

Agenda Item	Committee Date	Application Number
A8	6 March 2017	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 to the 14th March 2017	Reason For Delay Awaiting submission of amendments and further information from the applicant following initial requests back in mid-October from the Case Officer.	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approval - subject to the submission of satisfactory amendments	

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 of brick, stone and render with slate or grey tile roofs. Overton St Helen's Church of England Primary School and playing fields are located to the south of the site with agricultural land extending to the east. 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.
- 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. The site is also listed as Morecambe Bay Ramsar Site and also notified at the national level as the Lune Estuary Site of Special Scientific Interest. The nearest non-statutory designation is the Middleton Marsh Biological Heritage Site (BHS) which is 1000m 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.
- 2.2 Seven of the proposed dwellings have their accesses proposed directly off Lancaster Road. The remaining 25 are arranged around a cul-de-sac. Access would be taken opposite 32-36 Lancaster Road. The existing accesses to the site will not be retained. The development comprises four 2-bed detached bungalows, twenty 2-bed semi-detached bungalows and eight 3-bed semi-detached houses. Detached garages and driveways set back into each plot are proposed, providing a minimum of two parking spaces per unit. The proposed palette of materials are natural stone and render with slate-grey tiles.
- 2.3 The scheme incorporates three areas of open amenity space on site. A small area to the south of the proposed access, a larger areas opposite plots 25-29 and a further area adjacent to plot 17 in the north eastern corner of the site. This area also incorporates a flood attenuation pond as part of the sites surface water drainage strategy.
- 2.4 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. A low stone wall is proposed along the site frontage.

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 the 8th 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 a deliverable site 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	Insufficient information to assess the appropriateness of the access and sightlines and to provide full highway comments. The following was requested (back in mid-October): <ol style="list-style-type: none">1) To reduce the visibility splay, traffic speed surveys would need to be undertaken for further consideration by the Highway Authority; and,2) Off-site works involving the creation of a footway along the site frontage towards the school would enable the visibility splays to be provided and provide a safe walking route towards the school from the site. This could also

	reduce vehicle speeds travelling along Lancaster Road – a plan is required to illustrate these works and viability sprints.
Parish Council	No objections in principle subject to the following concerns/observations: <ul style="list-style-type: none"> • Conditions should be imposed to ensure properties facing existing property on Lancaster Road are set at a lower level to prevent overlooking; • The proposed pond should be removed, as it is a hazard; • Dwellings to Kevin Grove should be single storey to match; • A mini roundabout should form the entrance and a footway from the site frontage should be extended to the school and a zebra crossing provided. • The drainage system is at capacity so the development should ensure no additional load to existing Lancaster Road system; • The development results in an 8% increase in number of dwellings in the village. The village play park will be under extreme pressure so there should be a contribution to the provision of additional facilities in Overton.
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	Concerns raised over the mix of house-type for the proposed affordable housing units. An affordable housing scheme which is being delivered purely in the form of bungalows may not be attractive for a Registered Provider to acquire. A greater mix of house types and sizes for social rented and intermediate housing is required.
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.
Lead Local Flood Authority	No objections subject to following conditions: <ul style="list-style-type: none"> • Development to accord with the Flood Risk Assessment (FRA) • Surface water drainage scheme to be provided • Maintenance and management of surface water drainage scheme
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
Environmental Agency	No objections.
Tree Protection Officer	Objection 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.
Public Realm Officer	No objections subject to on-site and off-site Public Open Space provision/contributions. Advise that 465m2 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 the following security recommendations: <ul style="list-style-type: none"> • Layout – focus on one vehicle access route and limited footpaths • Public Open Space – should have natural surveillance • Windows/doors to meet enhanced security standards in accordance with Building Regulations • Dwellings designed to Secure-by Design Standards • Boundary fences fitting with 1.8m high fencings • Houses fitted with intruder alarms and security lighting
Dynamo	Objection on the following grounds: <ul style="list-style-type: none"> • 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;
- 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 and loss of hedgerows;
- Impact on neighbouring residential amenity, including loss of privacy, loss of light, increased noise and pollution;
- 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;
- 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 its used by large agricultural vehicles.

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

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. The public consultation period is from 27 January 2017 to 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 **Lancaster District Core Strategy**

- SC1 Sustainable Development
- SC3 Rural Communities
- SC4 Meeting the Districts Housing Requirements
- SC5 Achieving Quality in Design
- SC6 Crime and Community Safety
- E1 Environmental Capital
- E2 Transportation Measures

6.4 **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
- 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 (September 2015)
- 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)

7.0 Comment and Analysis

7.1 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

7.1 **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 now 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 via public transport to the urban areas for healthcare, secondary education, employment and supermarkets.

