

<b>Agenda Item</b> A5	<b>Committee Date</b> 3 April 2017	<b>Application Number</b> 16/01515/OUT
<b>Application Site</b> Development Land Bowerham Lane Lancaster Lancashire	<b>Proposal</b> Outline application for the erection of up to 30 dwellings and creation of a new access.	
<b>Name of Applicant</b> Mr A Ruchwaldy	<b>Name of Agent</b> Dan Ratcliffe	
<b>Decision Target Date</b> 16 June 2017	<b>Reason For Delay</b> Not Applicable	
<b>Case Officer</b>	Mr Mark Potts	
<b>Departure</b>	Yes	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

- 1.1 The application site is in the region of 1.6 hectares in area, located 1km to the south of Bowerham local centre. The current use of the site is for grazing livestock. To the north of the application site lies a residential property (Woodside) and the Fox and Goose Public House beyond this. To the east of the site lies a narrow lane in connection with Hala Carr Farm and beyond this is the M6 motorway and to the south lies Hala Carr Farm and beyond this a parcel of open countryside wedged between the M6 and Bowerham Lane. Along the western boundary lies Bowerham Lane with detached properties which overlook the application site.
- 1.2 The site rises significantly towards the east and reaches a maximum height of 88 metres AOD (Above Ordnance Datum) at the far eastern extent of the site, and at its lowest point is 71 metres AOD adjacent to Bowerham Lane. The site is bound by trees and hedgerows along the northern, eastern and southern boundaries. Along the western boundary adjacent to Bowerham Lane lies a dry stone wall. There is a mature hedgerow which runs west-east through the centre of the site and in essence separates the two fields.
- 1.3 The application site is not situated within any nationally designated landscape or ecological designation, although the site does benefit from being within a Key Urban Landscape and a Woodland Opportunity location in line with the adopted plan. There are a number of trees protected by a Tree Preservation Order associated with 242 Bowerham Road, however, these are not affected by the development proposals.

## **2.0 The Proposal**

- 2.1 The application seeks outline planning consent for the erection of up to 30 dwellings, and an associated improved access off Bowerham Lane. The scheme is in outline form with only the means of access being applied for which would seek to utilise the existing access, albeit this would be upgraded and visibility splays of 2.4m x 43m provided. An earlier iteration of the scheme for 42 houses was amended by the applicant following concerns raised by the case officer regarding the extent of development on the site and density concerns.

### 3.0 Site History

3.1 The relevant site history is set out below:

Application Number	Proposal	Decision
16/00545/PRETWO	Erection of 52 dwellings	Advice provided
01/89/0118	Erection of 50-60 residential dwellings across 3.57 hectares	Refused by the City Council and refused on appeal by the Planning Inspectorate
01/89/1275	Outline application for the erection of 41 dwellings	Refused

### 4.0 Consultation Responses

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

Consultee	Response
<b>Planning Policy</b>	Raised an objection to the original 42 dwelling scheme given the site is key urban landscape which has been designated for its landscape value in the Local Plan (and the emerging Local Plan), In terms of the response for 30 dwellings welcomes the significant revisions made, and the applicant should demonstrate why exceptional circumstances exist as to why planning permission should be granted.
<b>County Highways</b>	<b>No objection</b> , subject to conditions associated with improvements to footways, street lighting, pedestrian refuge on Bowerham Lane (Kempton Road junction), provision for stop and give way white lining.
<b>Highways England</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• No development on or adjacent to the M6 Motorway embankment;</li> <li>• No drainage shall connect into the motorway drainage system;</li> <li>• No access from the site to the M6;</li> <li>• No planting of species that when mature shall be of a height that if falls down could land on the motorway;</li> <li>• Ensure that noise from the motorway is mitigated to the satisfaction of the LPA;</li> <li>• Applicant to be aware of the possibility of errant vehicles from the carriageway entering the site;</li> <li>• The development shall not necessitate the closure of the M6.</li> </ul>
<b>Environmental Health</b>	<b>No objection</b> subject to conditions associated with the implementation of the mitigation as contained within the applicant's noise report and measures associated with reducing detrimental air quality impacts.
<b>Lead Local Flood Authority</b>	<b>No objection</b> subject to conditions associated with surface water drainage.
<b>Tree Protection Officer</b>	<b>Objection</b> in relation to plots 12 and 13 and the 2 retained off-site trees
<b>Environment Agency</b>	No observations to make.
<b>United Utilities Water</b>	<b>No objection</b> subject to the development being carried out in accordance with the Flood Risk Assessment, conditions for the management and maintenance of surface water systems and attention has been raised regarding the water main that crosses the site in that an access strip of 5 metres either side of the pipeline is required.
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> . Recommends that replacement hedgerow should be provided and given the hedgerow could support nesting birds, recommend a condition associated with a nesting bird survey.
<b>Public Realm Officer</b>	<b>No objection</b> to the scheme for 42 dwellings and recommended that 784m <sup>2</sup> of amenity space is provided on site, a children's play area is required and an off-site contribution of £81,299. A verbal update on the amended scheme for 30 dwellings will be provided to Members at the Committee meeting.
<b>County Council (Education)</b>	<b>No objection</b> . No requirement for an education contribution based on 30 dwellings.

