularly given the recent approval of other recent housing sites in Arkholme and the apparent low demand/pace of sales. There is no evidence

within the submission addressing specific housing needs for Arkholme, however, it is acknowledged that for sites located within the identified rural settlement, there would be no requirement to evidence a housing need.

- 7.2.9 The second policy test in Policy DM42 requires proposals to be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated. Objectors have stated that the village has increased by 67% since 2006 (including consented schemes) and that a further proposal for housing would lead to inappropriate and disproportionate growth in the village. Arkholme has been subject to a number of planning proposals over recent years. The most notable schemes are those that have been implemented at The Herb Gardens and The Shielings. In this case, a proposal for a further 12 units in the village would not in isolation be regarded disproportionate especially given Arkholme is a recognised rural settlement in the Development Plan. However, unlike the recent approvals for residential development in the village, this site is not well-related to the existing built form and for this reason, the proposal is not considered to be proportionate to the character of the settlement and is therefore unacceptable. This recommendation is consistent with the pre-application advice offered to the applicant.

7.3 Landscape and visual amenity considerations

- 7.3.1 The site is located within the Countryside Area where proposals should be in scale and keeping with the character and natural beauty of the landscape (policy E4). Whilst the site is not located within a nationally designated landscape, development proposals should still respond to the local character of an area and should recognise the intrinsic character and beauty of the countryside. The application site is located within the 13c Docker-Kellet- Lancaster Landscape Character Area (LCA) on the periphery of a Drumlin Field Landscape Character Type (LCT). Land to the southeast crosses into the adjacent Valley Floodplain LCT. The landscape is reflective of these two LCTs, encompassing an undulating landscape, especially to the west of the site, with the land levels dropping to the east towards the valley floodplains, intersected by field boundaries, natural drainage ditches and pockets of woodland.
- 7.3.2 The land levels drop from an elevation of approximately 38m Above Ordnance Datum (AOD) to 31m AOD between the north western boundary and the south eastern boundary of the site. The site levels fall steeply for the first 15m into the site then the levels fall more gradually. Whilst the proposal is in outline form, given the topography of the site regard has to be paid to how the site can achieve the number of dwellings proposed and the associated access and infrastructure. What is clear from the illustrative plans is that housing on the proposed site would not lead to a housing scheme that is reflective of the design and character of the village. Any proposal on this site would result in an inward facing cul-de-sac primarily as a consequence of the site levels and access arrangements. Contrary to the submission documents the proposed dwellings would not respond to the linear character of the village and would lack any frontage or presence along the Kirkby Lonsdale Road. Alternative layouts to avoid this poor relationship to the existing character of the village would be difficult to achieve given the number of units proposed and without significant changes to existing land levels, which too could lead to an incongruous form of development and visual harm. The proposed access arrangements and sightlines (bell mouth of approximately 18m and the introduction of additional verge extending to around 30m - based on the indicative drawing) would also lead to visual harm in your officers' opinion. Beyond the built form of the village, the road is enclosed by strong native hedgerows – a defining feature of most rural roads. The development would inevitably lead to a break in this defining feature through the formalisation of the junction (unlike the existing field access points) which would be incongruous to the character and appearance of the countryside area.
- 7.3.3 The Conservation Area Appraisal recognises that the linear settlement plan of Arkholme has not been significantly altered since the survey of the 1845 Ordnance Survey Map and that this settlement pattern positively contributes to the understanding of the historic development of the Lune Valley and therefore should be preserved. The Appraisal notes that some modern development has responded to local distinctiveness and that despite more contemporary plan form arrangements, these developments have been evenly dispersed within the linear arrangement of the village. The development of the application site would not respect of the distinct architectural and historic plan form of the village, primarily because of the sites divorced location from the built-up part of the village. The development would not be considered in keeping with the character of the rural area and would fail to positively reflect and enhance the positive characteristics of its surroundings. It would subsequently lead to an inappropriate and unsympathetic encroachment of

the countryside. As a consequence the proposal would be detrimental to the character and visual amenity of the area. On this basis, the proposal would be contrary to saved policy E4, Core Strategy policies SC1, SC5 and E1, DM DPD policies DM28, DM35 and DM42 and the Core Principles and design section of the NPPF.

7.4 Highway and Pedestrian Connectivity considerations

- 7.4.1 The application proposes a single access point off the B6524 at the point where the road is subject to the national speed limit (60mph), is unlit and has no footway provision. Amendments indicate a revised access plan, supported by a highway technical note to evidence that the proposed access is appropriate and safe to serve the development. This has been supported by a traffic speed survey to inform the required visibility splays. The 85% percentile speed northbound and southbound were under 30mph in both wet and dry weather conditions which have informed visibility requirements of 2.4m x 39.3m (southbound) and 2.4m x 26.9m (northbound). For additional comfort, the applicant proposes 2.4m x 43m visibility splays in both directions.
- 7.4.2 The proposed access will involve the closing off of the existing two field access points and the provision of a new access. The visibility splay towards the village is included in the red edge but is on land outside the applicant's control. Whilst notice has been served on the relevant land owner the protection of the visibility splay will rely on appropriate management of the roadside hedgerow by a third party. LCC Highways have indicated that the splays to the south towards the village appear to be within the verge (beyond the actual access carriageway). Officers observed that the visibility splay requirements north of the access appear to require some removal or setting back of the hedgerow, particularly when you view the proposed arrangement on site. Officers have tried to obtain clarification and comfort that the splays are achievable with the retention of hedgerows as indicated in the submitted arboricultural report. The applicant claims that access drawing is based on topographical information and so the locations of the hedgerows are correct and that the visibility splays are achievable. If the splays can be provided there would be no highway grounds to object to the proposed access. Such can be secured by condition. Failure to secure the access and sightlines would mean that the implementation of the development should be prohibited (Grampian condition). There have to date been no objections received from the landowner affected by part of the development site and access arrangements.
- 7.4.3 LCC Highways contend the site is an unsustainable location and that there would be an over reliance on the private motor car. LCC have raised concerns over the ability to secure the visibility splays to serve the access, the access geometry and appropriate provision for safe pedestrian connections between the site and the village.
- 7.4.4 Previous concerns over the traffic speed surveys (on the withdrawn scheme) have been resolved and the amended site access drawing addresses the geometry concerns, with the exception of the location of the footway. The precise details of the access could be addressed by condition.
- 7.4.5 The pedestrian link from the site to the village hall is now included in the red edge, although no details have been provided to reassure Officers that this link is genuinely achievable given it is on third party land. The developer has served notice on this landowner (different landowner to part of the development site and access). There is no information provided within the application to confirm that the applicant has engaged with their landowner to firstly obtain any consent or to discuss the reasonable prospects of securing the link. There are no details as to the type of link this would be either. The provision of a safe pedestrian route between the site and the village amenities/services is considered an essential requirement of any proposal on this site. Without the provision of an all-weather pedestrian footway/route from the site towards the village hall, future residents of the development would be required to walk along an unlit length of rural carriageway which currently enjoys the national speed limit. Even if the speed limit was reduced to 30mph, this scenario would be detrimental to highway safety and would not be conducive to good design and safe and accessible development proposals. Most certainly this would fail to meet local plan policies DM20, DM21 and DM35 and paragraph 32 of the NPPF. The highway authority have also made it very clear this is an essential requirement.
- 7.4.6 National Planning Practice Guidance (NPPG) states that conditions requiring work on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body, often fail the condition tests of reasonableness and enforceability. In such cases it may be possible to achieve a similar result using a condition worded in a negative form. Such conditions

should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. The applicant's suggested pedestrian village link comes with no guarantees it is achievable or deliverable at this stage. Nor does the application provide any details in relation to the long term maintenance of the suggested footpath link. The Village Hall (as the landowner where the link is proposed) have been consulted on the application and have objected to the proposal. Their main objection (in relation to the pedestrian link) relates to the lack of engagement with them to discuss the proposals and the prospects of delivering and maintaining a public right of way and also the highway safety concerns as the proposed link appears to extend only to the car park where there would be vehicle/pedestrian conflict. Guidance talks about the imposing of Grampian conditions only being imposed where there is reasonable prospect, yet there are also many cases where imposing a suitable Grampian condition is appropriate for the purposes of assessing a planning proposal even if there was no reasonable prospect of the required action being performed within the time limit in question.

- 7.4.7 LCC Highways had originally indicated that if the proposed pedestrian link could not be secured the provision of a 2m wide footpath along Kirkby Lonsdale Road could be an alternative option. This has been investigated and the Highways Authority advise that the verge is too narrow and the hedgerow is not within the adopted highway. Subsequently there would be substandard width within the adopted highway to accommodate such a link. Notwithstanding this, to provide such a link would require the hedgerow to be removed which would be unacceptable in visual and landscape terms. The only opinion therefore is for the provision of a suitable link between the site and the village hall grounds. It is understood that there is a permissive right through the village hall fields. This alone would not be sufficient to serve the development as a permissive route can be terminated at the landowner's discretion. To enable this proposal to be acceptable in highway safety terms, the link of this permissive route would need to be formalised and upgraded. In this case, the objection from the Trustees does not explicitly state they have an objection to a path in principle. Therefore conditioning the details and provision of before development commences could be an appropriate way to deal with this matter. Clearly if the applicant is unable to obtain the consent of the landowner and is unable to design an appropriate link, the development would be prohibited by using a negatively worded condition.
- 7.4.8 The red edge includes a pedestrian link to the existing public right of way to the east of the site. This is on land outside the applicant's control too. Again notice has been served on this third party landowner previously (before the footpath links were included in the red edge) as the main development site is partly owned by the applicant and partly owned by this third party landowner. Officers have been informed that this landowner is aware of the application and no objections have been received from them in light of their notice. This footpath link would enhance access to the open countryside for recreational purposes in the interests of public health and wellbeing. Whilst it is supported in principle the failure to provide this link would not make the development unacceptable. The Public Right of Way (PROW) Officer previously advised (on the withdrawn scheme) has confirmed that that any links to the existing footpath should be dedicated to the public in perpetuity under the Highway Act, although whether the applicant is capable of delivering this due to ownership constraints has been questioned. The provision of a field access would be required to ensure the agricultural land to the east of the site is accessible for the purposes of maintaining the pasture land. A condition could be imposed to secure the provision of a field access in the event the application was considered favourable. The Highway Authority have also provided comments in relation to the internal layout and parking provision. These are matters which in the event of an approval would be dealt with at the reserved matters stage.
- 7.4.9 Overall, the applicant has failed to evidence that a safe and suitable pedestrian connectivity can be provided from the site towards the village. The failure to secure the proposed pedestrian connection would make the development unacceptable and contrary to paragraphs 7, 17, 32 and 58 of the NPPF, Core Strategy policies SC1 and E2 and policies DM20, DM21 and DM35 of the DM DPD. However, it is contended that the application should not be refused on these grounds, rather negatively worded conditions (i.e. prohibiting development without securing and providing such links) could be imposed in the event the proposal was approved. This would accord with paragraph 203 of the NPPF, which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

7.5 Residential Amenity

7.5.1 Given the isolation from the main built-up part of the village there are few impacts upon existing residential amenity. Given the topography of the site and its surroundings, the only existing neighbouring property likely to be affected directly is Thorneycroft. The development (at the reserved matters stage) would be capable of achieving an adequate layout which would meet the minimum recommended interface distances to ensure Thorneycroft's residential amenity is not adversely affected. Furthermore, the heights of dwellings (scale) and positioning of windows (appearance) could also be appropriately designed to prevent undue overlooking, overbearing impacts or loss of privacy. The submitted Arboricultural Implications Assessment proposes the protection of the existing tree/hedgerow boundary between the site and this neighbouring property, which is welcomed in the interests of both residential amenity and the visual amenity of the area. The properties known as Thorneys and New Croft are positioned on the other side of the B6254 and are elevated above the site. Whilst their view may change the development would be located sufficient distance from the site and on much lower ground. Their residential amenity (loss of privacy, overlooking and outlook) is not considered to be adversely affected.

7.5.2 At the reserved matters stage the proposed development should be capable of achieving the recommended residential amenity standards for the new dwellings as set out in Policy DM35. Overall there are no grounds at this outline stage for objecting to the proposal in relation to residential amenity.

7.6 Ecology

7.6.1 National and local planning policy seek to ensure new development proposals contribute to conserving and enhancing the natural environment including biodiversity. Policy DM27 of the DM DPD clearly states that the onus will be on the applicant to demonstrate how impacts on biodiversity have been minimised and that appropriated survey effort and assessment has been undertaken. An ecology appraisal has now been provided which concludes no notable or protected species were recorded on the site, although there was evidence of bat activity (not for roosting). The appraisal reports that the large oak tree on the south-west boundary has high potential to be used by roosting bats and that the hedges and trees on site are likely to be used by feeding and nesting birds. This tree is to be retained.

7.6.2 The ecological appraisal concludes that with appropriate mitigation including the retention of existing hedgerows and trees; the provision of additional landscaping; the provision of roosting opportunities for bats, and; precautionary measures during construction that the development would not adversely affect the biodiversity of the site and/or protected species. Following concerns raised during the earlier application, additional supporting information was provided (and again submitted with this application) specifically in relation to Badgers and Otters. The Council's ecology consultant has considered the applicants ecological assessments and concludes that the development of the site can be supported subject to the imposition of planning conditions to avoid any impact on protected species, together with biodiversity enhancement measures in accordance with paragraph 109 of the NPPF which requires the planning system to protect and enhance the natural and local environment. The development would accord with the requirements of paragraphs 7, 17, 109 and 118 of the NPPF, policies SC1 and E1 of the Core Strategy and policy DM27 and DM35 of the DM DPD.

7.7 Flood Risk and Drainage

7.7.1 The application site is located in flood zone 1. The site area is under 1 hectare therefore there is no requirement for a Flood Risk Assessment. The application has been accompanied by a drainage strategy which confirms that due to ground conditions the site is not conducive to infiltration techniques and that soakaways on site would not be viable. This strategy confirms that the existing site naturally drains through a combination of 150mm culverted pipes and natural ditches before is discharge to the River Lune some 500m from the development site. The application indicates that the proposed surface water runoff from the development would be attenuated to greenfield runoff rates and discharged to the existing ditch within the site to then connect to the existing watercourse. There have been a number of public concerns raised in respect of surface water flooding and whether the existing drainage network could deal with the impacts of the development. Policy DM39 requires proposals for new development to demonstrate that there is no increase in on-site or off-site surface water run-off rates after completion – in other words the site is capable of being drained without causing a flood risk. Paragraph 103 of the NPPF

also requires local planning authority's when determining planning applications, to ensure flood risk is not increased elsewhere.

7.7.2 The Lead Local Flood Authority (LLFA) have objected on the grounds that the applicant has failed to provide sufficient information to evidence that the existing system (a series of drainage ditches/pipework leading to the River Lune) is suitable and adequate to accommodate additional surface water discharged from the development without increasing the flood risk. The applicant has submitted further supporting information (letter dated 24th April 2017) which the LLFA are yet to provide comments on. The applicant reaffirms that there would be no additional discharge from the site as a surface water drainage scheme would have to be designed to attenuate and discharge to the greenfield rate. This additional information states that the drainage route will be as existing comprising a culverted watercourse across the field, which eventually discharges to the River Lune. It also goes on to state that the maintenance of the watercourse, including the drainage ditch system and culverts is the responsibility of the riparian owner and that there is a legal requirement for such owners to keep channels clear of anything that could cause an obstruction and increase flood risk. The applicant has referred to an appeal case where an Inspector concurred with an appellant that *there is a legal and enforceable requirement for riparian owners to provide maintenance of ditches and culvert systems that pass through their land without obstruction and that there are separate powers outside the planning system to ensure such flows are not obstructed*. On this basis, the Inspector did not consider the lack of maintenance of the wider system a sufficient reason to dismiss the appeal. The LLFA are considering this latest information and are due to provide comments before the committee meeting. A verbal update will be provided but at this stage, the application is recommended for refusal on the grounds of insufficient information to ascertain that the site is capable of being drained without increased flood risk.

7.7.3 With regards to foul drainage, the site will be served by a package treatment plant given the absence of a public sewerage system. The amended plan now includes an indicative location for a package treatment plant (within the development site) along with the specification for a proposed biodisk treatment plant. This will require discharge to the watercourse and is regulated under an Environmental Permitting regime governed by the Environment Agency. The Environment Agency have raised no objections to the proposed development or the principle of a package treatment plant on site. There are no grounds to resist the development on the grounds of inadequate provision for foul drainage.

7.8 Other Considerations

7.8.1 Given the location of the development, the development will result in an increase in traffic and a reliance on the private car. Policy DM36 encourages new development to deliver high standards of sustainable design. Policy DM37 also requires all new developments regardless of location not to have a negative impact on air quality. In the event of an approval, to ensure compliance with the above policies a condition for a scheme for the provision of electric charge facilities would be appropriate. This should ideally be in line with the Council's planning advisory document.

8.0 Planning Obligations

8.1 The County Council as the education authority have indicated there is no requirements at this stage for an education contribution. Previously (the withdrawn scheme) they had requested secondary places for Carnforth High School but officers had contended this would not have been reasonable as the nearest secondary school was in Kirkby Lonsdale (outside Lancashire) and not Carnforth, plus there was no school bus service running via the village to Carnforth. Subsequently, the contribution would not be related to the development (as future occupiers would be highly unlikely to be attending Carnforth High School).

8.2 The application proposes 40% affordable housing on the site to be secured by a legal agreement. In the event that planning permission was favourably considered the applicant would need to enter into a legal agreement to secure 40% affordable housing on site based on a 50:50 rented: intermediate split as per the Council's affordable housing policy.

8.3 With regards to public open space requirements, the Public Realm Officer had previously indicated (withdrawn scheme) approximately 252sq.m of amenity space would be required on-site and that an off-site contribution to the sum of £44,802 would be required. The off-site contribution would be towards improvements to the outdoor sports facilities in the village (football facilities) and the

provisions of children's play and young persons' play. The application indicatively shows a potential play area located outside the application site on land associated with the Village Hall. This land is not owned by the Parish Council but is owned by the Village Hall Trustees. There is no information within the application to suggest the Village Hall would want a play area on their land and if they would maintain it in the long term. Furthermore, the Parish indicate in their response that a play area is not required as there is access to the school play area (outside school times). A contribution to make improvements to the football pitch is supported in principle and in the event of an approval, the final off-site contribution should be calculated at the reserved matters stage, as the methodology for the contribution is based on bedroom numbers. Amenity space on site should be delivered in the interest of good design. The size of amenity space should be proportionate to the development and is capable of being addressed at the reserved matters stage. It is anticipated this would involve the replacement of a couple of the large units indicatively shown on the proposed plan with smaller units to provide the additional amenity space. The provision of the smaller units would be consistent with our advice to meet the affordable housing needs in any case.

9.0 Conclusions

- 9.1 The NPPF states that there are three dimensions to sustainable development (economic, social and environmental roles) and that these roles should not be taken in isolation as they are mutually dependent. Subsequently in order to achieve sustainable development economic, environmental and social roles should be sought jointly and simultaneously through the planning system.
- 9.2 The presumption in favour of sustainable development is engaged (paragraph 49 and 14 of the NPPF) as the proposal relates to housing development and the Council cannot demonstrate a 5 year housing land supply. For decision-taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.

The report above sets out the main issues and the associated impacts of the proposal. Overall it is contended that the divorced position of the site away from the built-up part of the village within the countryside area would have a harmful impact on the character and appearance of the countryside and fails to provide a suitable extension to the village. These impacts would significantly and demonstrably outweigh the benefits of delivering a small number of houses in the district. At present the LLFA maintain their objection, though the applicant has attempted to address their concerns. Until the LLFA are satisfied with the additional information there remains a drainage objection to the scheme. If their concerns cannot be overcome and the applicant cannot satisfactorily demonstrate that the development would not lead to an increased flood risk, the application should be refused on this basis. A verbal update will be provided. Whilst there are concerns over the pedestrian connectivity between the site and the village, such would not lead to a refusal of planning permission on the basis it forms part of the application and its delivery is a matter of securing appropriate agreements with the affected landowner. Such could be dealt with by condition. Overall, Members are advised that the proposal does not represent sustainable development and should be refused.

Recommendation

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. The proposed development, by virtue of the sites divorced location away from the existing built-up part of Arkholme village would not represent a sustainable or suitable extension to the village. As a consequence, the proposal fails to appropriately integrate with the natural and built environment and would result in an unacceptable encroachment of the open and rural countryside to the detriment of the visual amenities of the area and the intrinsic character of the rural landscape and settlement. As a consequence the proposal is considered contrary to saved policy E4 of the Lancaster District Local Plan, policies SC1, SC5 and E1 of the Core Strategy, policies DM20, DM21, DM28, DM35 and DM42 and the Development Management Development Plan Document and paragraphs 7, 17 and Section 7 of the National Planning Policy Framework.

2. Insufficient information has been submitted to demonstrate that site can drain sustainably and would not lead to an increased flood risk on site or elsewhere. As a consequence, the proposal is considered contrary to paragraph 17 and 103 of the National Planning Policy Framework, Core Strategy policy SC1 and policies DM35 and DM39 of the Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice and that of the pre-application Advice. Unfortunately some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

Background Papers

None

Agenda Item	Committee Date	Application Number
A8	31 st May 2017	17/00170/OUT
Application Site Land Rear Of Ingleborough View Station Road Hornby Lancashire	Proposal Outline application for the development of up to 11 dwellings and creation of a new access and associated landscaping	
Name of Applicant Mr & Mrs Norris	Name of Agent Mr Avnish Panchal	
Decision Target Date 26 May 2017 31 st May 2017 (actual Determination Date)	Reason For Delay None (if issued on the committee date)	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matter

This application is a resubmission of a withdrawn application (16/00745/OUT). This earlier planning application had been recommended for refusal and was set out in the 12th December 2016 planning committee agenda (agenda item A8) but was withdrawn before the committee meeting. A summary of the previous reasons for refusal are as follows:

- 1) The access had an overly-urbanising adverse impact to the detriment of the rural character and appearance of the country land in the AONB;
- 2) inappropriate access, overly-prominent development which poorly related to the existing settlement would adversely affect the natural beauty, character and appearance of the AONB landscape and visual amenities of the area;
- 3) Inadequate heritage assessment of the impact of the development on potential archaeological remains.

A site visit was arranged for the Planning and Highways Regulatory Committee Members to view this particular site in advance of the application being reported to the committee. This took place on Monday 27th March 2017.

1.0 The Site and its Surroundings

- 1.1 The application site comprises 1.2 hectare of improved grassland pasture (Grade 3 agricultural land classification) located behind Ingleborough View, south west of Station Road, on the southern outskirts of the settlement of Hornby. The site is divorced from the village core by the disused railway line which previously separated Hornby from the cluster of development at Butt Yeats. The application site and surrounding area are located within the northern fringe of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is also land identified as 'Countryside Area' in the saved Local Plan. Hornby's Conservation Area lies to the north of the disused railway line covering the historic core of the village and castle. The application site is outside of this designated heritage

asset. There are no protected trees within the site or on neighbouring land that could be affected by the proposals.

- 1.2 The site relates to the eastern part of a larger pastoral field. It is bound by the B6480 Wennington Road to the south; the remaining part of the field to its western boundary; the disused railway line and the residential development at Station Court to its northern boundary; and a row of semi-detached and terraced 2-storey houses known as Ingleborough View, Low Barn (a residential property) a sub-station and Station Road to the site's eastern boundary. There is also an area of public open space to the north of the application site situated between Station Court and Station Way Industrial Estate. A small cluster of development around the Butt Yeats junction is located to the south east of the site on the south side of Wennington Road with a further small residential complex, known as Lunesdale Court, around 180m to the south west of the site.
- 1.3 The site is predominately enclosed by native hedgerows, particularly to the northern and southern boundaries. The eastern boundary is made up of a mix of boundary treatment including stone walls, post and wire fences and hedgerows as they make up the domestic curtilages of neighbouring residential property. There are a small group of trees located on this eastern boundary separating the site from Station Road, close to the narrow bridge. The site is accessed by an existing field access off Station Road between Low Barn and 8 Ingleborough View.
- 1.4 Land levels rise gradually from an elevation around 35.8m Above Ordnance Datum (AOD) in the south eastern corner of the site (close to the existing access) to 40.8m AOD at the mid-point along the proposed western boundary of the site. At this highest point the levels then drop steeply towards the northern boundary where the site is elevated at approximately 29m AOD. The site is located outside of flood zones 2 and 3 and is not located in an area identified as being susceptible to surface water flooding (other than along the northern boundary where Mears Beck runs in an east-west direction). The site is located in a Mineral Safeguarding Area.