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 On this basis, the principle of the development 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 dwellinghouses 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, the proposed development does not constitute an inappropriate extension of the village boundaries or a disproportionate expansion of the settlement, and therefore it satisfies the first two policy tests of DM42. 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 submission indicates that all the affordable units would be two bedroom properties (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 dwellinghouses. 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 our housing needs evidence, the proposal currently fails to provide a suitable mix of housing types that would meet the 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 needs to provide a better housing mix to ensure the local housing needs are met and to attract a registered provider to deliver the affordable units. Subsequently, amended plans are imminent, providing a better mix of housing types and sizes, especially in relation to the affordable housing units. A verbal update will be provided.

7.2.3 Subject to the receipt of satisfactory amended plans, 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 to the site and that pedestrian connectivity within the site and towards the village is equally safe and suitable.

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. The Highway Authority are yet to provide full comments on the proposal, however, previously (under 15/01156/FUL) they indicated that the level of traffic likely to be generated was unlikely to have a noticeable effect on the local highway network and that there was no objection in principle.

7.3.3 Access to the site comprises a combination of a single vehicular access point and seven 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 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 proposed is located opposite 32-38 Lancaster Road. The access currently has a large radius with the carriageway narrowing to a 5m wide carriageway with 2m wide footways either side of the internal spine road. Visibility splays requested by the Highway Authority under the previous application were stipulated at 2.4m x 73m. These are significant sightlines given that a 20mph limit is imposed on this stretch of Lancaster Road, however, the requirements were based on the County's own traffic speed data. The applicant has not sought to undertake any further traffic speed surveys to reduce the required splays.

7.3.5 The submitted plans did not initially indicate the visibility splays on the drawings. Amended plans were received to remedy this, however, it was apparent that the sightlines impinged third party land to the south. In the absence of further traffic speed data to consider a reduction to the sightlines, the access proposed is unacceptable. To address this and to maintain the proposed sightlines, the applicant has indicated in the Planning Statement (but not on plan), that the proposal will create a new section of footpath to the east side of Lancaster Road along the site frontage towards the school. County Highways had suggested that Lancaster Road has sufficient carriageway width to accommodate this, whilst accommodating the on-street parking on the western side, though a plan (indicating that these works are achievable and that the sightlines can be provided) would be required before determination. The applicant has also been asked to reduce the access geometry so that the proposed entrance to the site is less suburban in appearance. The applicant is due to submit a revised site plan and detailed access plan showing the off-site highway works and access sightlines before the meeting. The Highway Authority will be consulted on this revised information and a verbal update will be provided.

7.3.6 If the applicant can demonstrate the access and sightlines are achievable through the off-site works proposed, this should be acceptable and will improve pedestrian provision between the site and the village amenities. The off-site works and the reduction to the carriageway width will inevitably reduce

vehicle speeds passing through the village too. Subsequently the receipt of a satisfactory amended plan and access drawing, it is anticipated that the proposal would not have an adverse impact on the operation of the local network or highway safety.

7.3.7 The level of parking proposed is acceptable and complies with planning policy. Cycle provision would be expected within the curtilage of each unit most likely within the garages proposed, though amendments have been sought to increase the garage dimensions to better cater for cycle provision.

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. The Case Officer has, however, raised a number of design and layout concerns in relation to the submitted scheme, most notably the position of Plot 23 to the retain oak tree; opportunities for the retention of the internal hedgerow (or part of it); the design and appearance of the proposed housetypes; lack of garden depth to some units; internal road alignment and site entrance being overly suburban in appearance; inappropriate position of a number of drives to the south of the entrance, and; lack of boundary details to consider the relationship with the school in particular. With regards to 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 sites topography. This will need to be reviewed once amended plans are submitted.

7.4.2 In terms of on-site open space and landscaping, the current layout provides a suitable amount of open space within the scheme although its disaggregation across the site limits the practicality 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) which limits the useable space further and the other locations are positioned close to the access which raise some safety concerns subject to how these areas are secured (fenced). There are no objections to the incorporation of a number of areas of open space and landscaping provided one area provides 465m² of useable and safe amenity space. This is currently provided to the end of the cul-de-sac. The location is not great as there is limited natural surveillance in this location, however, it is not regarded so unacceptable in planning terms to resist the application on this basis. However, it is hoped that the location of open space is re-considered alongside the other revisions due to be submitted.

7.4.3 Whilst 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 E1 and DM35 and DM42 of the DM DPD). Overall, design is considered to be a key aspect of sustainable development and that development proposals should make a positive contribution to the surrounding landscape by responding to local character and identity; that are visually attractive, and; establish a strong sense of place. Planning policy also requires new development to provide a good standard of amenity for all. As the application stands, there are elements of the design that fail to meet these policy requirements. The applicant is in negotiations with the case officer and amendments are due to be provided in advance of the committee meeting to resolve these concerns. Subject to the receipt of satisfactory amended plans, it is anticipated that an appropriate design and layout can be achieved on this site that would also ensure residential amenity for future and existing residents is protected.

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 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 developments 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 to disturbance, given the proximity of the city 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 to 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 to 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. However, it concludes that given the application site is adjacent to a main road and is immediately adjacent to existing development and the fact the site is bonded 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 City. 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 have considered the application and the HRA and have raised no objections to the proposal. Natural England concur with the conclusions of the HRA and are 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 and that homeowner packs are prepared and provided to new occupants to provide information on how to minimise recreational disturbance impacts.
- 7.5.8 With regards to 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.