<b>Strategic Housing Officer</b>	<b>No objection.</b> Advises that the inclusion of 2 and 3 bedroom bungalows would be desirable.
<b>Lancashire Police</b>	<b>No objection.</b> Recommends that security measures are embodied into any subsequent reserved matters application.
<b>Natural England</b>	<b>No objection,</b> though advise that the development is close to the AONB boundary and this should be considered in the determination of this <u>planning application</u> .
<b>Civic Society</b>	<b>Raise concerns</b> with the development given the density and the potential pressure on existing services and facilities.
<b>Lancashire Fire and Rescue</b>	<b>No objection</b>
<b>Electricity North West</b>	<b>Comments</b> that the development is adjacent to Electricity North West Operational land or electricity distribution assets.

## **5.0 Neighbour Representations**

5.1 17 letters of objection have been received to the scheme consisting of 42 dwellings for the reasons below:

- Visual impact, which is exacerbated given the levels differences on site;
- Highway safety concerns: safety due to constrained highway, which is particularly problematic during school times and with vehicles speeding;
- Planning policy issues: the scheme is contrary to planning policy as the site is allocated as key urban landscape and should be protected from development; the scheme conflicts with the Strategic Housing Land Availability Assessment that considered the site was undeliverable; the land is outside of Bailrigg Garden Village and therefore development here should not be supported;
- Ecological impacts and loss of trees;
- Concerns regarding air quality, light pollution and noise;
- Amenity: the amenity of future residents so close to the M6 raises significant concerns; as does the amenity of residents on Bowerham Lane; the loss of the smallholding is a concern; and,
- Local infrastructure: schools are at full capacity and concerns on drainage (foul and surface water).

In response to the amended outline planning application for 30 dwellings there has been **12** letters of objection received, raising the issues listed above but also including:

- Damage cost calculation should be provided for air quality; and
- 30 dwellings is still considered too many for the site.

Councillor Sam Armstrong has objected to the development on the basis of highway safety, air pollution and nature conservation concerns.

5.2 It is understood that local residents held a meeting on 5 February 2017 at Barton Road Community Centre to discuss the proposal, with 25 people in attendance raising concerns with the proposals.

## **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 and 38 Access and Transport  
Paragraphs 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, 115,117,118 – Conserving the Natural Environment  
Paragraphs 128-134 – Conserving and Enhancing the Historic Environment  
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. 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 (adopted July 2008)

SC1 – Sustainable Development  
SC4 – Meeting the District's Housing Requirements

### 6.4 Lancaster District Local Plan - Saved policies (adopted 2004)

E27 – Woodland Opportunity Site  
E31 – Key Urban Landscape

### 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
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  
DM30 – Development affecting listed buildings  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM48 – Community Infrastructure  
DM49 – Local Services

### 6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)

## **7.0** **Comment and Analysis**

7.0.1 The main considerations with the application relate to;

- Principle of development;
- Layout and scale of development;
- Landscape and visual impact;
- Highways;
- Drainage;
- Noise and air quality impacts;
- Nature conservation (trees and ecology);
- Open space; and
- Education provision.

### 7.1 Principle of Development

7.1.1 The site is located within the urban core of Lancaster, is located 2.5km to the south of Lancaster city centre and is in easy reach of Bowerham local centre which supports a variety of local services, and there is a frequent bus service that passes close to the site with a bus stop located at the Fox and Goose public house. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District, and this was very much the intention of Policies SC1 and SC2 of the Core Strategy. It is therefore considered that the site is a sustainable location for the delivery of 30 dwellings (assuming other issues can be addressed).