2.0 The Proposal

- 2.1 The application seeks outline planning permission for up to 11 dwellinghouses with the creation of a new access and associated landscaping. Access and landscaping are to be considered as part of this outline approval. Scale, layout and appearance are all matters reserved for subsequent approval (reserved matters).
- 2.2 The access is applied for in full. The access shown on the proposed site plan (which is indicative save for the access detail) is a typical priority-controlled junction from Wennington Road with a 2m wide footway to the western side of the junction with visibility splays of 2.4m x 104m (east) and 2.4m x 111m (west). The proposed access arrangements involve the retention of the existing hedgerow to the eastern side of the access but the setting back of the field boundary and subsequent hedgerow translocation to the western side of the access to achieve appropriate sightlines. As part of the proposed access the scheme incorporates a new 2m wide footway on the northern side of Wennington Road from the new access westbound to the existing bus stop located opposite Lunesdale Court. This extends approximately 140m from the centre point of the proposed access.
- 2.3 The site includes land to accommodate a northern pedestrian link between the proposed field and the public open space to the rear of Station Court. This link will cross Mears Beck. The proposal also includes opportunities for links to Station Road via the existing field access and adjacent to the land subject to planning permission 15/00117/OUT for a single dwelling adjacent to the existing substation on Station Road.
- 2.4 The proposed landscaping includes the retention and bolstering of hedgerows along the eastern boundary of the site (rear of properties on Ingleborough View), the retention of the hedgerow to the east of the access, the translocation of the hedgerow to the west of the access to accommodate the visibility splay and new footway and new hedgerow and tree planting along the northern and western boundaries of the development site. The landscaping plan also proposes specific planting around the indicative layout even though the layout is not being considered at this stage.

3.0 Site History

- 3.1 The proposal has been subject to Level 1 Pre-application Advice with the local planning authority, which advised that the principle of the proposal was acceptable, subject to various matters being

adequately addressed at the formal planning stage, including pedestrian connectivity and the provision of a suitable access, the provision of affordable housing, high quality design and landscape impacts, drainage, ecology and that existing and proposed residential amenity is protected.

3.2 The most relevant application relates to the recently withdrawn scheme (16/00745/OUT).

Application Number	Proposal	Decision
16/00745/OUT	Outline application for the development of 11 residential dwellings and creation of a new access	Withdrawn

There have been several other planning applications within the immediate vicinity of the site that are of interest to this case:

Application Number	Proposal	Decision
15/00117/OUT	Outline application for the erection of a single 3-bed dwelling with associated access.	Permitted <i>This site is located adjacent to No. 1 Ingleborough View and existing sub-station and is adjacent to the proposed site.</i>
14/01030/FUL	Erection of 9 dwellings and associated access	Permitted <i>This site is located opposite Ingleborough View and is currently under construction. This was permitted with contributions towards affordable housing and off-site public open space.</i>
13/01205/FUL	Erection of 8 2-storey dwellings with associated access, landscaping and car parking	Refused <i>This site relates to the public open space referred to in this report and is owned by the City Council, to the rear of Station Court. This was refused on the grounds of potential noise impacts and subsequent impacts on residential amenity due to the incompatibility with the adjoining employment land</i>

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection to the principle of development despite concerns over the sites location and subsequent over reliance on car journeys, However, this is subject to securing public rights of way to Station Road/Station Court. The link via the public open space to Station Court is considered an essential pedestrian link, advising that if this link is not achievable then they would have to recommend refusal. Off-site work relating to the gateway traffic calming measures, reductions to the speed limit from 60mph to 40mph (via TRO) and upgrades to bus stops are recommended.
Lead Local Flood Authority	No objection subject to conditions relating to the precise details of a surface water drainage scheme and the maintenance and management of such a scheme.
United Utilities	No objection subject to the development according with the FRA and details of maintenance and management of any surface water drainage scheme. UU advises that a public sewer crosses the site and that no building can be permitted over its easement (3m either side of the sewer). <i>NB: the sewer is located in the northern corner within the indicative public open space area and therefore is unlikely to cause a significant problem.</i>
Natural England	No objections in respect of nature conservation sites. Consultation should be carried out with the AONB Partnership/Conservation Board.
County Council (Strategic Planning)	No contributions for primary school or secondary school places are sought. However, this is subject to a recalculation due to the number of pending planning applications impacting the methodology for calculating any requirements to mitigate impacts of the development on local education infrastructure.

Parish Council	No objections – The application is a positive move with the inclusion of the footpath to link Lunesdale Court to the village. The Parish wish to highway the Highway Authority's earlier request to reduce the speed limit to 40mph.
Forest of Bowland Area of Outstanding Natural Beauty	At the time of compiling this report no comments have been submitted. However, the AONB Officer did previously object to the proposal based upon the scheme being considered 'major' (in relation to its AONB designation) and so paragraph 115 of the NPPF applies. Development is likely to impact on the landscape character of the AONB and none of the tests for major development proposals in the AONB have been adequately considered. This siting of the development is likely to have significant visual effects and impact on local views, some of which are unlikely to be ameliorated by any landscaping measures.
Tree Protection Officer	No objection subject to the development being carried out in accordance with the AIA and Hedgerow Translocation Method Statement and Landscape Plan.
Lancashire Archaeological Advisory Service (LLAS)	Despite concerns and criticism of the submitted Heritage Statement, LAAS have indicated that the submitted geophysical survey and the scheme of Trial Trenching has provided sufficient information to make an informed assessment. LAAS are satisfied with the findings concluding that whilst the presence of archaeological remains cannot be completely ruled out, the probability of its existence is considered too low. Subsequently, LAAS advice no further archaeological investigation is necessary on the proposed site.
Property Services (Lancaster City Council)	At the time of compiling this report no comments have been received.
Public Realm Officer	No objections subject to the provision of an amenity space to be provided on site (minimum of 186m ²); northern footpath link not to be separated (fenced off) from the public open space to the rear of Station Court; and an off site contribution of £24,474 towards off-site public open space (upgrades to play area and contribution to 5 aside kick around space on Station Road POS).
Strategic Housing Officer	No objection as the scheme is proposing 5 affordable housing units on site. Comments that the indicative housing mix for the affordable housing would comply with the local housing needs evidence.
Environmental Health Service	At the time of compiling this report no comments have been received.
Electricity North West (ENW)	The development lies adjacent to ENW operational land. The development must not encroach this land or any associated easements. Records show a 33kV cable running across the site through plots 9, 10 and 11. Should the cable require diverting the costs would be borne by the developer.
Lancashire Constabulary	No objections - recommends a number of secure by design measures to ensure the layout and the design of the development takes account of crime prevention

5.0 Neighbour Representations

5.1 At the time of drafting this report, 7 letters of objection have been received. A summary of the main reasons for opposition are as follows:

- The site is not part of the Council's existing and future Plan (Development Plan) nor included in the SHLAA;
- Unsafe and dangerous access on fast, narrow, rural road with limited visibility;
- Parking problems during construction on Station Road;
- Inaccurate and unrealistic sightlines from access;
- Impact on residential amenity including loss of privacy and overlooking; loss of light and overshadowing, and; loss of outlook and loss of peaceful setting;
- Impacts on neighbours exacerbated by sites elevation above Ingleborough View;
- Increased noise/air pollution and disruption from more development in the area reducing quality of life;
- For residents of Ingleborough View, there would be new development to the front and rear if this is approved - loss of views and property values (NB: neither planning considerations).
- Loss of wellbeing due to change in surrounding environment (from open contrary to housing);
- Positions of the proposed footpaths would lead to a loss of privacy to neighbouring dwellings – fencing and screening to mitigate would be equally detrimental;

- Detrimental impact to the AONB outside the village boundaries;
- Visual impacts due to elevated position;
- Impact on wildlife;
- Loss of property value (NB: not a planning consideration);
- Increase flood risk and concerns that the existing sewerage system can cope with additional development.

A letter offers neutral comments including a view that the speed reduction from 60mph to 40mph should be required again, though this should be reduced to 30mph. Concerns about flood risk and the ability of the existing culvert to cope with any additional development and surface water runoff. If approved, there should be conditions imposed to limit further buildings in the area. The Flood Risk Assessment does not take account of cut and fill operations on site; whilst there is a lack of regard to the protection of the AONB and conservation of landscapes.

Two letters of support indicate:

- Provision of the footway between the site and Lunesdale Court will be an enormous benefit to all those living there and the environment (providing opportunities for residents to walk instead of getting in the car); and,
- Concerns over the access but there is support the reduction of the speed limit with a preference to reduce this to 30mph.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
Paragraph 32, 34, 35 and 38 - Access and Transport
Paragraphs 47, 49, 50 and 55 - Delivering Housing
Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115,116, 117,118 – Conserving the Natural Environment
Paragraph 120 – Risks from Pollution (contamination)
Paragraph 123 - Public health and noise considerations
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
Paragraphs 142 and 144 – Facilitating the sustainable use of minerals
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy

SC1 – Sustainable Development
SC4 – Meeting the District's Housing Requirements
SC5 – Achieving Quality in Design
SC8 – Recreation and Open Space
E1 – Environmental Capital
E2 – Transportation Measures

6.4 Lancaster District Local Plan (Saved Policies)

E3 – Development Affecting Areas of Outstanding Natural Beauty
E4 – Development within the Countryside

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM32 – The Setting of Designated Heritage Assets
DM34 – Archaeology
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM41 – New Residential dwellings
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure

6.6 Joint Lancashire Minerals and Waste Local Plan

M2 – Safeguarding Mineral Sites

6.7 Other material considerations

- National Planning Policy Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement (March 2017)
- Forest of Bowland AONB Management Plan
- Forest of Bowland AONB Landscape Character Assessment
- Lancashire Landscape Strategy including Lancaster Character Assessment
- Guidance Note on Policy M2 – Safeguarding Minerals, December 2014
- Section 11A(2) of the National Parks and Access to the Countryside Act 1949
- Section 85 of the Countryside and Rights of Way Act 2000
- Provision of Electric Vehicle Charging Points for New Development Planning Advisory Note (February 2016)

7.0 Comment and Analysis

7.1 The application raises the following key issues:

1. Principle of Development
2. Housing needs
3. Highways and accessibility considerations
4. Impact on the AONB and Countryside Area

5. Archaeology
6. Drainage
7. Residential amenity
8. Ecological impacts
9. Mineral safeguarding

7.2 Principle of Development

7.2.1 The Development Plan for the area comprises those policies of the Lancaster District Core Strategy (CS) and the more recently adopted Development Management Development Plan Document (DM DPD). It also includes some saved policies of the Lancaster District Local Plan. The overarching spatial strategy and growth levels for the District are set out in the CS, which adopts an urban concentration strategy and seeks to deliver housing growth equating to 400 dwellings per annum. The CS seeks to achieve sustainable development (SC1) by ensuring development is sited in sustainable locations. CS policy SC3 identified sustainable rural settlements where a proportion of growth (housing and employment) could be accepted. The recently adopted DM DPD provides greater opportunity for housing growth in key rural settlements. This is set out in Policy DM42. Hornby is identified as one of the sustainable rural settlements, recognising the level of services available in this village to serve its rural community. As advised at the pre-application stage, the principle of new housing in Hornby is considered acceptable. However, any such proposal should meet a number of general planning requirements (also set out in policy DM42) having particular regard to the specifics of the site and its surroundings. In particular, proposals should be well-related to the existing built form of the settlement; be proportionate to the existing scale and character of the settlement; demonstrate good siting and design to conserve and where possible enhance the character and quality of the landscape and be located where the infrastructure can accommodate the impacts of expansion.

7.2.2 The National Planning Policy Framework (NPPF) provides that policies of the development plan must only be afforded weight concordant with the degree to which they reflect the aims and policies of the NPPF. As part of the Council's work towards delivering a new Local Plan for Lancaster District and in accordance with the NPPF (paragraph 47), the Council has been reviewing the objectively assessed need (OAN) for housing in the District. This evidence demonstrates that the District's OAN is likely to exceed the current figure of 400 dwellings per annum set out in the CS (Policy SC4).

7.2.3 Paragraph 49 clearly states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year housing land supply. It is not disputed that the Council cannot demonstrate a deliverable 5 year housing land supply. Paragraph 49 states that all housing proposals should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development specifically, (paragraph 14 of the NPPF) states that for decision-taking the means *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *Specific policies in this Framework restrict indicate development should be restricted."*

Consequently, housing in Hornby could be regarded as acceptable in principle (policy DM42), but this is subject to all other material considerations being appropriate to assess the application against the tests set out in paragraph 14 of the NPPF. The report shall now consider key materials considerations in turn.

7.3 Housing Needs

7.3.1 The pre-amble to policy DM42 states that the Council will support proposals for new housing development in rural settlements that have good access to an appropriate range of services that contribute to the vitality of these settlements. It goes on to state that proposals should have clear benefits for the local community and that they meet rural housing needs. The Council's Meeting Housing Needs SPD, which is informed by evidence from the District's Housing Needs Survey, indicates that the market housing needs for Hornby are predominately 2 and 3 bedroom properties. The affordable housing needs are also 2-bedroom properties. In terms of affordable housing

provision, given the scheme is for more than 10 dwelling units on a greenfield site, up to 40% affordable housing on site should be provided in accordance policy DM41.

- 7.3.2 The application is in outline form with matters such as scale and appearance reserved for subsequent approval. The applicant's indicative layout plan shows the provision of 11 units with a mix of detached, semi-detached and terraced units. The affordable housing statement indicates that the size of units would comprise three 2-bedroom units and eight 3-bedroom units. The application also confirms that 5 of the 11 units would be affordable which would be secured by legal agreement. Whilst the exact dwelling types/sizes are not being considered in full at this outline stage, the mix of dwelling types/sizes indicated would not be considered unreasonable. The Council's Strategic Housing Officer has raised no objections and indicated that based on the Council's affordable Housing policy 50% of the units should be available for social rent and 50% for intermediate housing. In this case, given 5 units are proposed for affordable housing, the preference is for 3 rented units and 2 intermediate units. The applicant has revised their proposal slightly from the earlier scheme, stating the proposal is not for **up to** 11 dwellings, though the affordable housing statement remains the same indicating a minimum of 5 affordable units within the development.
- 7.3.3 Overall, the application adequately demonstrates that the proposal would positively contribute to meeting the local market and affordable housing needs in accordance with policies DM41 and DM42 of the DM DPD and the Meeting Housing Needs SPD. This is considered a benefit to the scheme and the provision of new housing in identified sustainable settlements can also help maintain and potentially enhance local services.
- 7.4 Highway and Accessibility Considerations
- 7.4.1 The proposed vehicular access is proposed off the B6480 Wennington Road. Within the vicinity of the site, the B6480 is unlit, has no footways and is subject to the national speed limit of 60mph. It is a typical rural road bound by relatively high native hedgerows. Station Road links Wennington Road to the A683 at the junction with Butt Yeats. Station Road runs alongside Ingleborough View and is subject to a 30mph limit with a footway along the western side of the carriageway. Access to the village from Butt Yeats/Ingleborough View is restricted by the narrowing of the carriageway over the disused railway bridge to the north of the site where there is limited provision for pedestrians. In terms of highway matters there are two principle issues to address. The first relates to the appropriateness of the proposed vehicular access and the second relates to accessibility for pedestrians to the village services/facilities from the site.
- 7.4.2 The proposed vehicular access is located around 50m to the west of the access serving Green Close (a detached dwelling) on the south side of Wennington Road. The access is approximately 130m to the Butt Yeats junction (east of the site) and just under 200m to the access to Lunesdale Court (a residential complex located outside the village), which is to the west of the site on the south side of Wennington Road. The proposed access has been positioned to maximise visibility in both eastbound and westbound directions and comprises a typical priority controlled junction off Wennington Road. The access has been designed with maximum visibility splays of 2.4m x 104m eastbound and 2.4m x 111m westbound. A new footway is incorporated from the new access towards Lunesdale Court, which extends beyond the required visibility splay by around 30m. Despite local concern over highway safety, in particular the proximity of the access to the junction of Butt Yeats, road alignment and restricted visibility and traffic speeds, County Highways has raised no objections to the proposed access arrangements. County Highways has, however, acknowledged that the site speed limit along the stretch of road between the existing and proposed junctions should be reduced from 60mph to 40mph. The provision of the access and the investigation and implementation of an appropriate speed reduction scheme can be secured by way of planning condition. In terms of highway safety and suitability, the proposed vehicular access is considered compliant with relevant national and local planning policy.
- 7.4.3 The application has been amended to address concerns over pedestrian connectivity from the site to the village centre. This primarily includes land to the north of the site to provide a footpath link

from the site to the village via the public open space adjacent to Station Court, thereby avoiding the narrow bridge on Station Road.

- 7.4.4 The delivery of this link is, however, subject to private negotiations with the appropriate landowners as the link is on land outside the applicant's control (albeit forms part of the application). The land to the north of Mears Beck, which the link would have to cross, is public open space (POS) owned by the City Council but leased and managed by the Parish Council. A small section from the POS to the public highway is understood to be in the same ownership as Station Court (a registered provider (RP)). The requisite Notices have been served. There have been no objections or representations received from the RP concerning the link proposals. In the case of the City Council, no comments have been received at the time of compiling this report. However, under the previous withdrawn scheme initial comments indicated that the Council (Property Services) had some concerns over the link and that they would not wish the provision of a link to prejudice the ability to develop their land.
- 7.4.5 The planning history section of this report references an application on the POS in question (13/01205/FUL). Whilst the City Council (in their property role) had not fully agreed for a footpath to be linked to their land (under the withdrawn scheme), they had equally not said it was not possible. Their primary concern related to whether the footpath link would prejudice the future development of the site. Having regard to the layout proposed as part of planning application 13/1205/FUL, there would appear to be sufficient scope to provide a link without prejudicing a scheme similar to that previously submitted.
- 7.4.6 County Highways have made it clear that the provision of the northern link is essential and that failure to deliver this link would render the proposal unacceptable as it would lead to increased pedestrian movements along Station Road and specifically over the narrow bridge where footway provision is deficient. This would result in unsafe pedestrian movements between the site and the village centre and so the proposal would fail to comply with policy SC1 of the CS, DM DPD policies DM21 and DM35 and paragraph 32 of the NPPF. In the event of an approval, a Grampian condition could be imposed to ensure details of the proposed northern connection from the site to Station Court are agreed by the local planning authority and that the implementation of such be undertaken on site before the commencement of development. It is contended that the works associated with the provision of the pedestrian link to the village (avoiding the narrow bridge) are required to make the development acceptable and such a condition would meet the tests set out in paragraph 206 of the NPPF. This approach is also accepted by the Highway Authority.
- 7.4.7 The provision of pedestrian links to Station Road would provide direct access to the bus stop located outside Ingleborough View. The delivery and precise details can also be controlled by condition. A single link would be reasonable rather than the two suggested. It is anticipated that at the detailed design stage, the level differences between the site and Station Road in the vicinity of the link to the north of the sub-station may prove problematic and so utilising the existing field access to the south of 8 Ingleborough View may be the most feasible route. With regards to the proposed footway to Lunesdale Court, this is betterment for the residents of Lunesdale Court, but ultimately it is not an essential requirement to make this development acceptable in planning terms. The Road Safety Scoping Report for the B6480 submitted with this application, is a report commissioned by the Parish Council back in June 2015. It is unrelated to the proposed development, other than the applicant offering a footway and incorporating this into their proposed access arrangements. Residents of Lunesdale Court are knowingly located outside the village and have chosen to live in this location despite the existing poor footway connections. Their rural, somewhat isolated location is clearly part of its attraction. Formalising footways between isolated rural houses/complexes to larger settlements has quite profound environmental implications. In summary, the provision of the footway between the proposed access and Lunesdale Court is being offered to provide some betterment and benefit to a small number of the local community – it is not requirement to make the development acceptable. On this basis, Members are advised to give little weight to the needs of some residents of Lunesdale Court rather what is required to make this development acceptable. This would be pedestrian links to the village and not in the direction towards Lunesdale Court.
- 7.4.8 In terms of the internal layout and parking provision, by in large these are details reserved for subsequent approval. The indicative plan has been revised to remove the originally proposed footway incorporated into the access arrangements to the east of the access toward Butt Yeats, namely because the footway was regarded superfluous and potentially dangerous given it was not connecting to a footway but an area of grass verge. Overall, subject to the imposition of conditions

relating to the proposed pedestrian connections, the scheme can deliver safe and suitable access for all and supports appropriate pedestrian connectivity as required by policy SC1 of the CS, DM20 and DM21 of the DM DPD and paragraph 32 of the NPPF.

7.5 Impact on the AONB and Countryside Area

- 7.5.1 The proposed development is located within the Forest of Bowland AONB. Paragraph 115 of the NPPF states that *great weight should be given to conserving landscapes and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scene beauty*. Paragraph 116 goes on to state that *planning permission should be refused for major development in these designated landscapes except in exceptional circumstances and where it can be demonstrated they are in the public interest*. This national policy position is enshrined in the Local Plan policy DM28. Specifically, policy DM28 states that *proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality will not be permitted*. Saved policy E3 echoes this approach and clearly states that development which would have a significant adverse effect upon the character and quality of the landscape will not be permitted.
- 7.5.2 The application has been submitted with a Landscape and Visual Impact Assessment (LVIA) and rebuttal reports to the AONB Officers comments to the withdrawn scheme or the previously drafted committee report (later withdrawn). Officers have assessed the scheme and the LVIA and in reaching this recommendation have had regard to Section 85 of the Countryside and Rights of Way Act 2000. This places a statutory duty on the local planning authority when assessing and determining a planning application within the AONB, to have regard to the purposes of conserving and enhancing the natural beauty of the AONB.
- 7.5.3 The FoB AONB Landscape Character Assessment characterises the application site and its landscape within the Lune Landscape Character Area (LCA) and Valley Floodplain Landscape Character Type (LCT). The landscape is characterised as flat, wide floodplains of the River Lune surrounding by rolling drumlins and hills. The overall visual sensitivity within the Valley Floodplain Landscape Character Type is considered to be high, as a result of the generally strong indivisibility with surrounding higher landscape Character Types and the strong sense of openness within views along the valleys. Features include a strong cultural pattern of hedgerows and stone walls which delineate field boundaries and contribute to high cultural sensitivity. As a result of these factors, this Landscape Character Type is considered to have limited capacity to accommodate change without compromising key characteristics of this LCT. Wennington Road and land beyond to the south, in the vicinity of the application site, is defined within the FoB AONB Landscape Character Assessment as Caton LCA and Undulating Lowland Farmland and Wooded Brooked LCT. The key characteristics of this LCT relates to the patchwork of pasture field and wooded troughs and gorges; a network of hedgerows and stone walls that delineate field boundaries, and; scattered cottages and clustered villages. The Caton LCA specifically refers to minor roads lined by mature hedgerows with specific guidelines to ensure highway improvements respect and reflect local character.
- 7.5.4 The FoB Management Plan clearly sets out that all development is expected to conform to a very high standard of design, to be in keeping with local distinctiveness and should seek to conserve and enhance the AONB's natural beauty. Development that is considered to have a materially adverse impact can only proceed where it is demonstrated that it satisfies an over-riding national need (paragraph 116 of the NPPF).
- 7.5.5 The first step in the assessment of this proposal is whether the proposal should be judged 'major' in the context of paragraph 116 of the NPPF. The NPPG states that whether proposed developments within these designated sites should be judged 'major' will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable. Case law is beginning to assist in the assessment of whether a proposal is regarded 'major' or not. It is clearly not based on a prescribed set of criteria, nor the definition of 'major' for the purposes of the Development Management Procedure Order, or if it requires EIA. It is a matter of a planning judgement for the decision maker in light of all circumstances and the context of the site.
- 7.5.6 In this case having regard to the scale and amount of development proposed, the landscape assessment and localised site constraints, Officers are satisfied that the scheme would *not*

constitute 'major' development in its ordinary meaning. This is contrary to the interpretation of 'major' set out in the FoB AONB Officer's comments. However, this does not diminish the great weight that should still be afforded to the protection of the AONB designation, nor does it alter the statutory purpose of the AONB designation which is to conserve and enhance the natural beauty of the area.