Our ecology consultant (GMEU) 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 (1st March – 31st July inclusive). Appropriate tree protection and landscaping proposals (controlled by condition) should ensure no adverse impact to the biodiversity of the site. GMEU

have 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.

7.5.9 The proposal does result in a significant loss of hedgerow and as such there is an objection from the Council's Tree Protection Officer, who has also raised concerns over the layout of plot 23 in relation to the retained oak tree. It is anticipated amended plans will address this latter point. However the western hedgerow to Lancaster Road is unlikely to be retained given the proposed access arrangements and layout. The provision of the individual drives and the strong building frontage is supported from a wider urban design perspective, but is to the detriment of the natural environment. 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.

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 regarded 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 flood 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 (designing to greenfield run-off rates with on-site attenuation). This suggests infiltration methods such as soakaways may be feasible but if not there is a ditch to the eastern boundary and at worst discharge to the sewer, in line with the SuDS hierarchy. Despite the Lead Local Flood Authority (LLFA) raising no objections to the proposal, the case officer has sought further information to evidence that a sustainable drainage system could be feasible on the site and that the proposed layout has taken account of on-site drainage requirements, such as attenuation. The agent has advised that further site investigations have been undertaken to inform a more detailed drainage strategy for the site. The details of this are due to be submitted with the amended proposals. Upon receipt of the amended plans/details, further consultation will be carried out with the LLFA and a verbal update will be provided. Assuming the applicant can evidence that the site can drain without causing a flood risk on site or elsewhere, the precise details will be capable of being conditioned.

7.6.3 Despite concerns to the contrary, the application proposes to discharge foul drainage to the main sewer. United Utilities have raised no objections to this.

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 proposed on the education infrastructure in the area. The applicant has agreed to provide this contribution.

7.7.2 With regards to public open space, the application incorporates an acceptable level of amenity green space on site. The scale of development is below the thresholds of 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.

7.7.3 **Conditions**

Subject to the submission of appropriate amended plans and supporting information, 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 removal of some permitted development rights may need to be imposed to ensure adequate protection of residential amenity and to ensure the scheme delivers a high-quality design. The drainage proposals (TBC) may also implicate some permitted development rights. This will be assessed upon receipt of the amended plans. 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 Section 106 Agreement is necessary to make the development acceptable in planning terms. The following details are required:

- Twelve dwellings to be provided on site as affordable dwellings. The precise location, housing type and tenure mix to be agreed as part of the terms of the obligation (submission of an affordable housing scheme). The affordable housing scheme should provide a tenure mix of 50% social rented and 50% intermediate housing in accordance with the Meeting Housing Needs SPD.
- Financial contribution of **£60,727.18** to fund 3 primary school places and 1 secondary school place.
- Public open space - the provision of amenity space on site in accordance with the site plan and 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.

9.0 **Conclusions**

9.1 Subject to the submission of satisfactory amendments, the proposed development is located in one of the district's identified rural settlements where housing proposals can be supported; it is anticipated that the amended proposals and supporting information will secure a suitable design and layout without leading to any adverse impacts to the natural and built environment, 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 advised that if the amendments are acceptable planning permission should be supported.

Recommendation

Subject to the submission of amended plans and supporting information, that Planning Permission **BE GRANTED** subject to a legal agreement to secure 12 affordable housing units, on-site public open space, an education contribution, a contribution towards existing public open space and management and long term maintenance of on-site open space, landscaping and drainage proposals and the following conditions:

1. Standard Time Limit
2. Approved Plans List (TBC)

Pre-commencement

3. Site Investigation (contamination)
4. Drainage scheme to be agreed (TBC) and implemented in full before occupation
5. FFL for units and finished ground levels of roads, gardens and landscape areas
6. Scheme for mitigation as set out in the HRA

Pre-construction of dwellings

7. Landscaping scheme including details of open space and external hard surfacing (having regard to recommendations of submitted ecological appraisal)
8. Samples of external facing materials (including stonework), window and door details (including recess), roofing details (eaves/verge and ridge including rain water goods)
9. Boundary details to be provided (unless submitted with amended plans – TBC) and boundary treatment to be provided before occupation and retained at all times

Pre-occupation

10. Importation of materials (contaminated land condition)
11. Maintenance and management of surface water drainage scheme
12. Car parking to be provided and made available for the parking of cars before occupation of each dwelling

Control conditions

13. Foul and surface water to be on separate systems
14. Development to be carried out in accordance with FRA
15. Tree Protection
16. Restriction of timing of hedgerow removal/alterations/works to avoid bird breeding season
17. Removal of PD rights (precise classes TBC subject to drainage proposals and amendments TBC)
18. Protection of visibility splays (TBC)
19. Off-site highway works to be provided in full (as shown on approved plans) before first occupation unless otherwise agreed in writing with the LPA.

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