7.1.2 The land is currently allocated as Key Urban Landscape (Policy E31) and a Woodland Opportunity Area (Policy E27) under the 'saved' Local Plan. Both designations remain relevant and important considerations in the determination of this planning application. Policy DM28 (Development and Landscape Impact) of the Development Management DPD states that identified areas will be conserved and important natural features safeguarded. Key Urban Landscapes (KUL) perform an important role in defining the character of the District and it is considered that this site forms a green wedge between the M6 and the residential properties on the eastern fringes of the city. The local planning authority considers that some form of buffer should be preserved and woodland planting encouraged.

7.1.3 Policy E27 of the adopted Local Plan states that within identified areas the Council will seek to establish new areas of woodland allowing where practical for public access and the protection and enhancement of nature conservation interests. It is considered that tree planting along the M6 would assist in mitigating road noise and provide a more attractive edge to the built up area. It goes onto state that development which would prejudice the establishment of new woodland areas will not be permitted. This policy is supplemented by Policy DM29 'Protection of Trees, Hedgerows and Woodlands' in the Development Management document which gives further support to the protection of trees and hedgerows and encourages additional planting.

7.1.4 As part of the emerging Land Allocations DPD the site is still proposed to retain its Key Urban Landscape designation and whilst only limited weight can be attached to this, it continues to protect the site from development, but would seek to support development if it preserves the open nature of the area and the character and appearance of the surroundings. Members will be aware of a smaller scheme (just to the south of the application site) for 20 dwellings (15/00714/OUT) which also fell within the same landscape designations as this application site, which was approved in 2015. That scheme proposed properties along the site's frontage, but proposed significant landscaping to the east of the site, towards the M6 (although an application to increase the number of houses to 25 and reduce the separation to the M6 is currently pending consideration - 16/01551/FUL). This application does seek to introduce some significant landscaping and an earth bund (in the region of 20 metres in width) to the eastern edge of the site. However, it is not considered that the scheme accords with the policy requirements of the Key Urban Landscape designation and to a lesser extent the Woodland Opportunity designation (albeit accepting that the development can act as a catalyst to ensure landscaping occurs) and therefore the scheme is a departure from the Development Plan

and has been advertised as such. Members will be acutely aware that the local planning authority cannot demonstrate a deliverable 5-year housing land supply, and Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. It goes on to say that Local Planning Authorities (LPAs) should approve development proposals which accord with the development plan without delay, and that where a development plan is absent, silent or relevant policies are out-of-date the LPA should grant permission unless;

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

7.1.5 Many of those that have made representations to the application have made reference to the fact that the local authority deemed the site undeliverable in the Strategic Housing Land Availability Assessment (SHLAA) in 2015 and therefore this application should not be supported. The SHLAA is a technical exercise to assess the amount of land that could be made available for development and it is part of the evidence base that will inform the plan making process - it does not seek to allocate land. The site was deemed undeliverable due to officer concerns on noise from the M6 (discussed in paragraph 7.7.1) and also the allocation as Key Urban Landscape given such designed land would ordinarily be protected from development. Officers are mindful of the refusal of the scheme for the erection of 50-60 dwellings in 1990 (1/89/0118), which was refused by the local planning authority and also the Planning Inspectorate. The Inspector considered that the principle of development at that time would be wholly unacceptable, and this has been afforded weight in the determination of this planning application. Planning policy has evolved, but critical to this application is the pressing need to deliver more homes given the local authority cannot demonstrate a deliverable 5 year housing land supply.

7.1.6 Given the above there is a clear expectation that, unless material considerations imply otherwise, opportunities for housing delivery have to be considered favourably and Officers have attached significant weight to this in terms of the planning balance exercise and do consider, as they did with regards application 15/00714/OUT, that some form of development could be supported on this site.