- 7.5.7 The LVIA indicates that site encompasses the eastern side of a drumlin and then looks at the site in two sub-areas. The northern sub-area relating to the part of the site that steeply slopes towards the northern boundary and the southern area which slopes more gradually toward the southern boundary. The assessment sets out the national and county character areas and types and considers the more recent FoB AONB Lancaster Character Assessment. It includes representative viewpoints and photomontages which were agreed with Officers in advance of the submission and then considers the predicted likely landscape and visual effects that would arise from the development. In addition to the LVIA a detailed Arboricultural Implication Assessment (AIA) has been submitted including methodology for hedgerow translocation along the southern boundary of the site. The Council's Tree Protection Officer has no objections to the development and the hedgerow translocation.
- 7.5.8 It is not disputed that the landscape value of the site and its surrounding landscape is judged to be high, and that the landscape associated with the application site is on the fringe of Hornby which is influenced by existing development and recently consented schemes along Station Road and its immediate surroundings. Officers had previously raised concerns over the lack of assessment of the visual and landscape impacts associated with the proposed access. The applicant's rebuttal to this simply argues that the viewpoints were agreed with Officers of the Council and then argues that the visual effect of the entrance would primarily be on motorists approaching the site. It accepts adverse effects on some of the landscape features (greenfield site and loss of hedgerow for the access). The applicant contends this is a small proportion of the total quantity of these features in the Valley Floodplain landscape character type and that the impacts will be mitigated (after 10 years based on their Landscape Strategy). Whilst such loss may represent a small proportion in total, it does not make the loss acceptable.
- 7.5.9 The landscape effects will be a direct loss of improved grassland and the loss of approximately 11m of hedgerow to accommodate the new vehicular access. The landscape effects also include the significant alterations to the southern field boundary, principally by the setting back of the existing field boundary and the widening of the carriageway to incorporate a grass verge (in places) and a 2m footway for a length of almost 130m. This includes the translocation of the existing hawthorn hedgerow along the southern boundary of the site. This is to provide the visibility splays for the new access, plus an additional length of footway to provide a pedestrian connection from the site to Lunesdale Court.
- 7.5.10 The LVIA concludes that for a landscape with high to medium sensitivity to change the level of effect would be substantial to moderate. The assessment contends that the development would have direct effects on a relatively small portion of the Lune LCA, though this does not sufficiently take account of the works required to the southern boundary to facilitate the proposed access or the topography of the site, and argues the proposal simply moves the edge of Hornby westwards by 115m from the edge of the existing development (Ingleborough View), leading to a moderate to slight direct and indirect effects on the Lune LCA. In the case of the Caton LCA, the LVIA concludes the proposal would be perceived to be contiguous with existing development on Station Road and Station Court and when viewed from elevated parts of this LCA the development would form an improved edge to this part of the village by introducing new hedgerows. The LVIA suggests the level of effect would be moderate to slight. The submitted assessment concludes that overall the direct landscape effects on the FoB AONB are also moderate to slight and the indirect landscape effects slight to negligible. The application contends that the development could be accommodated given the relationship of the site with the edge of Hornby and the provision of green infrastructure to sustain and enhance the character of the landscape surrounding the site.
- 7.5.11 With regards to visual effects, the LVIA concludes that the visual effects are limited due to the enclosed character of the site and the surrounding landscape affording high level visual screening. It indicates that where views are obtained, they would be in the context of the existing edge to Hornby. The greatest level of visual effect is judged substantial and adverse on the views of residents living in property adjacent to the site.

- 7.5.12 In terms of the landscape and visual effects, the LVIA places significant weight on the indicative landscape strategy (landscaping) which unlike the withdrawn scheme, is now applied for as part of this outline application. Whilst the landscape strategy provides some mitigation this will not be realised for several years after completion (10 years).
- 7.5.13 Policy DM28 requires development proposals to be appropriate to the landscape character type and designation. This policy requires great weight to be attached to the protection of this nationally designated site in the determination of planning applications. Policy DM42 requires proposals to be well-related and demonstrate good design and siting in order to conserve and where possible enhance the character and quality of the landscape. Policy DM35 requires proposals to contribute positively to the identity and character of an area through good design and appropriate siting having regard to local distinctiveness.
- 7.5.14 Built development around Butt Yeats was historically considered outside the settlement of Hornby (this is evident on the historical maps). Hornby itself developed around the castle and bridge over the River Wenning. More recently we have seen development proposals come forward to the south of the disused railway (extending Hornby) which have been accepted as part of the settlement despite being slightly divorced from its centre by the disused railway line and associated bridge. Unlike this development, these development proposals have been accessed via the existing built-up area of the settlement namely, Station Road. They have also been positioned on relatively flat land reflective of the existing built development along Station Road. In this case, the proposal seeks to introduce a new access off Wennington Road in a location considered outside the built-up part of the settlement. Except for small clusters of development along its length such as Lunesdale Court and Butt Yeats, Wennington Road represents a typical rural road characterised by high hedgerows immediately abutting the winding carriageway as it runs through the valley with undulating pasture land beyond. The proposal would significantly alter this character and charm by the setting back of the southern field boundary, the widening of the overall carriageway, the introduction of grass verges (in some places) and a 2m wide footway for a length of approximately 135m westbound towards Lunesdale Court. This would have a significantly adverse urbanising effect on the character of Wennington Road which would conspicuously contrast with the established rural character long Wennington Road, detrimental to the character and appearance of the rural area which in turn would fail to conserve and enhance the natural beauty of the AONB. The development's access does not positively respond or relate well to the existing built settlement and would represent an inappropriate extension of the built environment in this location.
- 7.5.15 The applicant's rebuttal document argues that the proposed access and footpath along Wennington Road would not be an uncharacteristic element of the 550m stretch between Lunesdale Court and Station Road. What is not acknowledged by the applicant is that the development around the junction of Butt Yeats is historic development focused around the crossroads with minimal access arrangements serving small-scale developments (one being a conversion). There are no footways and only narrow grassed verges. Secondly, the historic development around Butt Yeats is completely separated (albeit for a short distance) from the development of Lunesdale Court by open, rolling countryside. Policy DM42 makes it clear that new housing must be well-related to the existing built form of the settlement. For the reasons set out above, the application is not considered to be well-related to the existing built form and therefore fails this policy test. Because of this arrangement it is contended that the development would not conserve and enhance the AONB and would not represent development in scale and character to its surroundings – it would also lead to an unacceptable encroachment and extension of the built form of the settlement westwards along this stretch of Wennington Road.
- 7.5.16 In addition to the harmful visual and landscape impacts associated with the access arrangement, the scheme would introduce development elevated above existing development, Station Court and Station Road. As noted earlier, the site is located on the north and eastern sides of a shallow drumlin. The LVIA suggests the development will be partially screened by the drumlin when viewed from the west (viewpoints 3 and 5). Whilst the existing drumlin in this location would screen some of the development, based on the indicative layout and suggested scale of development, the landscape would in your officers' opinion be adversely affected by the introduction of a new roofscape and buildings extending above this drumlin across its entire north-south axis. At the junction of Wennington Road with the A683 (viewpoint 5) the existing drumlin provides a distinct landscape feature between the built-up part of Hornby (north of the disused railway line) and the cluster of development at Butt Yeats. In this location, there is a sense of openness through the valley bottom with views beyond of higher rolling landscapes. The development would diminish the

importance of this landscape feature (both in terms of landscape and visual effects) from these viewpoints.

- 7.5.17 Contrary to the applicant's assertions that the development would be perceived to be contiguous with existing development on Station Road and Station Court and that the effects of the development on the AONB would be judged (at worse) to be moderate with substantial visual effects restricted to a limited number of people living in properties adjacent to the site, Officers contend the landscape and visual effects at a localised level are more likely to be substantial. Whether the effect is judged moderate or substantial, the effects of the development are not considered acceptable. The proposal is deemed to be harmful to the visual amenities of the locality and the open and rural character of the area and that the proposed landscaping would not sufficiently mitigate the impacts. Subsequently, the proposal is considered contrary to policies SC1 and E1 of the CS, saved policies E3 and E4 of the Lancaster District Local Plan, policies DM28, DM35 and DM42 of the DM DPD and paragraphs 7, 17, section 7 and Section 11 of the NPPF.

7.6 Archaeology

- 7.6.1 Paragraph 128 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. An assessment of significance should be proportionate to the asset's importance but as a minimum the historical environment record should have been consulted. The Framework goes on to state that where there is potential for a development proposal to affect potential heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation should be provided. This is echoed in policy DM34 of the DM DPD, which explicitly states that such assessments should be undertaken before the planning application can be determined to allow for an informed and reasonable planning decision to be made.
- 7.6.2 Following concerns from Lancashire Archaeology Advisory Service (LAAS) in relation to the previously withdrawn scheme, a Heritage Statement has been provided along with a geophysical survey.
- 7.6.3 The applicant's Heritage Statement attempts to consider the development in relation to known designated heritage assets, such as nearby listed buildings and the conservation area. The nearest designated heritage asset relates to the listed Grade II medieval cross base located around 70m to the east of the site. The Conservation Officer have not provided comments on this application, but on the withdrawn scheme (which is the same as what is currently proposed) raised no objections to the development. In the event of an approval, the key considerations will come at the reserved matters stage when the proposal will need to demonstrate that it is in scale and in character with the adjacent Conservation Area, with particular regard to architectural detailing and high quality materials.
- 7.6.4 Despite the applicant being made aware of LAAS's initial comments (on the withdrawn scheme), the submitted Heritage Statement fails to thoroughly address the potential archaeological interest associated with the site and surrounding area, and has been subsequently been criticised by LAAS. Whilst this could be considered contrary to paragraph 128 of the NPPF, the submission of the geophysical survey provides sufficient information to make an informed opinion about the likelihood of potentially encountering archaeological remains. The conclusions of the archaeological investigation appear to indicate that there has been some activity in the area of the site during the prehistoric period but that there was no evidence of a settlement or other 'built' form encountered. LAAS conclude that whilst the presence of archaeological remains cannot be completely ruled out, the probability of its existence is considered to be low and therefore no further archaeological investigation is necessary. On this basis, the development would not impact on known heritage assets or the historical or cultural environment.

7.7 Drainage and Flood Risk

- 7.7.1 The application has been accompanied with a Flood Risk Assessment and Drainage Strategy. The site lies within flood zone 1 which is identified as land at the lowest risk of flooding. The site has not been accompanied by any ground investigation or drainage surveys, but the applicant's consultant has undertaken a site visit and researched the geology of the area. This confirms that currently the site naturally drains to Mears Beck and that infiltration is unlikely to be feasible due to the ground conditions/soil types. The report indicates that surface water poses the highest risk of more frequent

flooding and that detailed surface water drainage from new development is critical and consequently an appropriate sustainable drainage system would be implemented as part of the proposal. This would seek to control surface water discharge to the watercourse at the Greenfield rate. To achieve this, appropriate surface water attenuation would be required on site. Despite local objections to the contrary, the Lead Local Flood Authority have raised no objection to the proposal subject to the imposition of conditions requiring a detailed drainage strategy before the commencement of development. In this case, unlike others, the site has the benefit of discharging surface water to the existing watercourse that runs alongside the application site in the event infiltration is proven not to be a feasible option. Subject to the detailed design and layout of the scheme, it should be possible to design-in appropriate surface water attenuation – though the location of which may be limited due to the topography of the site. On this basis, there would be no sound planning reason to refuse this outline planning application on flood risk/surface water drainage grounds. Policy DM39 recognises that appropriate conditions and/or legal agreement securing the implementation of SuDs and appropriate management and maintenance measures is a reasonable approach.

7.8 Residential Amenity

7.8.1 Policy DM35 relates to key design principles and requires new development not to have significant detrimental impact to the amenity of existing and future residents in relation to overshadowing, visual amenity, privacy, overlooking and pollution. The application is in outline form with layout and scale reserved for subsequent approval. Notwithstanding the wider landscape and visual amenity concerns, it is contended that the site could accommodate 11 units (not necessarily the housing mix suggested) in such a way to ensure residential amenity is protected. There are concerns in relation to the scale of units 9-11 marked on the indicative plan and the ability to provide sufficient useable gardens in this location given the sloping nature of the site. In the event of an approval, any subsequent reserved matters application would need to address these points without introducing features which would exacerbate the visual and landscape impacts associated with the scheme, such as terracing with large retaining features/boundary fences. At this outline stage, there are no grounds to resist the application in relation to residential amenity.

7.8.2 There have been objections raised in relation to further development around Station Road leading to an increase in noise and disturbance. Whilst the provision of an additional 11 units in this area would result in increased domestic activity, given the small-scale nature of the development such activity is not considered likely to lead to significant adverse impacts on the health and quality of life. It is also acknowledged that the site is positioned relatively close to an existing employment area. However, given the degree of separation from this employment area and the proposed landscaping this is unlikely to lead to a significant amenity issue.

7.9. Ecological Impacts

7.9.1 An ecological appraisal has been submitted in support of the application. Natural England confirm that the proposal is unlikely to affect statutorily protected sites. The site is dominated by species-poor improved agricultural grassland of limited ecological value, and overall the site has very limited potential to support any specially protected or priority species. Mitigation in relation to specific species has been set out in the submitted report, together with recommendations to retain hedgerow/trees and where this is not possible offer compensatory planting and habitat enhancement, such as the incorporation of SuDs and wetland habitat and additional landscaping. The Landscaping details would appear to provide some of the recommended mitigation. This level of mitigation is considered acceptable to prevent any harm to protected species and would provide opportunities for biodiversity enhancement. In this regard the proposal is considered acceptable and complies with the relevant national and local ecology/biodiversity planning policy.

7.10 Mineral Safeguarding

7.10.1 The application site (and surrounding land) is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on

site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

- 7.10.2 The application has given limited consideration of Minerals Extraction with no ground investigation undertaken to evaluate the mineral resource. However, Officers have had regard to policy M2 and the relevant guidance and conclude that given the topography of the site; its position in relation to surrounding land also allocated for mineral safeguarding which is dissected by rural roads and scattered development; its sensitive location within the FoB AONB; the potential for buried archaeological remains, and; the proximity of the site to residential property, that the application site is highly unlikely to attract significant commercial interest in the land for mineral extraction.

8.0 Planning Obligations

- 8.1 In the event of an approval, the affordable housing provision set out in paragraph 7.3.2 would be secured by legal agreement. In addition, the County Education Authority have requested an education contribution to the sum of £24,474 towards one secondary school place. Despite the applicant being willing to offer the contribution, as the County Education Authority's methodology is based on bedroom numbers, it is contended that in the event of an approval any planning obligation would require the Education Contribution to be calculated at the reserved matters stage.
- 8.2 In terms of public open space, the indicative plan shows that the site can accommodate a reasonable level of amenity space that has the potential to be well-designed and perform an appropriate function. There will be a requirement for an off-site contribution towards existing children's play/young people's facilities in the village, with the potential scope to incorporate a 5-a-side football pitch within the Station Road POS (to the north of the site). The Public Realm Officer has indicated that existing public open space provision in the village will be the responsibility of the Parish. The Parish have subsequently set out their needs and so any off-site contribution should be delivered in collaboration with the Parish Council. Like the education contribution, the methodology for calculating the POS contribution is based on bedroom numbers. It is therefore agreed that the POS contribution figure is to be determined at the reserved matters stage.

9.0 Conclusions

- 9.1 The applicant has highlighted the approval of 23 dwellings off Royal Oak Meadow in Hornby (15/01593/OUT) noting Officers did not consider this 'major' development in the AONB despite the comments from the AONB Officer. The applicant has also referenced the appeal decision relating to the S J Barge site in Caton (14/00768/OUT) where the Inspector too contended that the development of 30 dwellings in the AONB was no 'major' development. Finally the applicant has stated that positive progress is being made by Story Homes in relation to land north of the high School site to accommodate a significant number of dwellings. The applicant claims that they cannot understand how their minor housing development is attracting such scrutiny in comparison to the above sites. In response, Officers agree that the proposal is not considered 'major' development for the purposes of Paragraph 116 of the NPPF. However, just because it is not 'major' development does not necessarily make the development acceptable (as set out in our assessment above). The two cases referred to are not comparable to this proposal. As a starting point, both cases were accepted to be well-related to the existing built form of the settlements affected. This is not the case here. As for the larger scheme for 80 dwellings, there has been no formal planning application for this proposal to provide any comparable evidence in support of the application. Should this larger site come forward, the local planning authority would expect this to be pursued, examined and tested through the Local Plan process. In light of the above, officers are not persuaded that the other planning decisions referred to by the applicant would materially alter our recommendation.
- 9.2 Whilst the proposal will make a small contribution to the delivery of market and affordable housing and that matters in relation to highway safety, pedestrian connectivity, flood risk, trees and hedgerows, biodiversity, residential amenity and public open space have been satisfactorily addressed (or capable of being addressed through the imposition of conditions), it is contended that the development is not well-related to the village and would lead to unacceptable encroachment into the countryside which is considered harmful to the open and rural character of the area; thus failing to conserve and enhance the natural, scenic beauty of the AONB. This impact is judged to significantly and demonstrably outweigh the small benefits of the proposal, when assessed against

the policies in the NPPF taken as a whole. Despite some support locally for the scheme including the Parish Council, Members are recommended to refuse the application.

Recommendation

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. By reason of the siting and the extent of alterations required to the southern field boundary and Wennington Road to accommodate a safe and appropriate means of vehicular access to the site with adequate sightlines, together with the provision of a significant length of unnecessary footway along this stretch of rural road extending to Lunesdale Court, would lead to an overly-urbanising adverse impact that would be detrimental to the rural character, quality and appearance of this country road within the Forest of Bowland AONB. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17 and Section 7 and 11.
2. The development proposed by virtue of the sites position on the north and east sides of a drumlin, partially elevated above surrounding development, together with the inappropriate siting of the vehicular access, would result in overly-prominent development that poorly relates to the existing built form of the settlement and as a consequence will unacceptably encroach the countryside to the detriment of the natural beauty, character and appearance of the AONB and the visual amenity of the countryside area, therefore failing to represent sustainable development. The proposal is therefore contrary to policies SC1, SC5 and E1 of the Core Strategy, policies DM28, DM35, DM41 and DM42 of the Development Management Development Plan Document, saved policies E3 and E4 of the Lancaster District Local Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 17, Section 7 and 11.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant had taken advantage of this service prior to their first submission, the resulting proposal is unacceptable for the reasons prescribed in the Notice. Unfortunately some of the problems associated with the scheme are so fundamental that they are incapable of being resolved as part of the current submission.

Background Papers

None

Agenda Item	Committee Date	Application Number
A9	31 May 2017	17/00352/FUL
Application Site Land to the rear of Dragons Head Hotel Main Street Whittington	Proposal Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access and erection of a first floor side extension over existing pub	
Name of Applicant Mr Simon Nutter	Name of Agent Mr Andrew Tait	
Decision Target Date 6 June 2017	Reason For Delay None	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a previous application at this site, for a similar proposal, was reported to the Planning Committee following a request from Councillor Peter Williamson. The reason for the original request related to: the proximity to recently approved dwellings; that the access had been used for many years by the public house; and issues raised by the Authority in relation to design. Members also undertook a site visit in January 2017.

1.0 The Site and its Surroundings

- 1.1 The site is located within the small settlement of Whittington, which is located towards the north east of the District. It relates to the Dragon's Head Hotel and associated land, comprising a large area of hardstanding, a grassed area, beer garden, and a detached barn. Part of the site appears to have been previously used as a Caravan Club Certified Site, but it is likely that this use ceased in 2015. There are a number of mature trees along the site boundaries and the land slopes significantly downwards towards the rear of the site (east), and rises again beyond the site boundaries.
- 1.2 The public house and barn are within the Conservation Area and there are some Grade II Listed buildings located approximately 15 metres to the south west and 45 metres to the north west. The site is within the Countryside Area, as identified of the Local Plan Proposals Map and part of the land to the east, outside the application site boundary, is located within Flood Zone 3.

2.0 The Proposal

- 2.1 Planning permission is sought for the demolition of outbuildings at the rear of the public house, with this and some of the adjacent land used as car parking. The barn to the south of the site would be converted to a single dwelling and a terrace of three dwellings is proposed towards the east of the site, with associated gardens and parking. A significant amount of engineering works appear to be required given the changes in levels across the site and a two storey side extension is proposed to the public house. This is a resubmission of two previously refused applications. The main alteration

relates to the inclusion of the public house within the application boundary, and an extension to this.

3.0 Site History

3.1 Two planning applications were submitted in 2016 (16/00238/FUL and 16/01373/FUL) for similar proposals to the current application, but excluding the extension to the public house. These were both refused, the second at Planning Committee on 6 February 2017, and for the following reasons:

1. *The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location and it is likely that the proposal could have a detrimental impact on the viability and vitality of the pub business which it proposes to support. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.*
2. *The proposed alterations and extension to the barn do not respect the agricultural character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion. It is therefore considered that the proposal does not represent good design and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, and Section 12, and policies DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.*
3. *As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.*

Application Number	Proposal	Decision
16/01373/FUL	Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access	Refused
16/00238/FUL	Demolition of outbuildings, conversion of barn to dwelling, erection of 3 dwellings with associated landscaping, parking and alterations to the existing access	Refused
15/00468/PRETWO	Conversion of the existing public house to a mixed use scheme comprising a public house, shop and self-contained flat, conversion of a barn into a residential dwelling and erection of 18 residential dwellings with associated access road (Pre-application advice)	Unlikely to be acceptable
07/01055/FUL	Erection of retractable canvas awning	Refused
1/80/1368	Erection of a garage	Approved
1/79/1182	Use land for siting caravan for occasional summer use	Refused
1/79/1349	Use land for siting caravan for occasional summer use	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Support.
County Highways	No comments received (though the Highway Authority objected to the previous application as the proposal would result in an increase in peak hour traffic movements and the development has not demonstrated that it will benefit from a safe access point

	onto the public highway)
Conservation	No comments received (though raised concerns on the previous application as the proposed new dwellings were not considered appropriate in design, contained conflicting features, and did not relate well to the surrounding built form of Whittington. Also had concerns regarding aspects of the fenestration on the barn conversion)
Tree Protection Officer	No comments received (though raised no objection on the previous application subject to conditions requiring additional tree planting and development to be carried out in accordance with the submitted Arboricultural Implications Assessment, though it was noted that any potential future conflict between occupiers of the proposed dwellings and adjacent trees could be lessened through an alteration in design – i.e. to increase the distance between the proposed dwellings and boundary trees)
Lancashire Archaeological Advisory Service	No objection.
United Utilities	No objection. Request conditions requiring: foul and surface water to be drained on separate systems; and submission of a surface water drainage scheme.

5.0 Neighbour Representations

- 5.1 1 piece of correspondence has been received in support of the application which raises the following points:
- Will help to bring low cost housing to the village without being part of an intrusive development.
 - The re-opening of the public house with associated shop will add much needed facilities to the village and reduce the need for villagers and visitors to travel and will provide a focal point for people to meet.

The Ward Councillor has also written in support, for the following reasons:

- It has received unanimous support from the Parish Council;
- It is a brownfield site;
- There are no visual impacts arising as not visible from B6254;
- The access has been acceptable for the public house use for years and this proposal would not significantly increase its usage;
- The proposal will deliver much needed community facilities, including a bar, eatery, small retail outlet and a bed and breakfast; and
- It would create no precedent.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 70 – Social, Recreational and Cultural Facilities
Paragraphs 117 and 118 – Biodiversity
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraph 135 – Non-designated Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift

progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (adopted July 2014)

DM7 – Economic Development in Rural Areas
DM8 – The re-use and Conversion of Rural Buildings
DM20 – Enhancing Accessibility and Transport Linkages
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or Their Settings
DM35 – Key Design Principles
DM40 – Protecting Water Resources and Infrastructure
DM41 – New Residential Development
DM42 - Managing Rural Housing Growth
DM49 – Local Services

6.6 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Scale, siting and design and impact on heritage assets
- Impact on residential amenity

- Highway safety and parking provision
- Ecological implications
- Impact on trees
- Contaminated land
- Public Sewer

7.2 Principle of the development

- 7.2.1 Core Strategy Policy SC1 requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Development Management DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 lists settlements where new housing will be supported and indicates that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. The application is not located within one of the settlements, the nearest of these being Arkholme, which is approximately 4km, to the south. The settlement of Kirkby Lonsdale, which is outside the District, contains a number of services and is located approximately 2.8km to the north.
- 7.2.2 Policy DM42 also goes on to say that proposals for housing in other rural settlements will be supported if it can be demonstrated that the development will enhance or maintain the vitality of the local community and proposals lacking a sufficient justification will be considered under the Rural Exception Sites criteria. Whittington is a small and relatively linear settlement, with development predominantly following the main roads through the village. It has a church and village hall and a public house, which is currently closed. There has previously been a more frequent bus service through the village, but currently there is only one bus service from Kirkby Lonsdale to Lancaster, via Whittington, which runs on school days. Therefore, someone living in this location would be wholly reliant on private transport. There are also currently no shops in the village, although one has been proposed as part of another housing scheme to redevelop a farm complex within the village. The site is therefore not in a location where new residential development would usually be supported as it is not considered to be sustainable.
- 7.2.3 The submission explains that the proposal will help to maintain the existing vitality of the local community through the refurbishment and reopening of the Dragon's Head, which is proposed to include a small village shop. The previous applications provided no details in relation to how the proposal would enable the public house to be reopened (for example the need for and costs of any refurbishment required that the dwellings might contribute towards). It was previously advised that it would need to be fully demonstrated through robust evidence that the level of development proposed was required to bring the public house back into use. There were also concerns that there were no assurances that the development would lead to the reopening of the pub and that it could lead to the business being less viable with the loss of the beer garden.
- 7.2.4 The current proposal includes the public house in the site boundary, in addition to an extension to the building. Some basic costings of works proposed to the public house have been provided with the submission. However, these are very general, with no breakdown of costs, and appear very high with no evidence to support the figures. It has also not been demonstrated that all these works are required to bring the public house back into use, such as the first floor extension that was not previously proposed. Furthermore no supporting documentation or reports have been provided to demonstrate the need for certain works that have been included in the costs, such as through a structural survey. In looking at what would be required for enabling development to bring the public house back into use, the local planning authority would also need to consider the purchase price of the building, and it would be expected that the condition of the building would have been taken in account in this. If the new dwellings are to be considered as enabling development, then there would be some way of securing that the money from the sale of the dwellings, or of the land with planning consent, would be used to carry out works to bring the public house into use and provide the shop proposed. This could be done through a legal agreement. However, it would need to relate to the carrying out of specific works and – potentially - a timescale that the public house needs to be operated for, and these works should directly relate to the money gained from the sale of the land or new dwellings. It may be that fewer properties are required to provide the funding needed. Unfortunately, the applicant appears unwilling to enter into a legal agreement to secure the opening of the public house. As such, it is not possible to consider this, or the creation of the shop, at present

as a firm benefit arising from this proposal, as there would be nothing preventing the dwellings being built and the public house not being opened.

- 7.2.5 The submission sets out that the applicant's expertise in the leisure industry, having owned and managed a number of cafes and licenced facilities, and illustrates that serious intention to bring the pub business back into use. A statement has also been provided from the applicant to show how he would run the public house. In addition to setting out that it is the intention to operate a bed and breakfast, this sets out that the sitting-out area would be moved to the front and that he never used the rear garden when he visited the pub many years ago. This has been shown on one of the site plans, and shows the area surfaced in permeable paving, enclosed by some planting. It is still considered that an enhanced area at the rear would benefit the business and provide an area away from the road, which would be particularly beneficial for families. However, the area at the front may be likely to be more used given its location to the west of the building.
- 7.2.6 Enabling development *could* be a strong justification for the four new dwellings. However, there is not currently sufficient evidence to support this, as set out in the previous paragraphs. Although the reopening of the public house and the creation of a small shop would clearly be beneficial, and would help enhance the vitality of the settlement, unfortunately the proposal still does not secure this. Advice has been given to the applicant, following the refusal of the previous application, but this does not appear to have been taken on board, with the exception of the submission of the brief information in relation to costs. In addition, within the pre-application advice, it was set out that the need for housing in Whittington should be justified with a robust, well evidenced local housing need assessment. The resubmission refers to the one carried out for a development which was approved in the village earlier in the year at Whittington Farm for 18 houses, although does not go into this in any detail. It is not clear that this development would meet an identified housing need, particularly in conjunction with the approved development. This decision has also been referred to by the agent. However, each application must be determined on its own merits. The approved scheme provided some very clear benefits which weighed in favour of the development. These were: the provision of a village shop and tea room within a converted barn; delivery of market and affordable housing; enhancements to the Conservation Area; utilisation of brownfield land and the provision of open space. The main justification for the current proposal, in addition to the provision of housing, is that it will allow the public house to re-open. However, there is still no guarantee that this would be secured through the current proposal, and it should be evidenced that the level of development proposed is required to finance the works proposed to be carried out. It is possible that a smaller development could provide the required finance, and this might overcome some of the other concerns and previous reasons for refusal. Given this and the above, it is not considered that the proposal currently complies with Policy DM42 of the DM DPD.
- 7.2.7 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include: the essential need for a rural worker to live at or near their place of work in the countryside; where development would represent the optimal viable use of a heritage asset; where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling. Part of the proposal includes the conversion of a barn. This is an attractive building and is located within the Conservation Area. Its retention would therefore be beneficial. The current scheme has included amendments to the design, however it is still considered that some of the changes would have a detrimental impact on the character and appearance of the building. It is considered that this could be resolved through amendments which would likely result in the principle of this aspect being considered acceptable, although there are some other issues which are discussed below. It may be that the conversion of this building will provide the revenue necessary to carry out renovation works to the public house.
- 7.2.8 Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Although this is currently the case, the Council has a very clear approach to sustainable development within rural locations. In addition, the NPPF is very clear that there are three dimensions to sustainable development which are economic, social and environmental. Although the proposal could meet the economic and social roles by allowing the public house to re-open, the submission does not demonstrate that the development is required to do this or that the money from this would be used to renovate the building and support the business. The proposal would also fail to

meet a social role by locating housing where occupiers would be wholly reliant on private transport to reach services. It could also be argued that once someone is travelling to work or taking children to school, they are more likely to use services, particularly larger shops, in these locations rather than support small facilities within the village. It is not therefore considered that a lack of a five year housing land supply justifies four new dwellings in this location, which lacks sufficient services, with occupiers wholly reliant on private transport. The justification put forward is not considered to be sufficient or robust enough to outweigh the adverse impacts.

7.3 Scale, siting, design and impact on heritage assets

7.3.1 Whittington Conservation Area was designated in 1981 for its retention of late-17th to 19th century vernacular buildings. The Dragon's Head Hotel is a late 19th century infill to the Whittington settlement, though it responds well to the surrounding vernacular appearance of the area. The barn, located behind The Old Post Office, is shown on the 1890 Ordnance Survey map. The submission sets out that the Dragon's Head was originally built as a dwelling for a Hutton Roof quarry owner and the barn was constructed as stables. The public house, outbuildings (proposed to be demolished) and the barn to be converted are located within the Conservation Area. The proposed dwellings are immediately on the boundary of the Conservation Area.

7.3.2 It is not considered that the demolition of the outbuilding would have a significant impact on the character and appearance of the existing building or the Conservation Area. The proposal would increase the amount of hardstanding to provide a parking area, and therefore surfacing treatments would need to be appropriate. The current application introduces an extension to the side of the public house, which will be partly above the existing single storey element, but will also project behind this away from the highway. It is considered that an extension could be accommodated on the side of the building, but the current proposal does not respect the character and appearance, in particular the proportions, of the existing building. Whilst it is proposed to be finished in stone and have a slate roof, the eaves height is very low and the windows have more of a horizontal than vertical emphasis and collectively this is likely to make the extension appear quite squat in relation to the existing building. It has also been designed with part of the roof slope continuing to a higher ridge level, resulting in an awkward split roof, part of which will be quite large and disproportionate to front wall of the extension. The public house and extension are within the Conservation Area, and will be clearly visible from the main road. Given the above, it is not considered that the extension will preserve or enhance the character and appearance of the Conservation Area and will detract from the appearance of the public house, which is considered to be a non-designated heritage asset, and is therefore considered to be contrary to both National and Local Planning Policy.

7.3.3 The scheme for the barn conversion utilises the existing openings but also proposes one additional window opening and three rooflights in the front elevation, a replacement door opening and an additional window opening in the side (east) elevation and two rooflights and two new narrow windows in the rear elevation, although there does appear to be a blocked up larger opening. The previous application introduced some amendments, retaining the sliding barn door. However, a new window is still shown behind this on the plan. The number and style of roof lights in particular adds to the domestic appearance that the scheme will introduce. It is likely that they would be required to be large in size as bedroom 3 is only served by three rooflights, and bedroom 2 is only served by one which will be at a high level. Given the poor level of light and outlook afforded to these rooms it is likely that, once occupied, there would be significant pressure for further openings that would further diminish the character of the building. The room in the roof space also has very limited full height space. The internal accommodation would be improved by removing the third bedroom and repositioning bedroom 2 and the en-suite so that the bedroom utilises the existing opening in the centre of the front elevation. This would also help to preserve the character of the building and reduce pressure for further openings. This was set out in the previous Committee report, but unfortunately no amendments have been made.

7.3.4 Overall, it is considered that the proposals would harm the character and appearance of the building, introducing overly domestic elements. However, it is considered that amendments could be made to make this acceptable, but this would involve removing one of the bedrooms and a reconfiguration of the accommodation.

7.3.5 The three new dwellings are proposed would be to the east of the site at a much lower level than the highway. Two large retaining structures are required above and below the dwellings, given the significant changes in levels. The land rises beyond the site, and the development is therefore

relatively well contained within the landscape. However, there are still significant concerns regarding the design. The front elevations lack a strong frontage, having timber lean-to porches. The windows are also square in appearance. The dwellings are proposed to be two-storey at the front and three-storey at the rear. Three projecting glazed gables are proposed on the rear elevation. It is not considered that the design of the dwellings relates well to the surrounding built heritage of the village. The location of the buildings also does not correspond well to the general linear nature of the settlement although there are some situations where there are dwellings to the rear of the main built frontage, such as the opposite development, The Maltings. Again, no amendments have been made in relation to this aspect of the scheme from the previous applications.

- 7.3.6 The layout is considered to be poor in terms of the location of parking for the public house in relation to the converted barn and the deficiencies in private amenity space. There is very little private amenity space shown in relation to the barn conversion which is considered to be unacceptable. At the side there is a very small paved area providing access to two adjacent parking spaces. At the front a small paved area is proposed but it does not appear that this would be enclosed and also lies next to parking to serve the public house, which would be 3.3m from the front wall of the building. Given its location and the character of the building, it is unlikely that a high boundary treatment to enclose this area would be considered acceptable. Following the previous refusal, options for using this building in association with the public house for manager's or visitor's accommodation were discussed with the applicant. The three detached dwellings also have relatively open front gardens, likely to be overlooked from the car park area at a higher level, but also from each garden area. The current retaining structure and wall allows overlooking from the parking area and any increase in this would be likely to impact on light and have an overbearing impact on the properties.
- 7.3.7 At the rear, the garden areas are very limited with one only having around 14 sq.m. One is much larger, but it is not clear if this is affected by the sloping land and would be overshadowed by adjacent mature trees. Drawings have been provided to show how the dwellings meet the Council's standards in relation to amenity space. However, this also includes areas that are overlooked by neighbouring properties, heavily overshadowed by trees and are parking spaces. The guidance supporting Policy DM35 sets out that new houses should look to ensure at least 50 sq.m of useable garden space which is not directly overlooked by neighbouring properties. It appears that the agent has misinterpreted the Council's policy believing it to mean privately owned rather than not overlooked. The current submission sets out that that it must be appreciated that within tight knit traditional settlements the level of amenity would be different from that on a purpose built housing estate and if potential purchasers do not like the amount of space available to them they can choose not to buy the properties. However, the NPPF stresses that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Whilst the characteristics of the site and surroundings have been taken into account, what is proposed by this scheme is particularly poor and could be significantly improved, although it may require a reduction in the numbers of dwellings. Overall it is not considered that the scheme provides an acceptable level of private amenity space, and amenity in general, for future occupiers and is a poor aspect of the overall layout and design the scheme.
- 7.3.8 The Lancashire Archaeological Advisory Service has advised that the Historic Environment Record shows a potential Roman Road line crossing the site. This is the northern end of a road from Lancaster that is only seen fleetingly along the north side of the Lune valley and is thought to be heading to a junction with the Roman road leading from the fort at Over Burrow northeast towards the fort at Watercrock near Kendal. The first part of the Over Burrow – Watercrock route is reasonably certain, and is thought to pass approximately 200m to the north of the development site. The route of the road from Lancaster, however, is poorly understood and there is only a low probability of remains being encountered on the development site. It has been advised that this low probability means that it is not considered that any formal archaeological intervention is justified.
- 7.4 Impact on residential amenity
- 7.4.1 The three dwellings at the rear of the site have the main windows in the front and rear walls, with none serving habitable room windows in the side wall. The adjacent residential development fronts the highway, but they appear to have long rear gardens extending at least until the eastern end of the application site. Given the siting and design, it is not considered that this part of the proposal will have a detrimental impact on residential amenity.
- 7.4.2 The barn shares boundaries with adjacent residential properties. There are no windows proposed to

the west elevation, facing the rear of properties fronting onto the highway. There are three facing the garden of a neighbouring property, in the south elevation, one of which appears to be existing, with one previously infilled. However, these could be fitted with obscure glazing which would prevent overlooking. This was shown on the plans for one of the previous applications, but has not been indicated on the current plans. There are concerns that the higher level roof light at the rear would result in overlooking to the rear gardens of the adjacent properties as the bottom of this would be 1.5m above the floor level. If repositioned slightly higher and installed as a fixed light then it may overcome these concerns.

7.5 Highway safety and parking provision

7.5.1 County Highways previously advised that the proposal will increase traffic movements at the site access during the peak hours and the current layout offers a substandard visibility to the left (south) on exit. A response has not yet been received in relation to the current proposal. However, it does not appear that any significant changes have been made to overcome the previous concerns. The submitted documents on the last and current application put forward various scenarios to improve visibility if the speed limit is reduced to 20mph and the carriageway narrowed to bring forward the give way line. In respect of the former, the Highways Authority previously confirmed that there is no intention to introduce a 20 mph speed limit in Whittington as it is unlikely that the relevant criteria will be met. The other option was to bring forward the give-way line by marking an edge of carriageway line along the frontage of the site. Notwithstanding the fact that the narrowing would need to be kerbed along the length, this approach would not be acceptable as it would introduce a reduced carriageway width in a village setting on a bend and opposite an existing junction (The Maltings).

7.5.2 The submission refers to the historic use of the land to the rear of the pub for camping and caravans but there is no evidence provided to substantiate this or provide an indication of the level of traffic generation associated with this usage. From carrying out research, there is no planning consent relating to these uses, though it appears that the site may have been a Caravan Club exemption site for five vans. The inclusion of family housing would increase movements to and from the site in the peak periods raising concerns regarding the poor visibility at the site entrance. The agent has set out that the applicant has the agreement of his neighbour to the south to reduce the boundary height. This comprises a low stone wall and a hedge. Even if a Grampian condition was added to ensure this was reduced before work started, a condition requiring it to be maintained at a height of no more than 1 metre would be unenforceable as it is outside the control of the applicant.

7.5.3 In respect of the internal parking layout, the parking spaces reserved for the occupiers of the barn conversion are not considered to be fully accessible. They do not have sufficient space to reverse into or out of the spaces without utilising the adjacent pub parking spaces. In the event of these spaces being occupied then the scenario would be vehicles reversing out onto the highway which would not be acceptable. In response to this, a vehicle manoeuvring plan was provided to show that vehicles can enter the highway in a forward gear, although it does appear very convoluted. The position of the access to the parking serving the three new dwellings and its width, appears to be restricted with the likelihood of conflicts between vehicles and also between vehicles and pedestrians.

7.5.4 On this basis, the Highways Authority previously recommended that the application be refused on the grounds that the development has not demonstrated that it will benefit from a safe access point onto the public highway, and that the development will result in an increase in peak hour traffic movements.

7.6 Ecological Impacts

7.6.1 A bat, barn owl and nesting bird survey has been submitted with the application and was carried out in November 2014. This has focussed on the public house and barn to be converted. There was no past or current evidence of bats roosting found at the site during the survey. The report sets out that the buildings are unlikely to be used by significant numbers of bats for roosting. It is highly unlikely the buildings are essential for species survival and precautionary mitigation is considered to be appropriate. Barn owls are currently considered to be absent and there was no indication of current use of the site by nesting birds. It is not therefore considered that the proposals will have a detrimental impact on bats, barn owls or nesting birds, subject to appropriate precautionary mitigation.

7.7 Impact on Trees

- 7.7.1 An Arboriculture Implications Assessment (AIA) has been submitted. A total of 7 individual trees and 6 groups have been identified in relation to the proposed development. Species include sycamore, cypress, ash, willow, birch, hawthorn, damson, and elder. The majority of trees are confined to boundary lines, many of which occupy offsite locations. Trees within and around the site provide a significant element of greening and site screening. In addition, they are a significant resource for wildlife including the potential to provide habitat and foraging opportunities for protected species. It is proposed that an early-mature sycamore (subject to confirmation of ownership) and a semi-mature willow are both removed in order to accommodate the proposed development. All other trees are to be retained. There are currently no proposals to remove any other existing trees. However, measures will be required to ensure trees are protected during the proposed development, demolition and construction phases.
- 7.7.2 The proposals currently encroach into the root protection areas and canopy areas of trees to the northern boundary and also to the south of the site. However, to the north this potential impact is lessened by the presence of pre-existing built up levels. Encroachment issues are further lessened with the use of Cellwebb, and hand dig construction methods which are satisfactory. Similarly, a short section of hard standing exists to the southern side of the site. It is considered that this access road will have constrained rooting from the adjacent trees. A “no dig” approach is proposed for the construction of the occasional visitor car parking area and a Geocell system is proposed which would minimise the potential impact upon tree roots. There is no scope for an alteration in ground level within identified root protection areas.
- 7.7.3 There is, however, likely to be an ongoing conflict with overhanging branches from the neighbouring site trees. It should be noted that future occupiers of the proposed new dwellings would have Common Law Rights to prune back any overhanging branches back to the boundary line. This could result in an adverse impact on the natural shape and balance of trees and result in a loss of amenity and wildlife benefit. As such, the trees have been assessed for their suitability for inclusion within a Tree Preservation Order. It is the intention to protect a linear group of trees comprised of 6 ash trees to the northern boundary and a single sycamore tree to the southern boundary with a Tree Preservation Order. In effect the order prohibits the lopping, topping, felling, uprooting, pruning or otherwise damage to any such tree without the written authorisation of the local authority. However, it is still considered that any potential future conflict could be lessened by increasing the distance between the proposed dwellings and boundary trees.

7.8 Contaminated land

- 7.8.1 The Contaminated Land Officer previously requested a preliminary risk assessment and further investigation and remediation if necessary. This is appropriate and can be controlled by condition.

7.9 Public Sewer

- 7.9.1 United Utilities has previously outlined that a sewer crosses the site and an easement of 3 metres would be required either side of this. This appears to have been incorporated into the layout.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application at present.

9.0 Conclusions

- 9.1 The site is located within a location which is considered to be unsustainable. Although the re-opening of the public house, and inclusion of a small shop, would help to maintain the vitality of the settlement, this is not actually provided through the proposal. There is no certainty that the scheme will result in this and if granted there are currently no assurances, for example through a legal agreement, that appropriate works would be carried out and the pub reopened. In addition, no robust evidence has been provided to demonstrate that the development is required to bring the public house back into use and there has been no detailed justification put forward as to how the proposal would provide for local housing needs. Part of the scheme does propose the conversion of a traditional building, but it is not considered that it would improve the setting of the building. In fact it would likely result in harm to the non-designated heritage asset and potentially the Conservation

Area. These concerns also relate to the extension proposed to the public house. It is not therefore considered that the benefits of the proposal outweigh the harm. It is noted that a recent scheme for residential units has been granted in Whittington. However, this proposed to replace agricultural buildings and there were other clear benefits of the scheme which outweighed the unsustainable location. In addition to the above, it is not considered that the proposal provides a safe means of access or delivers high quality design, including appropriate amenity for future occupiers of the dwellings.

- 9.2 Notwithstanding the need to significantly boost the supply of housing (as defined by the NPPF, Section 6, Para 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Para 49), for the reasons set out above it is not considered that the proposal represents sustainable development and the benefits do not outweigh the harm.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The site is located within a small rural settlement with very limited services and as such is not considered to be sustainable in terms of its location. It is not considered that a sufficient and robust justification has been put forward to justify four new dwellings in this unsustainable location. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 8, Policy SC1 of Lancaster District Core Strategy and Policies DM20, DM42 and DM49 of the Development Management Development Plan Document.
2. The proposed alterations to the barn do not respect the character and appearance of the building and would result in an overly domestic appearance. The design and layout of the new dwellings does not relate well to the surrounding built heritage and fails to provide an appropriate level of private amenity space, including in relation to the barn conversion, and the extension to the public house is not in keeping with the character and appearance of the existing building and is not considered to preserve or enhance the special characteristics of the Conservation Area. It is therefore considered that the proposal does not represent good design and is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7, and Section 12, and policies DM8, DM31, DM32, DM33, DM35 and DM42 of the Development Management Development Plan Document.
3. As a result of increased traffic movements and poor visibility at the site's entrance, the application has failed to demonstrate that it will benefit from a safe access point onto the public highway. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Section 4, and policies DM20 of the Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has taken a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service prior to submission of the application, the resulting proposal is unacceptable for the reasons prescribed in this report.

Background Papers

None

Agenda Item A10	Committee Date 31 May 2017	Application Number 16/01136/FUL
Application Site Land opposite 26 to 48 Lancaster Road Overton Lancashire	Proposal Erection of 32 dwellings with associated access, internal roads, open space and landscaping	
Name of Applicant Messrs Hancock & Grantham	Name of Agent Dan Ratcliffe	
Decision Target Date Extension of time agreed 7 June 2017	Reason For Delay Awaiting submission of amendments and further information from the applicant, additional consultation and addressing LLFA objections	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approval	

(i) **Procedural Matters**

This application was reported to the Planning and Highways Regulatory Committee on 6 March 2017 with a recommendation of approval subject to the submission of satisfactory amendments. A verbal update was provided which informed Members that amendments were submitted late meaning the consultation period had not expired at the time the Members were considering the proposal. The application was presented in its amended form and the proposal debated. Subject to the outcome of the current consultation period, Members resolved to support the proposal but delegated the decision back to the Chief Officer for the consultation period to expire and for consideration of the consultation responses.

- (ii) The application is now being reported back to the Planning and Highways Regulatory Committee following the expiry of the additional consultation process on the basis that the Parish Council have revised their position and now object to the proposal. We are also reporting back on the basis that the LLFA objected to the proposed surface water drainage strategy though this matter has now been resolved and will be discussed in more detail below.