## 7.2 Layout and Scale of Development

7.2.1 Notwithstanding the issues raised in paragraphs 7.1.1 to 7.1.6 of this report, Officers considered that the siting of 42 dwellings would in layout terms have been unacceptable, and Officers do continue to have significant concerns regarding how achievable it would be to deliver 30 dwellings on this site. Whilst layout is not being applied for, and modifications could be made to this, Officers do not consider that the layout is characteristic of the local area, and given the differences in levels across the site this will create essentially two levels of development. For example, the indicative layout shows 2 plots c26m apart but sited on land with a level difference of c6.5m. This is not conducive to good design and would inevitably lead to privacy issues (within the site and potentially off-site for Woodside and Hala Carr Farm). Officers have concerns that when viewed from Bowerham Lane the principal elevations of the proposed dwellings at a lower level would be dwarfed by the rear elevations of the eastern row of properties that would be set on higher land held back by new retaining walls. This would detract from the wider amenity of the area. An alternative option would be to have in essence two frontages (across two levels) with all principle elevations overlooking Bowerham Lane. This would be more suitable but would encroach further into the site as a larger buffer between properties would be required. A landscaped area could also be included to soften the impact that the levels create. It is considered the indicative scheme is unacceptable, and should outline consent be granted, a more sensitive approach would be required with a greater emphasis on high quality design and protection of private amenity. Officers feel that it is possible at Reserved Matters stage for a scheme that creates a strong sense of place to be delivered, but would also provide landscaping and woodland planting to the eastern side of the site, and therefore considers that the scheme does comply with Paragraph 58 of the NPPF.

7.2.2 At pre-application stage it was considered a single row of dwellings (i.e. a linear scheme) would be better suited to the site given topography and the allocations that the site sits within. This is still considered the most appropriate solution in design terms, albeit maybe not the best use of the land available. Notwithstanding this, given the need to significant boost housing supply it is not considered that refusal of the scheme before Members would be capable of being robustly defended at planning appeal given the local authorities lack of a 5 year housing land supply.

### 7.3 Landscape and Visual Impacts

7.3.1 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which does concede that in certain viewpoints there would be a major adverse effect (admittedly when in close proximity to the development). Officers would not disagree with this element of the assessment. However, the allocation of the Key Urban Landscape (KUL) is intended to protect the undeveloped areas of land between Lancaster and the countryside to the east, and the allocation of the KUL has a role to play in maintaining the distinction between the town and country and provides a rural backdrop to the urban area. The application site consists of fields separated by a hedgerow with stone walling along the frontage and retains the pattern of enclosure that was established in the post medieval period. The land does form a green buffer between the M6 and residential properties on the eastern fringes of the city (however from Bowerham Lane the M6 is barely noticeable in sound or vision). The applicant's LVIA considers that given the limited area of development and the separation from the larger area of the KUL (located to the north and south) then this would allow the development to proceed without a significant overall impact upon the designation. Officers in part would agree with this suggestion as this area of the KUL possesses a very different feel to some of the larger KUL which are located besides Grab Lane and also Land South of Hala Hill and towards the University. It is therefore recommended that whilst there would be harm caused by developing the site for residential development (which is significantly exacerbated by the levels of the site), in Officers' opinion the loss of the site as KUL can reluctantly be found to be acceptable subject to the creation of a substantial, planted buffer between the M6 and the site. From a landscape perspective whilst there is a level of harm, assuming a high standard of design can be brought forward at Reserved Matters stage (which includes a high degree of landscaping and sensitive separation distances employed between on-site dwellings to account for levels on the site as well as the substantial planting on the eastern section of the site), that Officers feel on balance the landscape impacts proposed by this development could be mitigated against to facilitate much needed housing.

### 7.4 Highways

7.4.1 There has been concern raised by the local community with respect to highways, and that the introduction of further dwellings will lead to increased congestion and highway safety concerns. Moorside County Primary School (and associated Pre-School), Stepping Stones School, and St Bernadette's Primary School are located within 450 metres of the site. The case officer has visited the site during school drop off and collection times and fully understands the concerns of local residents as it was clear from the visits that parents were parking close to the application site to collect their children. The views of the County Council as the Highways Authority have been sought on the application who raise no objection to the development, nor raise any highway safety concerns. They have recommended that a pedestrian refuge facility on Bowerham Lane / Kempton Road would aid movements across the development site and also across Kempton Road. They have also recommended extending the footway along the site's frontage to meet the footway which is adjacent to the Fox and Goose Public House. The views of residents are noted with respect to speeding vehicles along Bowerham Lane and also the concerns associated with schools' drop off and pick up times, however, the County Council has raised no highway safety objection subject to a package of off-site measures being implemented. The applicant had initially proposed visibility splays in the region of 4.5m x 90m in each direction. The case officer felt that this was over-engineered (and this would have led to the urbanisation of the site's frontage) and therefore sought advice from the County Council who considered that visibility splays of 2.4m x 43m would be acceptable from a highway safety perspective. An amended plan has been received to detail this change. Whilst not requested by the County Council a condition ensuring the delivery and maintenance of the visibility splays is recommended together for a scheme setting back the existing stonewall adjacent to the road and the delivery of the footpath along the site's frontage.