1.0 The Site and its Surroundings

- 1.1 The site that is the subject of this application relates to a 1.62 hectare parcel of agricultural land located within the settlement of Overton. The site comprises two fields of semi-improved grassland with a hedgerow running between the fields. The site to the north, west and south is bounded by hedgerows, and to the east by hedgerows punctuated by elder and willow trees. There is a mature oak tree in the hedge on the southern boundary. There is a gate to each field giving egress from and access to Lancaster Road.
- 1.2 Existing residential development is adjacent to the site to the north and to the west of Lancaster Road. There is a mix of styles (bungalows, dormer bungalows and two storey dwellings) predominantly constructed in brick, stone and render with slate or grey tile roofs. Overton St Helen's Church of England Primary School and associated playing fields and woodland are located to the south of the site with agricultural land extending to the east. There is a small parcel of land containing

an agricultural/equestrian type building situated between the southern boundary of the site and the school grounds with its access taken off Lancaster Road. The site gently falls towards the north and east to approximately 6.5m Above Ordnance Datum (AOD). The elevation at Lancaster Road is approximately 9.5m AOD.

- 1.3 The site is largely unconstrained. There are no landscape designations affecting the site or designated heritage assets on and within close proximity to the site. Overton Conservation Area is located to the south of Overton Primary School circa 130m from the site. The majority of the site falls within Flood Zone 1, with only the north eastern edge of the site falling within Flood Zone 2. There are no public rights of way or protected trees affected by the proposals. An on-road cycle route (route No.1) runs directly pass the site on Lancaster Road linking Lancaster to Sunderland Point.
- 1.4 The application site is approximately 660m from the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) which is a European Site. It is also a designated Ramsar site and protected at the national level as the Lune Estuary Site of Special Scientific Interest (SSSI). The nearest non-statutory designation is the Middleton Marsh Biological Heritage Site (BHS) which is 1km to the north west.

2.0 The Proposal

- 2.1 Full planning permission is sought for the erection of 32 new dwellings with gardens and parking, open space, internal roads and a new access. Twelve dwelling units are proposed as affordable dwellings on site. The application has been amended from its original submission to address earlier design and highway-related concerns.
- 2.2 Nine (previously seven) of the proposed dwellings have their vehicular accesses proposed directly off Lancaster Road. The remaining 23 are arranged around a cul-de-sac with the main access taken opposite 32-36 Lancaster Road. The main access into the development is approximately 40m to the north of the neighbouring agricultural/equestrian building/land to the south of the site. The existing accesses to the site will not be retained.
- 2.3 The development comprises ten 2-bed semi-detached bungalows, six 3-bed semi-detached dwellings, three 4-bed detached dwellings, six 3-bed terrace units (of which 5 are affordable), five 2-bed affordable terrace units and two 1-bed affordable units. Parking is provided off-street with a minimum of two external spaces (three including garages for the larger units) and 150% provision for the two 1-bed units. The proposed palette of materials are natural stone and render with slate-grey tiles as set out in the design and access statement.
- 2.4 The scheme incorporates three areas of amenity space on site – a large area opposite plots 10-14; an area between plots 16 and 17 around the retained oak tree and a further area at the cul-de-sac head which incorporates an attenuation basin (associated with the proposed surface water drainage scheme) and pumping station to pump foul drainage to the mains sewer.
- 2.5 To facilitate the development a total of 235m of existing hedgerow is proposed for removal. This includes the hedgerow intersecting the two fields and the western field boundary hedgerow which runs alongside Lancaster Road.

3.0 Site History

- 3.1 The site has been subject to two previous applications for planning permission. The first was an application for outline planning consent for 30 dwellings (Ref: 14/00634/OUT) which was withdrawn during the validation stage and was not considered. A later full application (Ref: 15/01156/FUL) was withdrawn before being reported to Committee on 8 February 2016. This application had been recommended for refusal on two grounds: 1) inappropriate and inadequate assessment of flood risk and 2) insufficient information submitted to demonstrate the development would not lead to likely significant effects on the nearby conservation designations (Morecambe Bay SPA/SAC/RAMSAR).
- 3.2 The site has been identified in the 2015 Strategic Housing Land Availability Assessment (SHLAA) as site number Number 568. The SHLAA considered the site as deliverable with the potential to deliver 50 dwellings in the second phase of the plan period (6-10 year phase).

- 3.3 A separate Screening Opinion (14/00718/EIR) and formal pre-application advice (15/00312/PRETWO) have been previously provided. The Screening Opinion concluded that the residential development of 30 dwellings would not constitute Environmental Impact Assessment (EIA) development. The thresholds for screening residential development under the EIA regulations have been raised since the earlier Screening Opinion was adopted, meaning that the development now, which is not located within a Sensitive Area, would not be required to be screened to determine whether an environmental impact assessment is required under the Directive.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections subject to conditions relating to off-site highway works; details of internal roads for adoption; site access details and visibility splays; car parking areas; cycle parking, electric charging points; future maintenance of streets within the development and construction management.
Parish Council	Initially raised no objections to the proposal subject to a number of concerns/ observations being satisfied, including the prevention of overlooking; removal of the pond; single-storey dwellings to Kevin Grove; improvements to highway infrastructure including a mini-roundabout, zebra crossing and footway extension; drainage strategy; and a contribution towards play facilities. Following the submission of amendments and re-consultation the Parish Council now formally objects to the development on the grounds that the above conditions/observations have not been addressed.
County Education	No objections subject to an education contribution of £60,727.18 towards 1 secondary school place and 3 primary school places.
Strategic Housing Officer	Initial concerns over the lack of an appropriate housing mix have been addressed by the amended proposals. The Strategic Housing Officer supports the inclusion of bungalows but questions whether the layouts of these units meet accessible standards and so these units may not meet the needs of the districts aging population in the long term (not spacious enough to be adapted). The affordable housing (12 units) should be broken down into 6 shared ownership units and 6 rented units of varying sizes. Concerns have been raised about the prospects of the proposed housetypes, layout and respective tenures meeting RP requirements potentially leading to any further developer having to revise the scheme later to secure an RP.
Natural England (NE)	No objections. Concurs with the conclusions of the authority's Habitat Regulations Assessment and its recommendations.
Greater Manchester Ecology Unit (GMEU)	No objections to the proposal in respect of protected species subject to a condition restricting the removal of hedgerows to avoid the bird breeding season.
Environmental Health Service	No objections. Standard contaminated land conditions recommended and a requirement for electric charging points to be provided for each dwelling.
Lead Local Flood Authority	Initially objected on the basis that the proposed surface water drainage scheme relies on connecting to a watercourse via third party land and there is no evidence this is achievable. The LLFA has now removed their objection having had sight of a letter from the adjacent land owner confirming agreement to work with the developer to enable the delivery of the development and surface water drainage. The LLFA is satisfied the proposed surface water drainage scheme is acceptable and would not increase flood risk. The principal consideration is ensuring that the scheme can be implemented and subsequently maintained (to be discussed in section 7.0).
United Utilities	No objections subject to the following conditions: <ul style="list-style-type: none"> • Foul and surface water to be drained on separate systems • Surface water drainage scheme • Surface water drainage management and maintenance United Utilities has advised that surface water cannot drain to the public foul sewer.

Environmental Agency	No objections - the residential development is located outside flood zones 2 and 3.
Tree Protection Officer	Initially objected to the loss of 235m of hedgerow (western boundary and internal hedgerow) and concerns over impact on root protection area of retained oak tree to south of site. Following revisions the objection is removed subject to: <ul style="list-style-type: none"> • Development to be carried out in accordance with submitted Tree Report and Tree Protection Plan (April 2017) • Landscaping condition • Arboricultural Method Statement condition
Public Realm Officer	No objections subject to on-site and off-site public open space provision/contributions. 465m ² of amenity space should be provided on-site with off-site contributions of approximately £85,635 towards children's play, young people's facilities, outdoor sports facilities and parks and gardens. The Public Realm Officer advises that the Parish should identify the needs.
Lancashire Constabulary	No objections subject to security recommendations, including natural surveillance to public open space; 1.8m high fencing; focus on just one point of access and limited footpaths; and dwellings designed to Secure by Design standards.
Dynamo	Objection - The development lacks any sustainable transport measures to promote travel by cycling in particular. Overton has few amenities and therefore everyday activities will involve a journey – in the absence of anything to promote sustainable travel the development will increase traffic on increasingly busy roads and would be contrary to the NPPF.
Lancashire Fire Service	Advice for the development should meet the requirements of Part B5 (Access) of the Building Regulations.

5.0 Neighbour Representations

5.1 At the time of compiling this report, 19 letters of objection have been received. The main planning reasons for opposition are summarised as follows:

- Absence of services in village to cope with the impacts of further development, including lack of things for young people to do, lack of shop, satellite post office, one closed public house, an oversubscribed school and poor bus service;
- Additional development places pressure on existing services (drainage/sewerage/roads);
- Disputes the need for more housing in the village and impact on village character and tranquillity;
- Highway safety concerns, including inappropriate and dangerous access, number of drives proposed off Lancaster Road increasing risk to pedestrians, increased traffic close to school, parking congestion problems will be exacerbated and concerns over construction traffic;
- Loss of agricultural, greenfield site;
- Impact on biodiversity, protected species and loss of hedgerows;
- Impact on neighbouring residential amenity, including loss of privacy, loss of light, increased noise and pollution (during construction and once built);
- Loss of privacy of children at the village school;
- Concerns over flood risk, including ground water and surface water drainage problems being exacerbated on Lancaster Road and absence of information to demonstrate surface water can drain with no impact elsewhere; and
- Concerns over consultation and the precise details of the application.

A further letter has been submitted stressing that if the road width is narrowed as suggested by the Highway Authority to provide a footway, this would have an adverse effect on the safety of the road given it is used by large agricultural vehicles.

Following the submission of amended plans and consultation, a further 19 letters of objection have been received. The reasons (key material planning reasons) for opposition were similar to the issues noted above, though additional concerns were raised in relation to the following:

- Brownfield sites in Lancaster and Morecambe should be developed rather than releasing greenfield sites;

- Proposal for the provision of footway and narrowing of Lancaster Road will exacerbate traffic issues and make it dangerous;
- The principle that the development meets a local housing need is flawed;
- The proposed drainage proposal is inadequate and would increase flooding off-site elsewhere (Kevin Grove) – concerns have been raised that the rubble drainage ditches do not work and already cause flooding so the applicant's proposal will worsen this situation and that the attenuation pond will fill with ground water and have insufficient capacity;
- Concerns over the consultation process – concerns that the consultation period associated with the amended plans expired after the Committee meeting and that the proposal was determined without full consultation [*NB: Case Officer has confirmed that the application was delegated back to the Chief Officer pending the outcome and consideration of consultation responses*];
- Concerns regarding the length of time allowed to determine the application and the assistance from bodies that should be impartial while existing residents are ignored;
- All representations from the community, now including the Parish Council, object;
- Requests for the Case Officer to travel to the site [*NB: the Case Officer has visited the site*];
- Inclusion of a pumping station will lead to foul smells, pollution and unsightly development next to residential property leading to an adverse impact on the health and quality of life for residents;
- Lack of detail relating to the operation of the pumping station; and
- Public open space contribution towards outdoors sports in Middleton playing fields feels like a “sop” with little relevance to Overton.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 32, 34, 35, 36, and 39 – Promoting Sustainable Transport

Paragraphs 47, 49, 50 and 55 - Delivering High Quality Homes

Paragraphs 56, 57, 58, 60, 61, 62, 64, 65, 66 – Requiring Good Design

Paragraphs 69, 70, 72 and 73 – Promoting Healthy Communities

Paragraphs 100 – 104 – Flood Risk and drainage

Paragraph 109, 112, 118, 119, 120 and 121 – Conserving the Natural Environment

Paragraph 120 - 125 – Land contamination, noise and light pollution and air quality considerations

Paragraphs 187 – Decision Taking

Paragraphs 188 – 190 – Pre-application Engagement

Paragraphs 196 -197 – Determining Applications

Paragraphs 203, 206 – Planning Conditions

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making,

although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 **Lancaster District Core Strategy**

SC1 Sustainable Development
SC3 Rural Communities
SC4 Meeting the District's Housing Requirements
SC5 Achieving Quality in Design

6.4 **Saved Lancaster District Local Plan**

Policy E4 Countryside Area

6.5 **Development Management Plan DPD**

DM20 Enhancing Accessibility and Transport Linkages
DM21 Walking & Cycling and Appendix B (Car Parking Standards)
DM22 Vehicle Parking Provision
DM23 Transport Efficiency and Travel Plans
DM26 Open Space
DM27 Protection and Enhancement of Biodiversity
DM28 Development and Landscape Impact
DM29 Protection of Trees, Hedgerows and Woodland
DM35 Key Design Principles
DM36 Sustainable Design
DM37 Air Quality Management and Pollution
DM38 Development and Flood Risk
DM39 Surface Water & Sustainable Drainage
DM41 New Residential Dwellings
DM42 Managing Rural Housing Growth
DM48 Community Infrastructure

6.5 **Other Material Considerations**

Meeting Housing Needs Supplementary Planning Document (SPD) (February 2013)
Housing Land Supply Statement (March 2017)
National Planning Policy Guidance (NPPG)
Strategic Housing Land Availability Assessment (SHLAA, 2015)
The Conservation of Habitats and Species Regulations 2010 (as amended)
The Wildlife and Countryside Act 1981 (as amended)
Provision of Electric Vehicle Charging Points for New Development Planning Advisory Note (February 2016)

7.0 Comment and Analysis

The principal planning considerations are as follows:

- 7.1 Principle of development
- 7.2 Contribution towards housing needs
- 7.3 Highway considerations
- 7.4 Design, scale, layout and amenity considerations
- 7.5 Biodiversity considerations
- 7.6 Flood risk and drainage
- 7.7 Education and open space considerations

7.1 **Principle of Development**

7.1.1 National and local planning place sustainable development at the heart of planning decision-making, requiring developments to be sustainably located close to services and facilities and to offer genuine transport modal choice. Adopted DM DPD Policy DM42 identifies Overton as a sustainable settlement where new housing could be supported in principle. The site is within close proximity to local services as set out in the table below and is served by an hourly bus service between Overton and Carnforth (No.5 Service), via Heysham and Morecambe providing access on public transport to the urban areas for healthcare, secondary education, employment and supermarkets. There is also direct access to the existing on-road cycle route towards Lancaster.

Services	Approximate distance to local services (taken from centre of site frontage)
School	158m
Play Area	196m
Memorial/Parish Hall	420m
Public House	330m
Bus Stop	416m

7.1.2 Despite concerns to the contrary, the principle of residential development in Overton is acceptable provided the proposal complies with the general requirements set out in DM42 (referred to as the policy tests below), which requires proposals to be:-

- 1) Be well related to the existing built form;
- 2) Be proportionate to the existing scale and character of the settlement;
- 3) Be located where the environment and infrastructure can accommodate impacts of expansion; and,
- 4) Demonstrate good siting and design and where possible enhance the character and quality of the landscape.

7.1.3 Whilst the site is greenfield, and preference is for developing brownfield sites, these fields would constitute a natural infilling of the village with residential development bordering the northern boundary of the site, Lancaster Road and dwelling houses to the west, and the school and associated recreational grounds to the south. The development abuts agricultural land to the east but does not extend beyond the furthestmost eastern part of the built-up part of the village to the north (Kevin Grove). As a consequence, it is considered that the proposed development does not constitute an inappropriate extension of the village boundaries. In a settlement accommodating around 460 households (according to the 2011 census data), the proposal for a further 32 dwelling houses would not represent a disproportionate expansion of the settlement (less than 7% increase), and therefore the first two policy tests of DM42 are adequately satisfied. Assessment of the third and fourth policy tests follows later in this report; in particular consideration of the impacts of the proposal on the natural environment and existing infrastructure (highways, open space and drainage).

7.2 **Contribution to Housing Needs**

7.2.1 The application proposes 12 affordable units on site which is considered an acceptable provision in line with the requirements of DM DPD Policy DM41 (which requires up to 40% affordable housing on greenfield sites). The initial submission proposed all 12 affordable dwellings to be two bedroom bungalows comprising 50% social rented and 50% intermediate housing. The Council's SPD Meeting Housing Needs indicates that the affordable housing need in 'other rural settlements' (which would include Overton), for social rented units would be predominately four bedroom and some three bedroom dwelling houses. There is no specific evidence for shared ownership units in the rural areas. In the case of market housing needs, the Council's SPD indicates that in 'other rural settlements' predominately detached and some semi-detached four and three-bedroom dwellings should be provided. In light of the housing needs evidence, the initial proposal failed to provide a suitable mix of housing types that would meet local market and affordable housing needs.

7.2.2 Whilst there is no objection to the provision of some bungalows (as this clearly responds to some of the built form surrounding the site), the proposal needed to provide a better housing mix to meet the

local needs and to ensure the scheme would provide better opportunities to attract a suitable registered provider (RP). The amended proposal provides a much better housing mix (the details are provided in the proposal section of the report). The Council's Strategic Housing Officer is satisfied with the overall provision of affordable housing and the mix of 1, 2 and 3 bedroom units. There remain some concerns over the proposed arrangement of the affordable units insofar as how the tenures would be split up (across the three terraced blocks) and subsequently managed by an RP. This would not be a sufficient reason to resist the development, but could ultimately lead to further negotiations with any subsequent developer and RP regarding a suitable tenure mix or even revisions to the layout and house types at a later date.

- 7.2.3 Notwithstanding the above, it is clear that the proposal will positively contribute to the delivery of housing in the District. This carries significant weight in the determination of the application as the Council currently cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, it is accepted that the presumption in favour of housing applies and that such proposals should be favourably considered unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

7.3 Highway Considerations

- 7.3.1 Despite concerns raised about the poor bus service, the village is currently regarded a sustainable village in the Development Plan where housing can be supported. The principal highway considerations therefore relate to the provision of a safe and suitable access and pedestrian connectivity between the site and the village amenities/services.
- 7.3.2 Along the site frontage Lancaster Road is relatively wide, illuminated, with a singular contiguous footway along the westerly extent of the carriageway. On-street parking is available in front of properties facing Lancaster Road opposite the application site. Lancaster Road, in the vicinity of the application site, is heavily-trafficked during the drop-off and pick-up peak times associated with the nearby primary school. Whilst there may be concern that additional properties would add to the congestion in and around the site during those peak times, the fact that the development will considerably reduce the opportunities for parking on one side of the road (due to the proposed location of new residential driveways) should mean that parental parking during school times is dispersed elsewhere in the village – including within the new estate roads. Outside these peak times, Lancaster Road does not appear to present any regular severe highway/traffic problems, other than the concerns raised by local residents about the speed limit being regularly abused.
- 7.3.3 Access to the site comprises a combination of a single vehicular access point and nine private drives taken directly off Lancaster Road. The provision of private drives is reflective of the existing access and parking arrangements associated with the properties facing Lancaster Road opposite the proposed site. Whilst this arrangement results in the loss of the roadside hedgerow and introduces a number of individual access points off Lancaster Road, it does allow the scheme to appropriately respond to the streetscene with a strong building line and frontage.
- 7.3.4 The main vehicular access is proposed opposite properties 32-36 Lancaster Road. The access proposals incorporate 2.4m x 73m visibility splays in both directions. These are significant sightlines given the 20mph speed limit imposed on this stretch of Lancaster Road. However, the requirements were based on the County's own traffic speed data and the applicant has not sought to undertake any further traffic speed surveys to reduce the required splays. The application proposes the provision of a new footway along the site frontage extending to the school on the easterly side of the carriageway. These off-site works not only support improved pedestrian connectivity but also ensure the required visibility splays can be achieved. The access geometry has been reduced from the original submission to slightly reduce its overly suburban appearance. The access road narrows into the site to a 5m wide carriageway with 2m wide footways either side of the internal spine road. The site layout could have benefited from some road narrowing/built outs with additional landscaping to soften its appearance and to act as internal traffic calming. The applicant has not sought to make amendments to the internal spine road but a refusal on such grounds could not be substantiated.
- 7.3.5 The inclusion of a pedestrian footway along the site frontage towards the school has been illustrated on a plan which demonstrates the improvements can be secured without compromising the existing parking provision along the westerly side of Lancaster Road. The Highway Authority has been consulted on the proposals and raise no objections to the development of the site for residential purposes. They are satisfied that a suitable access can be provided and pedestrian provision between the site and the village has been catered for through the amended plans and off-site

highway works; the provision of which can be suitably controlled by planning condition. The Highway Authority is of the opinion that the layout with property driveways taken directly off Lancaster Road will provide a strong street frontage and that this design is expected to reduce vehicles speeds to the benefit of highway safety.

7.3.6 The level of parking proposed is acceptable and complies with planning policy. Cycle provision would be expected within the curtilage of each unit and can be suitably controlled by planning condition. There have been some objections over the lack of suitable provision for cycling. The site will connect (via the access) directly onto an on-road designated cycle route. Ensuring that properties have suitable cycle storage is one way of trying to encourage greater use of cycling. In this case, the Highway Authority has not requested any further measures/requirements to enhance or promote cycling or the local cycle network.

7.3.7 Overall, the proposed development has evolved and been amended to demonstrate compliance with relevant highway and design related planning policy. Specifically, that safe and suitable access can be provided for all people and improvements to the pedestrian environment are made to ensure convenient access between the site and local facilities.

7.4 **Design, Scale, Layout and Residential Amenity Considerations**

7.4.1 The submitted proposal provides a strong frontage to Lancaster Road, which despite the loss of the roadside hedgerow, appropriately responds to the character and built form in the area. The principle of a number of units having their drives off Lancaster Road then a cul-de-sac serving the remaining units is considered acceptable in design terms, as is the use of natural stone, render and grey roof tiles. Earlier design and layout concerns (including the position of Plot 23 in relation to the retained oak tree; the design and appearance of the proposed house types; lack of garden depth to some units; internal road alignment and site entrance design, and; inappropriate position of a number of drives to the south of the entrance) have, by in large, been addressed through the submission of amended plans. There remain some weaknesses in the design relating to the road layout and the orientation around the public open space to the south of plot 17. However, these weaknesses would not be sufficient to resist the development.

7.4.2 With regards residential amenity, despite comments to the contrary, the current layout provides an acceptable degree of separation (and protection of residential amenity) between new and existing properties having regard to the scale of the proposed units in relation to the neighbouring mix of existing dormer bungalows and two-storey dwellings, as well as the site's topography. In terms of the proposed interface distances, the proposed properties along the northern boundary have separation distances (rear wall to rear wall) ranging between 24-28m with those on Kevin Grove; the separation distance between the side of Bay Tree Cottage (which has a first floor habitable window in the gable) and the side elevation of plot 1 (also a bungalow but with no habitable windows to the side) is approximately 14m, and; an interface distance of approximately 30m across Lancaster Road between a mix of proposed bungalows and two-storey dwellings. These interface distances exceed our recommended distances set out in policy DM35 of the DM DPD (21m between walls containing habitable windows and 12m between a wall with a habitable window facing a blank wall or wall with no habitable windows). Residential amenity will be further protected by suitable boundary treatment/landscaping details to be conditioned. To most boundaries this includes the protection and retention of the existing hedgerows.

7.4.3 In terms of on-site open space and landscaping, the current layout provides an ample amount of open space within the scheme although its disaggregation across the site limits the practicability of the space for kick-about areas. The space identified to the far eastern part of the site currently incorporates a pond (as part of the drainage strategy). The precise details of the attenuation basin would be controlled by condition (drainage condition (capacity) and details of the proposed site levels, public open space (POS) and landscaping conditions), but it is not uncommon for SuDS to be multi-functional. Appropriate safety measures would need to be designed in as part of the details to be agreed. Any landscaping in this area would also be controlled by condition. Given the proximity to neighbouring residential property low level planting with some trees may be more desirable than significant tree planting in this location. The area to the south of plot 17 secures the long term protection of the retained oak tree by removing it from outside domestic curtilages, which is a welcomed improvement. However, this area of open space lacks natural surveillance and borders the adjacent school grounds which is used as an outdoor natural classroom. Given the area of POS centrally located in the site exceeds the amount of amenity space that should be required on site and has good natural surveillance, the area of land around the Oak tree between plots 16 and 17

could be heavily planted, as an orchard for example, instead as being left “open”. This would help enhance local biodiversity and mitigate for the proposed hedgerow loss. Subsequently, the use of planning conditions to control the details of the POS and landscaping will ensure the scheme addresses matters of safety and lack of surveillance in certain locations, whilst delivering appropriate open space and landscaping to secure high quality and visually attractive development.

- 7.4.4 Whilst it is considered that the site provides a logical infill to the settlement, it is located within designated ‘Countryside Area’ (as is the rest of the village). Saved policy E4 therefore requires proposals to be in scale and in keeping with the natural beauty of the landscape and be appropriate to its surroundings. This is echoed in the relevant design-related policies set out in the Development Plan (Core Strategy policies SC5 and DM35 and DM42 of the DM DPD). The amended plans have addressed a number of earlier design concerns with the two-storey house types much improved from the earlier submission. The layout is not dense with dwellings appropriately interspersed with open space and opportunities for landscaping. Whilst there remain some weaknesses, on balance, the scheme ensures an acceptable degree of residential amenity for future and existing residents and a design and layout that will deliver an attractive development in this sensitive rural location. Overall there are no design grounds to resist the development.

7.5 **Biodiversity Considerations**

- 7.5.1 The main considerations relate to the potential impacts of the proposal on the integrity of the nearby European Sites (Morecambe Bay Special Protection Area and Site Area of Conservation (SPA/SAC)) and the potential impacts on protected species.
- 7.5.2 In both cases it is recognised that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible. This is reflected in both national and local planning policy. The application site relates to a relatively large greenfield site within 700m of Morecambe Bay SPA/SAC/RAMSAR, which is designated for its international importance for birds. Because of this close relationship the development is considered to have some potential to impact the special interests of the European Site (namely birds) and assessment of the development is therefore required under the terms of the European Habitats Directive.
- 7.5.3 The application has been supported by a detailed ecological appraisal and assessment to address the requirements of the Habitat Regulations. As part of this assessment, the potential effects are considered to be an increase in disturbance and loss of grassland habitat. With regards disturbance, given the proximity of Heysham and Lancaster and the popularity of walking in the area, the size of Morecambe Bay SAC/SPA/Ramsar site and its agricultural hinterland, it is considered highly unlikely that there will be significant effects on the integrity of the European sites as a result of the increase in disturbance due to people pressure generated by this proposed development (estimated at 74 people around 650m from the perimeter of the protected area).
- 7.5.4 With regards loss of grassland, the applicant’s assessment concludes no loss of breeding sites for Annex I breeding birds associated with Morecambe Bay SPA and the loss of the site as roosting and foraging habitat is considered highly unlikely to have a significant effect on the qualifying bird species utilising the SPA on the basis that the loss of the proposed site would be a tiny fraction of potential roosting/foraging habitat outside the SPA and its agricultural hinterland.
- 7.5.5 In accordance with the Habitat Regulations, the Council (as the competent authority) has undertaken a Habitat Regulations Assessment (HRA) taking into account the applicant’s submission and Natural England’s previous concerns (under the withdrawn application). The HRA concurs that the proposal would lead to potential indirect disturbance to birds using inland sites. It concludes that given the application site is adjacent to a main road; is immediately adjacent to existing development; the site is bounded and bisected by hedgerows (factors that mitigate against its use by over-wintering birds), and; that there is extensive alternative ‘greenfield’ agricultural habitat available to the birds in the immediate vicinity of the site, on balance the loss of the site for use as an inland refuge and feeding resource by birds will not have a significant effect on the special nature conservation interest of the European Site.
- 7.5.6 The HRA considers the proposal in combination with other projects and also concludes that this small-scale development will not have any cumulative impacts with other local development on the special interest of the European Site, though does acknowledge that the cumulative impacts may need to be updated and amended as further projects come forward to take account of possible ‘in-

combination' disturbance, particularly for housing development within Lancaster District. Notwithstanding the conclusion that the application will not have any significant impact on the special interests of the European Protected Sites, to limit recreational disturbance on the SPA/RAMSAR, the preparation and approval of homeowners packs highlighting the sensitivity of Morecambe Bay to recreational disturbance should be required by condition.

7.5.7 Natural England has considered the application and the HRA and has raised no objections to the proposal. Natural England concurs with the conclusions of the HRA and is satisfied that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination, subject to ensuring new boundary treatments ensure larger fields are not disturbed (access limited to the surrounding area) and that homeowner packs are prepared and provided to new occupants to provide information on how to minimise recreational disturbance impacts.

7.5.8 The proposed drainage scheme relies on land outside the application site in order to make a connection from the site to the watercourse. This third party land is also agricultural hinterland surrounding the SPA. Such drainage works will be 'development' and would require the benefit of planning permission. Any such application will need to be supported by appropriate ecological information to inform a HRA, which will need to assess the 'in-combination' effects of the proposed drainage works with the proposed development (and any other development at the time that needs to be assessed) on the qualifying features of the SPA; the outcome of which will clearly determine whether the connections can be provided or not (and consequently whether the development can be implemented – see drainage details below).

7.5.8 With regards impacts on protected species the appraisal submitted found no evidence of protected species on the site but has made a number of recommendations, including the following:

- Semi-mature oak tree to be retained;
- Landscaping to utilise plants which are native and wildlife friendly;
- Hedgerows to be retained and where removed to facilitate the development, they should be transplanted or replanted;
- Precautionary mitigation measures for protected species during construction.

GMEU (Council's ecology consultant) has raised no objections to the proposal subject to a condition ensuring no removal or works to any hedgerows, trees and shrubs during the main bird breeding season (1 March – 31 July inclusive). Appropriate tree protection and landscaping proposals (controlled by condition) should ensure no adverse impact to the biodiversity of the site. GMEU has advised that the precautionary mitigation is genuinely precautionary and given the absence of protected species on site, such mitigation would not be necessary in planning terms (i.e. no need to condition).

7.5.9 The proposal does result in a significant loss of hedgerow, including the hedgerow intersecting the two fields (the site) and the hedgerow along the site frontage with Lancaster Road. Policy DM29 requires development proposals to positively incorporate existing trees and hedgerows within new development. In this case, the hedgerows to the north, south and east, including the oak tree will be protected (and conditioned to do so). The loss of the hedgerows to the west and through the centre of the site will need to be mitigated against as part of the overall landscaping of the site. This is capable of being addressed by planning condition. The Council's Tree Protection Officer has set out conditions required to ensure compliance with policy DM29, including protection of trees and hedgerows proposed for retention, replacement tree planting (landscaping) and the requirement for an Arboricultural Method Statement for works within any root protection areas (such as the provision of boundary treatments).

7.6 **Flood Risk and drainage considerations**

7.6.1 The application has been submitted by a Flood Risk Assessment. The majority of the site lies within flood zone 1 where development is acceptable and at the lowest risk of flooding. The north eastern corner of the site is the lowest part of the site and falls within flood zone 2. The development accounts for this by not proposing any dwellings in this area and utilises this area as open space. To mitigate potential risks, the minimum finished floor levels are recommended at 8.07m AOD, which is lower than the access to Lancaster Road (9.5m AOD). There are no objections from the Environment Agency regarding flood risk.

- 7.6.2 In terms of drainage, the proposal incorporates an outline drainage strategy which seeks to adopt a sustainable drainage system (SuDS) designed to greenfield run-off rates with on-site attenuation. This indicates infiltration methods such as permeable paving may be achievable but would prove impractical as a complete SuDS solution. The proposal seeks to drain to the existing watercourse via third party land. This is considered a technically acceptable solution with surface water attenuated on site and the outfall into the watercourse restricted to greenfield rates. The precise details of the drainage scheme, including details of the attenuation basin, would be subject to further details being submitted to the local planning authority via planning condition – this is a common scenario when assessing development proposals. However, this strategy raises some concerns as the connection from the development site to the outfall to the watercourse is across third party land and outside the red edge. The Case Officer has received a signed letter from the neighbouring landowner confirming he has met with the applicant (and his team) to discuss the drainage requirements for the development on the neighbouring land. The landowner has indicated a willingness to negotiate the terms of the arrangements (to enable access over his land and works to be carried out) and understands this would be a condition of any planning permission should it be approved. The Lead Local Flood Authority, as the statutory consultee, has removed their objection on this basis and is satisfied with the technical aspects of the proposed drainage strategy.
- 7.6.3 In considering the drainage proposals and the concerns of local residents, Officers have been mindful of the guidance contained in the NPPG in respects of sustainable drainage. Whilst national planning policy promotes the use of sustainable drainage for new development, in accordance with the SuDS hierarchy it can be possible to drain to public surface water sewers or combined sewers where an applicant has adequately demonstrated SuDS is inappropriate. In light of this, the Case Officer has contacted United Utilities (UU) to explore the likelihood of draining to the public combined sewer as a fall-back position if the proposed scheme was later not achievable. The outcome was that United Utilities advised that their records show only foul sewers in the area and that they would not accept surface water from the proposed development to the public sewers.
- 7.6.4 This leaves a situation whereby if the applicant (or future developer) cannot secure the appropriate agreements with the landowner of the adjacent field to deliver and maintain the drainage strategy (effectively the connection between the development site and the outfall to the watercourse) the development should be prohibited. The question is whether this is sufficient to resist the granting of planning permission on this basis. NPPG states that *'conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability'* and can be regarded ultra vires as the developer has no power to carry out the works that need the third party consent. However, it is possible to achieve a similar result if a planning condition is imposed in a negative form, known as a Grampian condition (i.e. in this case, prohibiting development authorised by the planning permission until such agreements and associated works are secured). The guidance is clear that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Grampian conditions should only be used where the local planning authority is satisfied that the requirements of the condition are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.
- 7.6.5 Ensuring new development can drain without leading to a flood risk on site or elsewhere is a fundamental planning consideration that goes to the heart of the permission. In this case, failure to secure the connection between the site and the watercourse would, from the evidence provided to date, suggest that the development would be incapable of being drained (lack of alternative options) and therefore could not proceed (site wide infiltration not considered feasible and UU won't accept the surface water). This is a prime example where the use of a Grampian condition is completely necessary. Such would seek to limit any development on site until a surface water drainage connection between the development site and the nearby watercourse (as indicated on the outline drainage strategy) has been secured and provided with appropriate rights to enable future maintenance. There is no evidence before us to suggest that there are no prospects at all that the applicant (or future developer) could not secure appropriate agreements with the third party landowner to enable the provision of and in-perpetuity maintenance of the drainage strategy. To provide further comfort, such works are accepted to constitute development in their own right and would require the benefit of a separate planning application. The applicant accepts this point. This application would have to be assessed on its own merits including any alone and/or 'in combination' effects on the SPA. In the event planning permission for the drainage connection is not successful, the development could not be implemented on the basis of the Grampian condition. With regards

future maintenance, the local planning authority's standard condition is usually expected to be agreed before occupation. Given that the connection between the development site and the outfall to the watercourse is an essential requirement of the drainage infrastructure to serve the development and is outside the applicant's control, it is contended to be both necessary and reasonable to require details of the maintenance strategy of the drainage scheme before development commences. This approach is also supported by the LLFA.

- 7.6.6 Overall, there are no statutory objections to the surface water drainage strategy and despite concerns to the contrary, it is possible to impose appropriate planning conditions to ensure the development is capable of being drained without leading to an increase in flood risk. With regards foul drainage, the application proposes to discharge foul drainage to the main sewer. United Utilities has raised no objections to this and simply recommended that the foul and surface water drain separately.

7.7 **Education and Public Open Space Considerations**

- 7.7.1 DM DPD Policy DM48 recognises that future development within the District places pressure and demands on existing infrastructure such as schools and open spaces for example. In order to accommodate sustainable growth within the District, development proposals should contribute towards improvements to existing facilities/infrastructure (where pressures/demands are identified). Failure to provide appropriate mitigation could lead to adverse impacts and therefore threaten the overall sustainability of the proposal. In this case, the application has generated a request from Lancashire County Council, as the Education Authority, for a financial contribution towards 1 secondary school place and 3 primary school places to mitigate the impacts of the proposal on the education infrastructure in the area. The applicant has agreed to provide this contribution.

- 7.7.2 With regards public open space, the application incorporates an acceptable level of amenity green space on site. The scale of development is below the thresholds of the requirement for children's play provision on site or young people's play. However, there would be an expectation for a financial contribution towards off-site facilities. Policy DM26 indicates that development proposals located in areas of open space deficiency will be expected to provide appropriate contributions towards open space and recreational facilities. At this time the only area of recognised deficiency within the village is for young person's play provision and outdoor sports facilities. The existing children's play area is in good condition and fully equipped. Officers have been in negotiations with the applicant regarding the prospects for young person's play provision on-site. However, it is contended that the amount of space required for young person's play provision would result in a significant reduction to the scale of the development and that for a small scheme of only 32 houses this would be a disproportionate request. Alternatively, it has been agreed that an off-site contribution should be directed towards the existing football pitch, playing fields and tennis courts on Middleton Road to provide opportunities to enhance existing sports facilities in the local area (serving both Overton and Middleton) for young people. The applicant has agreed to these requirements.

7.7.3 **Other considerations**

Given the location of the development and despite there being a bus service, the development will result in an increase in traffic and a degree of reliance on the private car. Policy DM36 encourages new development to deliver high standards of sustainable design. Policy DM37 also requires all new developments, regardless of location, not to have a negative impact on air quality. To demonstrate compliance with the above policies and in accordance with the representations from both the Highway Authority and Environmental Health, the provision of electric charging points provides opportunities for future residents to revert to electric vehicles. On this basis, a condition is recommended to secure a scheme for the provision of electric charge facilities. This should ideally be in line with the Council's planning advisory document.

- 7.7.4 The Council's contaminated land officer has requested standard contaminated land conditions. However, from the evidence provided the risk of contamination is low therefore imposing full contaminated land site investigation conditions would not meet the tests for imposing planning conditions. Instead, it is recommended that an unforeseen contaminated land condition is appropriate.

- 7.7.5 Some concerns have been raised over the noise and disturbance that could be generated from the pumping station. The Council's Environmental Health Officer has considered the inclusion of the pumping station and advise they have no adverse comments in respect of the location and siting of the water pump station, commenting developments of this nature have recently been implemented

on schemes within the Lancaster District with no evidence of unreasonable impacts associated with both noise and odour.

- 7.7.6 The recommendation below sets out a number of conditions which are considered appropriate in order to secure good design and sustainable development in this countryside location. The list of conditions below takes account of recommendations from consultees, the outcome of the HRA and the advice set out in paragraphs 203 and 206 of the NPPF and the NPPG, which ultimately requires conditions requiring further information to be agreed after the grant of planning permission (in the event this is the case) to be justified, in order to prevent unnecessary delay to the efficient and effective delivery of development.

8.0 Planning Obligations

- 8.1 A planning obligation, under s106 of the Town and Country Planning Act 1990, is required to secure the following:

- Twelve dwellings to be provided on site as affordable dwellings based on a tenure split of 50% rented and 50% intermediate in accordance with Council's housing policy and Meeting Housing Needs SPD.
- A financial education contribution to the total sum of **£60,727.18** to fund the equivalent of 3 primary school places (£40,423.59) and 1 secondary school place (20,303.59). This contribution has been sought to mitigate the impacts of the development upon the local education infrastructure.
- An off-site financial contribution to the sum of **£41,466** towards improvements to local outdoor sports facilities (Middleton playing fields and tennis courts).
- Management and maintenance of on-site amenity space and on-site surface water drainage.

It is contended that these requirements are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind and so satisfy the statutory tests in the Community Infrastructure Levy Regulations 2010.

9.0 Conclusions

- 9.1 The proposed development is located in one of the District's identified rural settlements where housing proposals can be supported; the design and layout of the development is acceptable and would not result in significant adverse impacts to the visual amenity of the area or residential amenity; a suitable and safe access can be provided with good pedestrian connectivity between the site and the village amenities; the site is capable of being drained without leading to an increased flood risk and; that appropriate mitigation can be secured to minimise the impacts of the proposal on the nearby nature conservation sites. The scheme will provide affordable and market homes that will positively contribute to the shortfall of housing in the District and will mitigate the impacts of increased pressure on the village through the provision of contributions towards education and public open space. On this basis, it is anticipated that there will be no adverse impacts that would significantly or demonstrably outweigh the benefits of the proposal and that the presumption in favour of sustainable development should be engaged. Subsequently, Members are recommended to support the proposal.

Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement to secure 12 affordable housing units, the education contribution, the off-site contribution towards existing public open space and the management and long term maintenance of on-site open space, landscaping and drainage proposals, together with the following conditions:

1. Standard Time Limit
2. Approved Plans List

Pre-commencement

3. No development shall commence until a surface water drainage connection between the site and the watercourse (as indicated in the drainage strategy) has been legally secured and provided – to be maintained in perpetuity.
4. Precise details of surface water drainage scheme including full details of the connection pursuant to condition 3
5. Maintenance and management of surface water drainage scheme including full details of the connection pursuant to condition 3
6. Detailed Arboricultural Method Statement to be provided
7. Finished floor levels for units and finished ground levels of roads, gardens and open space/landscaped areas including details of attenuation basin and associated safety measures;
8. Scheme for mitigation as set out in the Habitat Regulations Assessment, including homeowner packs

Pre-construction of dwellings

9. Full landscaping scheme including details of open space (having regard to recommendations of submitted ecological appraisal and sufficient new planting to mitigate hedgerow loss)
10. Details of pumping station and any associated enclosure
11. Details of surfacing treatments and materials to parking bays, drives and internal road network, together with details of any external lighting (and associated columns).
12. Samples of external facing materials to the dwellings (including stonework detail/samples), window and door details (construction, design and materials) and roofing details (eaves/verge and ridge including rain water goods).
13. Notwithstanding the details submitted, plot enclosures and boundary details to be agreed and provided in full before occupation and retained at all times
14. Scheme for cycle parking provision and details
15. Scheme for provision of electric charging points within the development

Pre-occupation

16. Car parking to be provided and made available for the parking of cars before occupation of each dwelling and retained at all times thereafter.

Control conditions

17. Unforeseen contamination
18. The approved access shall to be provided to base course level before the construction of the development within the site and provided in full upon completion of the development.
19. Off-site highway works to be provided in full before first occupation unless otherwise agreed in writing with the LPA.
20. Foul and surface water to be on separate systems
21. Areas of open space as indicated on the site plan to be retained as open space at all times thereafter.
22. Development to be carried out in accordance with Flood Risk Assessment
23. Development to be carried out in accordance with Tree Report and updated Tree Protection Plan
24. Restriction of timing of hedgerow removal/alterations/works to avoid bird breeding season
25. Removal of PD rights (Class B – alterations to a roof) remove PD rights relating to hard surfacing to the front of the properties and erection of fences/walls/measures of enclosure forward of any of the front elevations of the dwellings.
26. Protection of visibility splays

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has made this recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None

Agenda Item	Committee Date	Application Number
A11	31 May 2017	16/01487/VLA
Application Site Land East Of Railway Line St Michaels Lane Bolton Le Sands Lancashire	Proposal Variation of legal agreement attached to planning permission 15/01167/FUL to vary the affordable housing provision	
Name of Applicant Mr Gary Middlebrook	Name of Agent Mr Daniel Hughes	
Decision Target Date 16 January 2017	Reason For Delay Independent assessment of initial viability appraisal and subsequent reviews of rebuttal documentation and revised financial viability appraisals.	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Refuse	

(i) Procedural Matters

This application was to be reported on the 3 April 2017 (agenda item A9) with a recommendation of refusal (in relation to the affordable housing provision) but was deferred ahead of the committee meeting to allow further consideration and independent assessment of the applicant's rebuttal documentation and revised appraisals.

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 0.71 hectare parcel of pasture land located on the south-eastern periphery of the built-up area of Bolton-le-Sands. The site is situated to the east of the West Coast Main Line (WCML) with residential development bordering the site to the north and east. To the southwest is agricultural land designated as Green Belt. The Green Belt designation extends to the west and north beyond the WCML. Native hedgerows and trees surround the site with an open drainage ditch running along part the western boundary. The nature of surrounding residential development is predominately two-storey in scale but of varying styles and architectural periods.
- 1.2 The site is accessed off St Michael's Lane which runs along the northern boundary of the site. This road links to the A6 in the east over the WCML immediately to the north west of the site. The A6 runs through the east of Bolton-le-Sands providing access to both Carnforth and Lancaster and junctions 34 and 35 of the M6. The nearest bus stop (with operating bus services) is approximately 375m to the south east of the site on the A6. A range of local services and facilities are located within the village including the local primary school.
- 1.3 The site is within the District's Countryside Area, which sweeps across the entire village, and partly located with land designated for Mineral Safeguarding. The north-western edge of the site is located within an area indicated to suffer surface water flooding but is located outside flood zones 2 and 3. There are no other designations or land use allocations relating to the application site.

2.0 The Proposal

- 2.1 The applicant has submitted an application to vary the terms of the legal agreement attached to planning permission 15/01167/FUL, for the erection of 20 dwellings with an associated new access.
- 2.2 The permission was granted subject to planning conditions and a legal agreement securing the following:
1. Provision of a minimum of 40% affordable housing of which 50% will be provided as intermediate affordable housing and 50% as social rented housing (unless an alternative affordable housing scheme is approved in writing with the relevant parties);
 2. An Education Contribution to the sum of £79,444.00 (equivalent to 1 secondary school place and 5 primary school place); and
 3. An Open Space Contribution to the sum of £25,000 (£10,000 to off-site improvements to equipped play areas; £10,000 for off-site improvements to children and young person's facilities and £5,000 for off-site improvements to parks and gardens).
- 2.3 The applicant has submitted an application to vary the terms of the legal agreement under Section 106A of the Town and Country Planning Act. This can be done where the relevant parties agree to renegotiate. This application has been submitted with a financial viability appraisal (FVA) to support the applicant's claim that the development cannot meet the requirements of the originally agreed affordable housing obligations and therefore seeks to agree an alternative affordable housing scheme. As viability is a material planning consideration and the legal agreement contains provisions to agree an alternative affordable housing scheme, it would not be conducive to the Council's role in facilitating the delivery of housing for the Council not to agree to consider changes to the planning obligation. The landowners of the site (also a relevant party) have also confirmed agreement to vary the terms of the agreement.
- 2.4 The applicant seeks to vary paragraph 1.1 of the Third Schedule which reads:
- "To submit an Affordable Housing Scheme to the Council which provides for a minimum of 40% Affordable Housing Units out of the 20 dwellings built on the Site, of which 50% will be provided as intermediate Affordable Housing and 50% as Social Rented Housing unless an alternative Affordable Housing Scheme is approved by the Council, which must firstly be agreed in writing between the relevant parties";*
- and paragraph 2 of the Third Schedule which reads:
- "Not to allow the Occupation of more than two (2) of the Market Dwellings prior to payment to the Council of the Education Contribution".*
- 2.5 The applicant originally sought to reduce the affordable housing provision from 40% to 10% of the 20 dwellings built on the site. The applicant's original submission indicated the affordable units would comprise two 2-bedroom intermediate affordable housing units. The applicant's original proposal did not seek to remove other planning obligations (POS and Education contributions) but to vary the trigger relating to the payment of the Education Contribution only.
- 2.6 The applicant and case officer have been negotiating on this case for some time with a number of iterations to the original FVA being submitted, assessed and reviewed by our appointed consultant. The applicant's latest position seeks to vary paragraph 1.1 of the Third Schedule to allow four (20%) affordable housing units out of the 20 dwellings built on site. The applicant is offering these four units as intermediate tenures (shared ownership), comprising two 2-bed dwellings and two 1-bed dwellings. The applicant claims that to deliver this level of affordable housing (an increase of 2 units from their original proposal), they now propose to omit the education contribution. This was not part of the applicant's application and has not been agreed with the Education Authority or officers of the Council. Previously the applicant had sought to alter the trigger for the payment of the contribution which had been accepted and agreed by officers and the Education Authority.
- 2.7 At this stage a draft Deed has not been prepared but if the proposals were found acceptable there would be necessary, associated amendments required to other sections/paragraphs of the s106 (e.g. the removal of the cascade provision, removal of the relevant paragraphs relating to nomination rights for social rented units, removal and changes to definitions etc). Such would not go to the heart of the principle considerations which are described below.

3.0 Site History

3.1 The relevant planning history is set out in the table below:

Application Number	Proposal	Decision
15/01167/FUL	Erection of 20 dwellings and associated access	Approved

4.0 Consultation Responses

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

Consultee	Response
Strategic Housing	Recommends refusal - based on the independent review of the viability.
Education Authority	No objections to the changes to the trigger for payment of the education contribution. In response to the applicant's latest proposals, the Education Authority would object to any proposal that cannot provide mitigation against the impacts of new development on education places.

5.0 Neighbour Representations

5.1 Whilst there are no statutory requirements to publicise applications to vary legal agreements, a site notice has been posted adjacent to the application site along with an advert in the local press. At the time of drafting this report, no representations have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 14 and 17 – Presumption in favour of Sustainable Development and Core Planning Principles;
 Section 6 – Delivering a wide choice of high quality homes;
 Paragraph 72 – Supporting education provision to meet the needs of the community;
 Paragraph 173 – Ensuring viability and deliverability;
 Paragraphs 204 and 205 - Planning obligations.

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Development Management DPD Policies:

DM41 (New Residential Development)
DM42 (Managing Rural Housing Growth)
DM48 (Community Infrastructure)

6.4 Lancaster District Core Strategy Policies:

SC1 (Sustainable Development)
SC4 (Meeting Housing Requirements)
MR1 (Planning Obligations)

6.5 Other Considerations

Meeting Housing Needs SPD (February 2013)
National Planning Practice Guidance
Financial Viability in Planning - RICS Guidance Note 1st Edition (RICS, August 2012)

7.0 Comment and Analysis

7.1 Section 106A of the Town and County Planning Act 1990 relates to the modification and discharge of planning obligations. S106A (1) states that a planning obligation may not be modified or discharged except-

- (a) By agreement between the appropriate authority and the person or persons against whom the obligation is enforceable; or
- (b) In accordance with this section and section a106B (appeals).

7.2 The NPPF states at paragraph 205 that '*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planning development being stalled*'. Similarly, the NPPG states that '*where local planning authorities are requiring affordable housing obligations or tariff style contributions to infrastructure, they should be flexible in their requirements*' (Planning Obligations Paragraph 006). Subsequently, it is clear from national planning policy and guidance, local planning authorities should be flexible and should engage with developers to understand and assess any change in circumstances that affect the delivery of development. Whilst there has not been a significant length of time between the planning permission being granted (14 April 2016) and the submission of this application to vary the legal agreement, Officers have been advised that following further on-site ground investigations there are increased abnormalities associated with developing the site leading to development viability issues. Local authorities are to be flexible in seeking planning obligations, although the NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development. The principal consideration here relates to whether the applicant has provided compelling justification to demonstrate that the viability of the development is unduly threatened by the scale of obligations set out in the original legal agreement, namely the provision of affordable housing and the education contribution, and; whether the reduction in affordable housing and loss of the education contribution would lead to unacceptable development.

7.3 National planning policy seeks to significantly boost the supply of housing and notes that housing applications should be considered in the context of the presumption in favour of sustainable development. This is particularly notable in cases where Councils cannot demonstrate a 5 year housing land supply. However, national planning policy also requires local planning authorities to plan for a mix of housing to appropriately meet local needs and demands, including affordable housing. This policy approach is echoed in the Development Plan where Policy DM41 requires proposals for more than 10 dwellings in the rural areas to provide 30% affordable housing on site and up to 40% on greenfield sites. Local planning policy (DM41 and the supporting SPD: Meeting

Housing Needs) does, however, recognise that the scale of planning obligations, in particular affordable housing, can in certain circumstances have the potential to negatively impact the viability of a proposed development. The policy states that *'where compelling and detailed evidence demonstrates the provision of affordable housing...would have a disproportionate and unwarranted negative impact on the viability of proposed development, applicants may seek to provide fewer affordable dwellings than would be ordinarily acceptable'*. Reducing the level of affordable housing may not necessarily make the development unacceptable (if justified) but the degree to which proposals deviate from the policy requirements will be weighed against the benefits of the resulting scheme.

- 7.4 In accordance with policy DM41, to support the applicant's proposed variations to the planning obligations, viability evidence (in the form of a financial viability appraisal (FVA)) has been submitted for consideration. The local planning authority subsequently appointed an independent consultant to review the applicant's viability appraisal (to the cost of the applicant). Our consultant reviewed the initial FVA and the key assumptions therein and concluded in their professional opinion that the site was capable of providing an affordable housing contribution of 40% in accordance with the Development Plan - contrary to the applicant's submission. It was at this point the application was prepared and reported to April's Planning Committee. Following this initial review of the applicant's original FVA, the case officer (in consultation with our consultant) has considered a number of iterations of the applicant's FVA and rebuttal documentation. The amendments to the applicant's FVA have led to the applicant's current proposal to reduce the level of affordable housing from 40% to 20% (four shared ownership units) and to omit the education contribution.
- 7.5 The applicant's offer of four affordable housing units on a shared ownership basis does not comply with the Council's affordable housing policy (DM41 and SPD Meeting Housing Needs), which seeks up to 40% affordable housing units on greenfield sites and tenures to be based on a 50:50 split of intermediate units and rented units, with a preference for social rented units. The reduction to the affordable housing provision is on the basis of development viability. With regards the proposed affordable tenures, the applicant has indicated that the reason to request all shared ownership units is based on anecdotal evidence that there could be difficulties getting a registered provider (RP) to purchase the two rented units, which would put further financial strain on the scheme. As a starting point the local planning authority should always seek to ensure that the tenures of the affordable housing are policy compliant. However, recognising the potential difficulties the applicant has identified, it would not be unreasonable (if the proposals were found to be acceptable) to provide some flexibility within the planning agreement to later agree alternative tenures of the affordable housing units should robust evidence demonstrate no RP interest.
- 7.6 The affordable housing provision is below (20%) the policy requirements (and the requirements previously agreed by the developer in the s106 only 13 months ago). It is understood this has come about due to additional abnormal costs associated with developing the site, such as deep trench/pile foundations, cut and fill, water attenuation, additional costs associated with working alongside the railway line and radon protection. Their latest FVA has been analysed and reviewed by our appointed consultant. There are a number of key factors to be taken into account when assessing viability, namely gross development value (GDV), costs, land value and competitive return to developers and land owners. There is agreement between the parties in relation to the submitted land values and the level of developer return (18%). With regards to abnormals, our consultant indicates that these are slightly higher than the expected range (10-20% of basic build cost) but in their professional view, at this stage (without detailed scrutiny of the costs), the figures appear realistic. The main areas of disagreement relate to the detailed analysis of GDV and costs.
- 7.7 Despite some agreement in the consideration of the viability testing of this case, there remains continuing disagreement over various assumptions in the FVA. Having regard to the evidence submitted by the applicant and the subsequent FVA review reports from our appointed consultant, officers are not satisfied that the applicant's evidence is sufficiently robust and compelling to allow the reduction to the affordable housing provision and the loss of the education contribution. In summary, in the applicant's latest FVA it is considered that the sale values are too low and do not reflect market evidence (or the applicant's own sale values as originally submitted); the affordable housing transfer values are too high and do not reflect expected average transfer values that officers of the Council have encountered on other sites in the area; the tenure split is not policy compliant; the timescale for house sales considered too long which has a negative impact on total cost of scheme finance; and sales/marketing/incentives too high; not to mention the loss of the education contribution which has not been agreed with the Education Authority or officers here, nor was this

originally applied for. Subsequently, to allow the proposed variations at this stage would be contrary to the policies referenced above in section 6.0 of this report. Members are advised that through the viability testing of this application it has become apparent that the provision of 40% affordable housing with the other scale of obligations would be challenging and our consultant has indicated that 25% affordable housing provision may be more realistic.

- 7.8 Much of the discussion and negotiations to date have focussed on affordable housing provision and the key viability factors affecting the outcome of affordable provision, which relates to the principal considerations of this application. However, it is important to also reflect on the loss of the education contribution. The purpose of an education contribution is to mitigate the impacts of the proposal on the local education infrastructure. The Education Authority (Lancashire County Council) reported at the time of the planning application being considered that the proposal (based on their adopted methodology at the time of assessment) would lead to an impact on both primary and secondary school places and sought a contribution of £18,397.28 towards a secondary school place and £61,047 towards 5 primary school places. The applicant accepted this requirement and it was subsequently secured in the legal agreement. The applicant has sought to retain the education contribution throughout the negotiations, until very recently when the applicant increased the affordable housing provision from 10% to 20%. The failure to provide an education contribution would be contrary to Core Strategy policy M1, Policy DM48 of the DM DPD and paragraph 72 of the NPPF. The Local Education Authority has also indicated that they would object to any development that did to mitigate the impacts of new development on education places.
- 7.9 In your officers' opinion, providing contributions to support local education infrastructure is a significant material consideration. It is also noted that pressure on school places was one of the main reasons for opposition (from the public consultation) at the time the application was being considered. Subsequently, there is preference to see this obligation retained. Again, Members are advised that through the viability testing of the application, our consultant has indicated that the development is viable with a reduced affordable housing provision but with the retention of the education contribution.

8.0 Planning Obligations

- 8.1 The proposed amendments to vary paragraph 1.1 and the removal of paragraph 2 of the Third Schedule are not accepted.

9.0 Conclusions

- 9.1 The existing legal agreement associated with planning permission 15/01167/FUL shall continue to have effect without modifications to the affordable housing provision on the basis that the submitted viability evidence, which has been reviewed and tested by an independent consultant on behalf of the Council, is not considered sufficiently robust or compelling to accept a reduction to the provision of affordable housing to the level proposed (20%) or the loss of the education contribution, contrary to the policies listed in section 6.0 of this report. Members are recommended to resist the applicant's amendments to the planning agreement.

Recommendation

That in respect of the applicant's proposal to vary the legal agreement attached to the grant of planning permission:

- (i) The proposed changes to Paragraph 1.1 of the Third Schedule to reduce the affordable housing provision from 40% to 20% (comprising 4 x intermediate units) is **refused**; and,
- (ii) The changes to omit Paragraph 2 of the Third Schedule (and associated definitions) relating to the payment of the Education Contribution is also **refused**.

Background Papers

None.

Agenda Item A12	Committee Date 31 May 2017	Application Number 17/00304/FUL
Application Site Land Adjacent Marine Road Central, Marine Road West And Sandylands Promenade Morecambe Lancashire	Proposal Demolition and reconstruction of the Wave Reflection Wall, incorporating creation of new occasional-use vehicular accesses onto the Morecambe Promenade from the Marine Road West, Marine Road Centre and Central Drive roundabouts and at the Marine Road West/Regent Road Junction, creation of new keynote 'up and over' access points opposite the Frontierland Development Site and opposite Regent Road, demolition of an existing toilet block and shelter, upgrading the existing stepped access at West End Gardens and associated works	
Name of Applicant Lancaster City Council	Name of Agent Mr Spencer	
Decision Target Date 19 June 2017	Reason For Delay	
Case Officer	Ms Charlotte Seward	
Departure	No	
Summary of Recommendation	Approval	

1.0 The Site and its Surroundings

- 1.1 The proposal site forms the area of land which lies between the coastal boundary and the A589 Marine Road West and Sandylands Road running north and south for a distance of approximately 2 km from the Stone Jetty (in front of the Midland Hotel) and Oakley Road.
- 1.2 The area includes the existing wave wall, the promenade and the area of public realm between the A589 Marine Road West/Sandylands Promenade. The promenade is busy with use from pedestrians and cyclists alike, and is an important part of the public realm for businesses, residents and visitors. The Phase 2 section is separated from the businesses opposite by the busy A589. Phase 3, which is beyond The Battery, is more closely related to the neighbouring residential properties which front onto Sandylands Road.
- 1.3 Due to proximity to the sea the site falls within a Flood Zones 2 and 3 at varying extents. The site partly falls within, and lies adjacent to, a number of ecological designations including the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR, in addition to forming part of the Morecambe Bay and Duddon Estuary pSPA, which went to formal consultation on the 21 April 2017.
- 1.4 Part of the site falls within the Morecambe Conservation Area and there are a number of important historical designations close to the site, including the Grade II* Listed Midland Hotel, the Morecambe West End Conservation Area and the Grade II Listed Trinity Methodist Church.

2.0 The Proposal

- 2.1 This proposal forms Phases 2 and 3 of Lancaster City Council's Capital Maintenance Scheme to maintain the existing wave wall along the Morecambe seafront which protects 13,000 properties from flood events. £10 million funding from the Environment Agency has been secured to deliver this project. Significant lengths of the existing wall have been irrevocably damaged by alkali silica reaction (ASR) and freeze thaw processes are likely to damage the wall further.
- 2.2 Work is being undertaken in 3 phases over a period of 6 years. Phase 1 extends to the north of the Midland Hotel. Granted permission in 2015 (15/00119/FUL), Phase 1 which is under construction, is due to be completed later this year. Phase 2 is 1.1km long from the Midland Hotel to the northern extent of Battery Car Park. Phase 3 extends from the Battery Car Park to just north of Oakley Road.
- 2.2 The scheme comprises the following:
- Demolition and replacement, including some realignment, of approximately 750m of the wave wall between the Midland Hotel and Regent Road and the repair of 1.4km of the wave wall from Regent Road to Oakley Road (though it should be noted that a section in front of the Midland Hotel has been omitted from this scheme as the design of this element has not yet been finalised)
 - Phase 2 includes the following specific works:
 - Closure of one existing vehicular access just south of the Midland Hotel, and the creation of two new vehicular accesses including one new access at the roundabout of Marine Road West and Central Drive, and one close to Regent Road;
 - Improvement of the existing pedestrian accesses "up and over" the wave wall at 4 locations, including opposite Aldi, near Highfield Crescent and the West End Gardens;
 - Creation of a new "up and over" pedestrian access opposite Frontierland, including the demolition of the existing shelter;
 - Improvement and alteration to the existing flush access at Regent Road, including the demolition of the existing toilet block; and
 - Other works include resurfacing and public realm improvements - LED down lighting, new seating, bins, bollards, guard rails, landscaping including planting and signage, and demountable stop logs for the ramped accesses.
 - Phase 3 includes the refurbishment of the stepped accesses just south of Craig Street and south of Grosvenor Road, and works at the 4 ramped accesses of Rydal Road, Cumberland View, south of Stanley Road and south of Sefton Road. This would include some limited additions including some new seating, handrails and demountable stop logs for the ramped accesses

3.0 Site History

- 3.1 A request for a screening opinion under the Town and County Planning (EIA) Regulations 2011 (as amended) reference 16/01569/EIR was submitted in December 2016. It was determined that the proposed scheme is not considered to result in significant environmental effects and as such no Environmental Statement is required.
- 3.2 This proposal constitutes Phases 2 and 3 of a three phase development. A planning application (15/00119/FUL) for an adjacent site was granted permission in May 2015 for approximately 1.8km length of wave wall along the Morecambe seafront between Lord Street to the west and Happy Mount Park to the east (Phase 1).

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to conditions in relation to traffic regulation orders for the demolition and construction activities, construction traffic management method statement, and quality of footways reinstatement works.

Environment Agency (EA)	No objection. The EA welcomes the proposed mitigation measures to protect over-wintering birds, as specified in the Ecological Impact Assessment v1 (Atkins, March 2017).
Natural England	No objection subject to mitigation. Natural England has advised that due to the proposed mitigation they have no concerns about a significant impact on the designated site features, but have request an updated phasing plan to clarify timings of works. Natural England also advises that the local planning Authority is advised to record a decision that a likely significant effect can be ruled out and that the mitigation outlined in the Habitats Regulations Assessment may provide suitable justification for that decision.
Conservation Officer	Comments provided: Clarification requested in relation to the treatment of the wave wall which is to be replaced and is contiguous with the part of Phase 2 which has been omitted (around the Midland Hotel) from this scheme.
Environmental Health	Comments provided: Proposed mitigation for noise, dust and hours of construction should be implemented to ensure impacts are reduced to an acceptable level.

5.0 Neighbour Representations

- 5.1 No neighbour representations have been received in response to the site notices and advertisement of the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Para 14 – Presumption in favour of sustainable development
 Para 61, 63 and 64 – Requiring Good Design
 Para 94 – Mitigation and adaption to climate change
 Para 103 – Flood Risk
 Para 118 – Conserve and enhance biodiversity
 Para 132 – Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-

making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above

6.3 Lancaster Core Strategy

ER2 – Regeneration Priority Areas

6.4 Development Management DPD Policies

DM3 - Public Realm and Civic Space

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM26 – Open Space, Sports and Recreational Facilities

DM27 – The Protection and Enhancement of Biodiversity

DM31 – Development affecting Conservation Areas

DM32 – The Setting of Designated Heritage Assets

DM35 – Key Design Principles

DM38 – Development and Flood Risk

6.5 Morecambe Area Action Plan (to 2012)

SP1 – Key Pedestrian Routes and Spaces

SP3 – Morecambe Main Seafront and Promenade

AS6 – Western Seafront and Beach

7.0 Comment and Analysis

7.1 The key material considerations arising from this proposal are:

- Principle of development;
- Flood risk and surface water drainage;
- Impacts on designated ecological interests;
- Design;
- Impact on heritage assets;
- Highways safety;
- Residential amenity; and
- Areas of planting

7.2 Principle of Development

7.2.1 The condition of the wave wall is such that at present there is a risk of flooding from the sea to residents and businesses of Morecambe. The works to replace or repair the existing wave wall will better ensure the protection from the risk of flooding from the sea and as such can be considered to meet the requirements of paragraph 94 of the NPPF and Development Management DPD policy DM38. This proposal will deliver improved vehicular and pedestrian access to the promenade and will secure public realm improvements through the provision of new street furniture including benches, lighting and bins in accordance with the aims of policy DM26.

7.3 Flood Risk and Surface Water Drainage

7.3.1 The development site lies within Flood Risk Zone 2 and 3. The extent of the zoning varies along the length of the development site. As required a Flood Risk Report (FRR) has been submitted within this application. The proposed works are classed as water compatible as it is flood control infrastructure. The focus of this proposal is to minimise flood risk to the businesses and residents of Morecambe by protecting them against flood risk from the sea. The current condition of the wall is putting businesses and residents at risk from flooding.

7.3.2 The Flood Risk Report concludes that the proposed replacement and repair works to the wave wall will reduce flood risk to Morecambe from the sea and will not increase flood risk from the sea in any other locations, whilst having negligible impacts on the sea levels within the estuary. There will be a residual risk to properties in the event that a flood event overtops the wall, but flood warnings and

public awareness campaigns would be provided in such an event. The scheme has been designed to accommodate future raising if required to deal with climate change.

- 7.3.3 The Environment Agency has no objections to the proposed development. It is considered that, subject to the imposition of a condition for a design of a surface water drainage scheme, the proposal would result in greater protection for the Morecambe from flood risk. The proposed development is described within the FRR to make limited change to the degree of impermeable areas within the site. The existing site is designed to have 'flow paths' to allow water flow back to the estuary and this should be replicated in the proposed design. This can be secured by condition.

7.4 Impacts on Designated Ecological Interests

- 7.4.1 This site lies partly within and adjacent to the Morecambe Bay SAC, SPA, RAMSAR and SSSI and the Morecambe Bay and Duddon Estuary pSPA. With the exception of the car park area, the development site lies adjacent to, rather than directly within, the identified designations. The proposal has a potential to impact on habitats and flora and fauna through the development proposal and its construction (runoff, noise, vibration, dust/oil and light).
- 7.4.2 Natural England initially raised an objection to the proposed development and requested further information in relation to the Morecambe Bay and Duddon Estuary potential Special Protection Area and an update of the Habitats Regulations Assessment for Phase 1.
- 7.4.3 An Ecological Impact Assessment dated March 2017 (EclA) has been submitted with this application in addition to an Update Memo received on 5 May 2017. Together the EclA and Update Memo conclude that although there would be no land take works or habitat loss within the designated sites there is a potential for impacts from the construction in relation to pollution or the disturbance of birds and disturbance of breeding birds, and potential for marginal operational impacts from increased use of the promenade (although this is not expected to increase disturbance due to the 'little to no' nesting or feeding habitat within the site). Mitigation is proposed for pollution prevention, construction works and vegetation clearance, with additional control methods for construction works. It is considered that the implementation of this mitigation would result in no predicted residual effects on the integrity of the designated sites. The implementation of these mitigation measures would be secured by condition.
- 7.4.4 A Habitats Regulations Assessment Screening Form for determination of likely significant effect has been submitted for Phases 2 and 3. Within the assessment of likely significant effect for the Morecambe Bay and Duddon Estuary pSPA, the Morecambe Bay SAC and RAMSAR, it is concluded that there is no likely significant effect on any of the features of the designations. Whilst there is the potential of the proposed works and the operation of the development to affect birds through noise and visual disturbance, it is considered that the scale and type of works together with the proposed mitigation, including timing (season/times within a day/temperature), acoustic screens, machinery silencers, type of lighting, construction methods and pollution prevention and control measures will result in no likely significant effects on the features of the designations. It is considered that the potential scale or magnitude of the effect, alone or in combination with other plans or projects, is not likely to be significant.
- 7.4.5 In response to the updated Ecological Impact Assessment and Habitats Regulations Assessment (HRA) Natural England has advised that due to the proposed mitigation they have no concerns about a significant impact on the designated site features, but have request an updated phasing plan to clarify timings. Natural England also advises that the local planning authority records a decision that a likely significant effect can be ruled out and that the mitigation outlined in the HRA may provide suitable justification for that decision. In order to have full regard to the Council's requirements as the competent authority under the Habitats Regulations, Greater Manchester Ecological Unit (our ecological consultations) have been consulted to provide the Council's response, on the local planning authority's behalf, in relation to likely significant effects. The results of this will be verbally updated to Committee and will also be provided to Natural England for comment. On the basis of the information submitted by the applicant and the response provided from Natural England to date, it is considered that this issue can be satisfactorily dealt with within the timescales of the application with a recommendation to delegate the final decision to the Chief Officer.

7.5 Highway Safety

- 7.5.1 The promenade is well used by pedestrians and cyclists. The pavement and carriageway of Marine Road West are busy with pedestrians and cars. As such it is critical that the works are undertaken in a manner which protects the safety of all users and the efficiency of these routes. The existing promenade is covered by a Traffic Regulation Order for the Prohibition of Driving.
- 7.5.2 The proposal will make improvements to the promenade for the access of pedestrians and cyclists with improved access on to the promenade from the proposed up and overs, improved surfacing and railings and improved street furniture. Together this will improve the experience for pedestrians and cyclists. The proposal includes the closure of one existing access and the creation of two new vehicular accesses. The proposed access would be on to Marine Road West in two locations and would be protected from general use by dropped bollards.
- 7.5.3 County Highways has raised no objection to the proposed development subject to a number of conditions in relation to Traffic Regulation Orders for the demolition and construction activities, construction traffic management method statement, and quality of footways reinstatement works.
- 7.5.4 A condition is proposed which will adequately address Traffic Regulation Orders and any off site highways improvement works, which will include details of reinstatement or repair works for footways, kerbs and cycleway. A condition requiring the agreement of a construction traffic management method scheme for highway safety reasons alone would not normally meet the tests of being “necessary” (as required by the NPPF) as this is covered by separate Health and Safety Legislation. However, this is required as part of the ecological mitigation and as such can be acceptable imposed on any permission granted.

7.6 Design

- 7.6.1 The proposed design of the replacement wave wall and repair works to the existing wave wall seek to achieve functional improvements to the protection that the wall affords to Morecambe from flooding from the sea, in addition to aesthetic improvements to the wall and the promenade which is an important public open space for residents, businesses and visitors alike. Details of the proposed replacement/repaired wall, provision of stepped/ramped and flush pedestrian and vehicular accesses, re-surfacing and street furniture have been provided in the proposed material palette document. Whilst the principle of the proposals can be considered to be acceptable, the documentation submitted notes that the precise details of these materials will need to be agreed. This will be secured by a condition. The construction of Phase 1 is not yet fully completed but shows the finished look of the wall, accesses and street furniture which is considered to have been successful, helping to enhance the functional and visual amenity of the promenade.

7.7 Impact on Heritage Assets

- 7.7.1 The northern extent of this proposal falls within the Morecambe Conservation Area, adjacent to the Grade II* Listed Midland Hotel and close to the Grade II Listed Platform building. The application site also runs opposite to the West End Conservation Area and the Grade II Listed Trinity Methodist Church.
- 7.7.2 The proposal omits a section which is proposed to be the subject of a future planning application. It is understood that this is in order to consider further the works, especially the design of the wall, in relation to the Midland Hotel.
- 7.7.3 The Conservation Officer provided comments to the application, seeking clarification in relation to the finishing of the wall immediately to the south-west of the section of the scheme which has been omitted, in addition to the section of repaired wall which runs north on the Stone Jetty. The applicant explained that this section of wall to the south-west of the omitted scheme is proposed to be buff render finish to match the rest of the wall. However, this has not yet been finalised in relation to the omitted section. The final finish of this section of wall can be satisfactorily secured by condition, and the applicant has advised that they are comfortable with this approach. The wall north from the Midland Hotel on the Stone Jetty is proposed to have a whiter textured render to match the Midland Hotel. In order to ensure that the wall will be tailored to be sympathetic to the character of the Listed Midland Hotel, the final details of this section of wall can be controlled by condition.

7.7.4 In general the scheme will result in a visual improvement to the promenade and will facilitate improved pedestrian and cycle access, helping to improve the quality of the public realm within the Conservation Area, and the setting of the adjacent Listed buildings and Conservation Areas.

7.8 Residential amenity

7.8.1 The programme of construction works anticipates that the works will take 12 months to complete. The construction will result in some temporary disturbance in relation to traffic, noise and dust. Mitigation in relation to timing of works, noise and hours of construction have been proposed. It should be noted that the conditions which will be imposed in relation to the protection of the interests of the ecological designations will impose restriction on construction in terms of timing, methods and mitigation, which will also aid the protection of residential amenity. County Highways has also requested condition in relation to construction method statement.

7.8.2 A desk based noise impact assessment has been undertaken for the proposed construction works. Environmental Health has confirmed that an appropriate methodology has been used and the mitigations measures must be implemented to ensure the impacts are reduced to an acceptable level.

7.8.3 With mitigation, any likely impact resulting in the area of the Phase 2 works is unlikely to harm residential amenity, particularly due to the current busy nature of the intervening road and the businesses currently operating within this context. The impact of the proposals in the Phase 3 area are likely to be more discernible due to nature of Sandylands Road and the greater proportion of residential properties. However, the works in this area are of a more limited scale and with the proposed mitigation it is likely not to result in harm to residential amenity.

7.9 Areas of planting

7.9.1 There are no trees and hedgerows that would be affected by this proposal. Existing landscaping, including shrubs and plants will be affected by the proposed works, but there is an outline planting scheme within the material palette provided. Subject to these details being agreed by condition, the impact on the scheme on planting can be considered acceptable.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The proposed works to replace and repair the wave wall are critical to ensure the protection of property in Morecambe from risk of flooding from the sea. The proposal will improve access to the promenade which is a popular and well used public open space. The proposal is an opportunity to secure visual improvements to the wall, promenade and street furniture, improving the amenity of the public space for all users and the setting of the identified heritage assets. The required works have been assessed to the satisfaction of the relevant consultees to ensure that there are no adverse impacts on flood risk, highway safety and efficiency, heritage assets, and residential and environmental amenity. The information submitted by the applicant under the Habitats Regulations has been assessed by Natural England to enable a decision of no likely significant effect. However, finalisation of consultation with the Greater Manchester Ecological Unit and Natural England is required to have full regard to the Council's duties as the competent authority. On this basis it is recommended that if the Committee is minded to approve the application, that they do so in principle (subject to conditions), but delegate it back to the Chief Officer to allow the outstanding matters to be resolved (i.e. it can be demonstrated to the local planning authority's satisfaction that likely significant effect can be ruled out under the Habitats Regulations).

Recommendation

That Planning Permission **BE GRANTED** subject to the application being delegated back to the Chief Officer (Regeneration and Planning) for the outstanding matters to be resolved, and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans

3. Materials, including wall and steps, balustrades, surface treatments, seating, lighting, signage, bins, bollards, design of patterned wall embellishments
4. Details of render to be agreed for the replacement wall and repaired section of wall adjacent to Midland Hotel and on the Stone Jetty
5. Scheme for planting
6. Ecological mitigation measures
7. Works to be undertaken in accordance with the submitted Flood Risk Report
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400)
9. Noise mitigation measures
10. Construction Management Plan (including dust control)
11. Off-site highway works, including traffic regulatory orders and any necessary repair works to footpaths/cycleway

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

Background Papers

None

LIST OF DELEGATED PLANNING DECISIONS

LANCASTER CITY COUNCIL

APPLICATION NO	DETAILS	DECISION
16/00656/ADV	Williamson Court, Lancaster, Lancashire Advertisement application for the display of 2 non-illuminated double sided "V" board signs, 2 non-illuminated directional signs, 2 non-illuminated wall mounted signs and 3 non-illuminated flagpoles for McCarthy And Stone (Scotforth West Ward 2015 Ward)	Application Permitted
16/01358/CU	Riverside Caravan Park, Lancaster Road, Heaton With Oxcliffe Change of use of land for the siting of static caravans for holiday occupation 12 months of the year for Britaniacrest Ltd (Overton Ward 2015 Ward)	Application Permitted
16/01464/OUT	Land At Oxcliffe Road And 113 White Lund Road, Morecambe, Lancashire Outline application for demolition of existng dwelling and outbuilding and the erection of 10 dwellings and creation of a new vehicular access for Tom Hill (Westgate Ward 2015 Ward)	Application Permitted
16/01605/CU	The Old Vicarage, Abbeystead Lane, Abbeystead Erection of a single storey side and rear extension, installation of decking to side and conversion of detached garage at first floor level to form habitable accommodation including installation of external staircase for Mr & Mrs Ben Samuelson (Ellel Ward 2015 Ward)	Application Permitted
16/01621/FUL	Bay Horse Hotel, Saltoake Road, Bay Horse Demolition of redundant buildings and existing kitchen, erection of single storey extensions to sides and rear, installation of mezzanine floor and 3 velux windows and installation of decking and terrace to rear for Mr Craig Wilkinson (Ellel Ward 2015 Ward)	Application Withdrawn
17/00003/FUL	6 Carus Park, Arkholme, Carnforth Erection of a single storey side and front extension for Mr & Mrs K. Adam (Kellet Ward 2015 Ward)	Split Decision
17/00038/DIS	Rear Of, 211 - 212 Marine Road Central, Morecambe Discharge of condition 9 on previously approved application 16/00578/FUL for Mr Solomon Reader (Poulton Ward 2015 Ward)	Initial Response Sent
17/00056/DIS	High Barn, Snab Green Lane, Arkholme Discharge of conditions 3 and 5 on previously approved application 15/00275/PAA for Mr Charles Fazackerley (Kellet Ward 2015 Ward)	Request Completed
17/00065/DIS	Extension Walney Wind Farm, Borrans Lane, Middleton Discharge of requirement 33 on approved application 14/01379/NSIP - SOS approved Nationally Significant Infrastructure Project for Ms Sally Holroyd (Overton Ward 2015 Ward)	Request Completed

LIST OF DELEGATED PLANNING DECISIONS

17/00072/FUL	Cote Farm, Strellas Lane, Slyne Erection of a 900kw wind turbine (102m metre high from ground to blade tip), battery energy storage system, substation, hardstanding area, access track, underground cabling and associated infrastructure for Mr David Mack (Bolton And Slyne Ward 2015 Ward)	Application Refused
17/00077/FUL	37 Haws Avenue, Carnforth, Lancashire Erection of a single storey rear extension for Mr & Mrs A. Fisher (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00104/FUL	Cross Ghyll Cottage, Littledale Road, Brookhouse Erection of a single storey rear extension for Mr D. Brockbank (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00108/CU	7 Brooklands Drive, Heysham, Morecambe Retrospective application for the siting of a residential caravan and a storage caravan for Mrs Lynn Carpenter (Heysham South Ward 2015 Ward)	Application Refused
17/00109/VCN	Forrest Hills, Hazelrigg Lane, Ellel Erection of a resource centre (pursuant to the variation of condition 3 on planning permission 08/00079/FUL to use the centre as a wedding and conference venue) for Mr Robert Godfrey (Ellel Ward 2015 Ward)	Application Withdrawn
17/00111/LB	Grand Theatre, St Leonards Gate, Lancaster Listed building application for the installation of a microwave dish for Mr Michael Hardy (Bulk Ward 2015 Ward)	Application Permitted
17/00144/FUL	11 The Shore, Bolton Le Sands, Carnforth Demolition of existing rear extension, erection of a single storey rear extension with terrace to the rear, construction of dormer extensions and a first floor balcony to the front elevation and creation of a new vehicular access for Mr & Mrs M Brzezinka (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00148/FUL	19 Victoria Street, Morecambe, Lancashire Alterations and installation of a replacement shop front for Mr John Gallagher (Poulton Ward 2015 Ward)	Application Permitted
17/00157/FUL	10 The Shore, Bolton Le Sands, Carnforth Demolition of existing rear extension, erection of a single storey rear extension with raised terrace to the rear and construction of external steps to the side for Mr & Mrs D Newiss (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00158/FUL	77 Norwood Drive, Morecambe, Lancashire Construction of a hip to gable extension and dormer extensions to the front and rear elevations for Ms T. Owen (Torrisholme Ward 2015 Ward)	Application Permitted
17/00193/FUL	The Nook, Quernmore Road, Caton Erection of a single storey front extension and installation of a raised walkway to side elevation for Mr & Mrs Barker (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00194/LB	The Nook, Quernmore Road, Caton Listed Building application for erection of a single storey front extension, replacement of existing single glazed windows with double glazed to side elevation, alteration of side window to a door and installation of a raised walkway to side elevation and repairs to timber trusses for Mr & Mrs Barker (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00204/FUL	Meadow Glen, 27 Shaw Lane, Nether Kellet Construction of dormer extensions to the front and rear elevations and erection of a single storey rear extension for Mr I Cottam (Kellet Ward 2015 Ward)	Application Permitted
17/00210/FUL	18 Deanpoint, Morecambe, Lancashire Creation of dropped kerb and an area of hardstanding for off-road parking for Mr Steve Crabtree (Westgate Ward 2015 Ward)	Application Permitted
17/00212/FUL	42 Woodhill Lane, Morecambe, Lancashire Erection of a single storey rear extension for Mr Ernest Lavender (Harbour Ward 2015 Ward)	Application Refused
17/00213/FUL	31 Camborne Avenue, Carnforth, Lancashire Erection of a single storey rear extension and two storey side extension for Mr & Mrs I. Moneagle (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00214/FUL	122 Broadway, Morecambe, Lancashire Retrospective application for the retention of a single storey rear extension, raising the height of the roof and conversion of garage, dormer extension to the rear elevation and proposal for the erection of a 2.5m high boundary wall for Mr N. Palamountain (Bare Ward 2015 Ward)	Application Permitted
17/00215/FUL	Lancashire Commercials, Northgate, White Lund Industrial Estate Retrospective application for the continuation of use of land for car and vehicle sales for Mr James Robb (Westgate Ward 2015 Ward)	Application Permitted
17/00227/FUL	8 Belle Vue Drive, Lancaster, Lancashire Erection of a detached garage for Mr & Mrs J Cragg (Scotforth West Ward 2015 Ward)	Application Permitted
17/00235/ELDC	Langthwaite Farm, Langthwaite Road, Quernmore Existing lawful development certificate for the use of land to site 5 static caravans for Mr Deering (University And Scotforth Rural Ward)	Lawful Development Certificate Refused
17/00239/FUL	57 Coulston Road, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr Zubeir Mister (John O'Gaunt Ward 2015 Ward)	Application Refused
17/00250/FUL	6 Marlton Way, Lancaster, Lancashire Demolition of existing garage, erection of a two storey side and single storey rear extension and chimney stack to the side elevation for Mr & Mrs X Rodriguez (Scotforth West Ward 2015 Ward)	Application Permitted
17/00254/FUL	399 Marine Road East, Morecambe, Lancashire Creation of a new vehicular access and associated dropped kerb to front for Mrs L. Perry (Poulton Ward 2015 Ward)	Application Refused

LIST OF DELEGATED PLANNING DECISIONS

17/00257/CU	46 Market Street, Lancaster, Lancashire Change of use from A2 (professional and financial) to A3 (restaurant) and installation of a flue to the rear for Mr Mahmut Bilen (Castle Ward 2015 Ward)	Application Permitted
17/00258/LB	46 Market Street, Lancaster, Lancashire Listed building application for the installation of a flue for Mr Mahmut Bilen (Castle Ward 2015 Ward)	Application Permitted
17/00259/FUL	Ashlar House, Aldcliffe Hall Drive, Lancaster Erection of a first floor extension to front elevation for Mr Ian Gregory (Scotforth West Ward 2015 Ward)	Application Permitted
17/00261/ADV	24 Cheapside, Lancaster, Lancashire Advertisement application for the display of 1 externally illuminated fascia sign, 1 hanging sign and two active screen advertisement panels for Mr Tom Greenwood (Castle Ward 2015 Ward)	Application Permitted
17/00265/FUL	4 Meeting House Row, Hornby Road, Wray Erection of a single storey side extension for N & K Swindlehurst (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00266/FUL	19 Grasmere Road, Lancaster, Lancashire Demolition of existing rear extension and erection of a part single part two storey rear extension for Mr Martyn & Catherine Bargh & White (Bulk Ward 2015 Ward)	Application Permitted
17/00272/FUL	25 Spring Bank, Silverdale, Carnforth Erection of a single storey rear/side extension and conversion of garage into a habitable room for Mr & Mrs Ian Garson (Silverdale Ward 2015 Ward)	Application Permitted
17/00273/FUL	Whitemoor Cottage, Marshaw Wyre, Over Wyresdale Demolition of existing conservatory and erection of a single storey side extension for Grosvenor Estate (Ellel Ward 2015 Ward)	Application Withdrawn
17/00274/ELDC	High Tarn, Aughton Road, Aughton Existing lawful development certificate for the use of High Tarn as an unfettered residential dwelling for Mr Jeffrey Metcalfe (Halton-with-Aughton Ward 2015 Ward)	Lawful Development Certificate Granted
17/00277/FUL	Land At Poole House, Main Street, Arkholme Erection of a 2-storey dwelling with attached garage and associated hardstanding, landscaping and access for Mr & Mrs Qualtrough (Kellet Ward 2015 Ward)	Application Refused
17/00279/FUL	7 Hawthorn Close, Brookhouse, Lancaster Removal of existing chimney and construction of a dormer extension to the side elevation for Mr Mark Butler (Lower Lune Valley Ward 2015 Ward)	Application Permitted
17/00283/FUL	12 Kirkbeck Close, Brookhouse, Lancaster Erection of a ground floor rear extension above existing garage, construction of a rear balcony and stairs and installation of 3 rooflights to the rear for Mr Gary Bennett (Lower Lune Valley Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00285/LB	Whitemoor Cottage, Marshaw Wyre, Over Wyresdale Listed building application for the demolition of existing conservatory and erection of a single storey side extension, installation of replacement windows, doors, gutters and downpipes to all elevations, installation of external vent pipes, re-roofing and repairs to chimney stacks, relocate and enlarge door opening between living and kitchen, creation of a new doorway, removal of partition walls and creation of an en-suite to the first floor for Grosvenor Estate (Ellel Ward 2015 Ward)	Application Withdrawn
17/00286/FUL	Lancaster University, Bigforth Drive, Bailrigg Erection of cycle shelter and bin store at Great Hall, bin store at Bowland Hall, two bin stores at Conference Centre, cycle shelter at Alexandra Square, bin store at Tower Avenue, bin store and extension to existing cycle shelter at InfoLab, two cycle shelters and gate at Life Science building, cycle hoops at Main Library for Mr Robert Godfrey (University And Scotforth Rural Ward)	Application Permitted
17/00291/PLDC	Lune Water Pumping Station, Caton Road, Quernmore Proposed lawful development certificate for a ballasted solar PV array, inverter station and underground cabling for United Utilities (Lower Lune Valley Ward 2015 Ward)	Lawful Development Certificate Granted
17/00292/FUL	Hawthorn Bank, Cove Road, Silverdale Erection of a detached car port for Mr Mark Hallam (Silverdale Ward 2015 Ward)	Application Permitted
17/00294/FUL	15 Oak Avenue, Morecambe, Lancashire Erection of a replacement conservatory to the side elevation for Mr Lochrie (Bare Ward 2015 Ward)	Application Refused
17/00299/ADV	71 Main Road, Galgate, Lancaster Advertisement application for the display of an internally illuminated fascia signage for Mr Steve Ingham (Ellel Ward 2015 Ward)	Application Permitted
17/00302/CU	24 Penny Street, Lancaster, Lancashire Change of use of first and second floor offices (B1) into one 2-bed flat and one 3-bed flat for use as student accommodation for Mr Barton (Castle Ward 2015 Ward)	Application Refused
17/00303/CU	38 Poulton Road, Morecambe, Lancashire Change of use of ground floor shop (A1) to one 1-bed flat (C3), removal of two doors and insertion of a replacement window for Mr P McChrystal (Poulton Ward 2015 Ward)	Application Permitted
17/00305/FUL	15 Hillsea Avenue, Heysham, Morecambe Erection of a single storey side extension for Mr & Mrs W. Spencer (Heysham South Ward 2015 Ward)	Application Permitted
17/00307/FUL	Glen Anne, Halton Road, Nether Kellet Erection of a porch to the side elevation and erection of a conservatory to the rear for Mr And Mrs Towers (Kellet Ward 2015 Ward)	Application Permitted
17/00314/PLDC	Deep Dene, 95 Hest Bank Lane, Slyne Proposed lawful development certificate for the construction of 3 dormer extensions to the rear elevation and installation of 3 velux rooflights to the front elevation for Ms L Northcott (Bolton And Slyne Ward 2015 Ward)	Lawful Development Certificate Granted

LIST OF DELEGATED PLANNING DECISIONS

17/00317/FUL	19 Woodlands Drive, Heysham, Morecambe Construction of a dormer extension to the front elevation for Mr Andrew Horner (Heysham North Ward 2015 Ward)	Application Permitted
17/00318/PLDC	19 Woodlands Drive, Heysham, Morecambe Proposed lawful development certificate for construction of a dormer extension to the side and rear for Mr Andrew Horner (Heysham North Ward 2015 Ward)	Lawful Development Certificate Granted
17/00325/FUL	23 Locka Lane, Lancaster, Lancashire Erection of a single storey rear extension for Mrs D. Jarman (Skerton East Ward 2015 Ward)	Application Permitted
17/00326/FUL	424 Marine Road East, Morecambe, Lancashire Erection of a first floor rear extension for Mr Paul Hepworth (Bare Ward 2015 Ward)	Application Permitted
17/00341/FUL	Riverside Cottage, Bazil Lane, Overton Erection of a 2-storey side extension, single storey rear extension and alterations to fenestration of existing property for Mr Andrew Jarvis (Overton Ward 2015 Ward)	Application Refused
17/00342/FUL	25 Clougha Avenue, Halton, Lancaster Erection of a two storey rear extension for K And S Sykes (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00343/PLDC	Pattys Barn, Hillam Lane, Cockerham Proposed lawful development certificate for a conservatory to the side of existing holiday cottage for Mr Chris Parry (Ellel Ward 2015 Ward)	Lawful Development Certificate Refused
17/00347/FUL	Maisonette, 289 Marine Road Central, Morecambe Part retrospective application for the retention of a dormer window to the front elevation with alterations to the roof for Mr N. Palamountain (Poulton Ward 2015 Ward)	Application Permitted
17/00353/FUL	16 Goodwood Avenue, Slyne, Lancaster Demolition of existing conservatory and detached garage and erection of a single storey side extension for Mr & Mrs Wood (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00354/PLDC	4 Pinewood Close, Lancaster, Lancashire Proposed lawful development certificate for the erection of a single storey rear extension for Mr & Mrs J. Strivens (Scotforth West Ward 2015 Ward)	Lawful Development Certificate Granted
17/00355/FUL	18 Battismore Road, Morecambe, Lancashire Erection of a single storey rear extension for Mr & Mrs A. Tomlinson (Harbour Ward 2015 Ward)	Application Permitted
17/00359/FUL	6 Pond Street, Carnforth, Lancashire Demolition of single storey rear extension and erection of a two storey rear extension for Mr P Bowsfield (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00366/FUL	2 Collingham Park, Lancaster, Lancashire Erection of a single storey rear extension for Mr & Mrs Kilifin (Scotforth East Ward 2015 Ward)	Application Permitted

LIST OF DELEGATED PLANNING DECISIONS

17/00375/FUL	44 Market Street, Carnforth, Lancashire Infilling of existing ATM and night safe openings and removal of fascia signs for Royal Bank Of Scotland Group PLC (Carnforth And Millhead Ward 2015 Ward)	Application Permitted
17/00380/ADV	9 Common Garden Street, Lancaster, Lancashire Advertisement application for the display of an externally illuminated fascia sign and a non illuminated hanging sign for Mrs Kumiko Hotta (Castle Ward 2015 Ward)	Application Permitted
17/00385/FUL	23 Broadway, Morecambe, Lancashire Demolition of existing conservatory and erection of a single storey rear extension for Mr & Mrs D. Masheder (Poulton Ward 2015 Ward)	Application Permitted
17/00386/FUL	16 Hall Drive, Morecambe, Lancashire Erection of a single storey side and rear extension for Mr & Mrs J. Mills (Bare Ward 2015 Ward)	Application Permitted
17/00390/PAH	8 Charlbury Grove, Heysham, Morecambe Erection of a 6 metre deep, single storey rear extension with a maximum roof and eaves height of 2.77 metres for Mr And Mrs Crane (Heysham South Ward 2015 Ward)	Prior Approval Refused
17/00391/FUL	Fairfield, Craggs Hill, Over Kellet Erection of a replacement porch to front elevation and a single storey rear extension for Mr Graham Bell (Kellet Ward 2015 Ward)	Application Permitted
17/00400/OUT	Hunting Hill Lodge, Hunting Hill Road, Carnforth Outline application for the erection of a dwelling and detached garage for Mr & Mrs Adrian and Lisamarie Marrocco and Graveson (Carnforth And Millhead Ward 2015 Ward)	Application Withdrawn
17/00406/FUL	37 Hest Bank Lane, Hest Bank, Lancaster Demolition of existing single storey side/rear extension and erection of a part single, part two storey side/rear extension for Ms R Longcake (Bolton And Slyne Ward 2015 Ward)	Application Permitted
17/00412/FUL	70 Scale Hall Lane, Lancaster, Lancashire Erection of a single storey side and rear extension for Mr & Mrs G. Longworth (Skerton West Ward 2015 Ward)	Application Permitted
17/00419/FUL	61 Primrose Street, Lancaster, Lancashire Demolition of existing single storey rear outrigger and erection of replacement single storey rear extension for Mrs Saskia Vermeulen (John O'Gaunt Ward 2015 Ward)	Application Permitted
17/00433/FUL	23 Harrowdale Park, Halton, Lancaster Construction of dormer extensions to the front and rear elevations for Mr Graeme Kemp (Halton-with-Aughton Ward 2015 Ward)	Application Permitted
17/00441/ADV	Spar, 79 Slyne Road, Lancaster Advertisement application for the display of an internally illuminated totem sign for Mr Steve Ingham (Skerton East Ward 2015 Ward)	Application Permitted
17/00478/AD	Hyning Barn, Borwick Lane, Warton Agricultural Determination for erection of a storage building for Mr M Allen (Warton Ward 2015 Ward)	Prior Approval Not Required