7.4.2 Highways England have been consulted given the proximity of the site to the M6. They raise no objection but recommend a number of proposed planning conditions. Officers consider that the matters they raise are best handled by means of informative notes on any planning decision notice and are issues which can be addressed at Reserved Matters.

### 7.5 Nature Conservation (Trees and Ecology)

7.5.1 The site is currently grazed by donkeys and sheep, and there were a number of chickens evident on the site visits. The applicant has submitted a Phase I habitat survey in support of the scheme which concluded that the site had a low ecological value. The highest conservation value was

associated with the hedgerows and the scattered trees. The central hedgerow would be lost as a result of the development and the ecology report recommends that this loss should be compensated for. The Tree Protection Officer considers that the internal hedgerow is of a poor condition and has no objections to its removal. The Tree Protection Officer had an objection to the siting of plots 12 and 42 on the original scheme, and 2 of the retained offsite trees. These are issues that could be addressed via the Reserved Matters process in terms of ensuring the siting of the units does not impact upon trees. Officers are satisfied that the issues of ecology and trees can be addressed by means of planning condition.

## 7.6 Drainage

7.6.1 The application has been supported by a Flood Risk Assessment and the site lies within Flood Zone 1 (which is at the lowest risk of flooding of less than 1 in 1000 years). Whilst no intrusive works have been undertaken the geology of the area is not likely to be conducive to the infiltration of surface water given the soils are generally made up of clay. The applicants proposed to attenuate the surface water to a greenfield run-off rate and to discharge into the public (surface water) sewer which in turn enters a small watercourse (which then connects to Burrow Beck). The views of the Lead Local Authority have been received who raise no objection to the development. Officers do have concerns with run off from the site given it is quite sloping. However, this is a matter that could be addressed by means of planning condition.

7.6.2 There is an existing water main that crosses the site (north to south, and located circa 5 metres in from Bowerham Lane). The applicant has accounted for this within the proposed layout. There is a requirement for a 5 metres easement on either side of the centre line of the pipe (10 metres in total). United Utilities raise no objection to the development.

## 7.7 Noise and Air Quality

7.7.1 The applicant has submitted a detailed noise survey in support of the planning application and concludes that internal noise levels could be achieved by the fitting of windows with upgraded thermal glazing and window vents. With respect to garden areas it is expected that a combination of building orientation, earth mounds and acoustic fencing could all be used to ensure that the 55 LAeq, 16hr limits can be met. Officers have reservations with dwellings being located so close to the motorway with properties in the region of 80 metres away. However, there are a number of examples elsewhere in the North West with properties as close to the motorway (including those along Newlands Road to the north of this site). The views of the Environmental Health Officer have been sought who raises no objection to the development on the provision that conditions are attached to the consent which include the aforementioned mitigation measures.

7.7.2 There has been concern raised by members of the public regarding the amenity of future residents being adversely affected by emissions from vehicles along the M6 and it is a valid concern to be raised. Whilst no air quality assessment has been submitted, the Council's Air Quality Officer raises no objection to the scheme. The Officer has recommended a condition associated with the provision of electric charging points for electric vehicles to encourage the use of low carbon vehicles, thereby reducing the impact of the development on air quality.

## 7.8 Open Space

7.8.1 The applicant was advised that the scheme would require an on-site play facility and that open space would need to be provided on site when the scheme proposed 42 units. The applicant has now included an equipped play area and also open space as part of the scheme to be located to the east of the layout as proposed. The equipped play area is not something that would be ordinarily required on a development that proposes 30 properties but it would bring about a facility that could be utilised by the community (given the nearest facility is circa 500 metres away at Newlands) and therefore is a positive of the scheme. Should Members support the development proposal the provision of this can be secured by planning condition, including its ongoing maintenance.

7.8.2 The Public Realm Officer has requested an off-site financial contribution of £81,299 towards drainage associated with the Far Moor Sports Pitches (£46,355), the young person's facility on the Hala estate (£21,840) and £13,104 towards the ongoing maintenance of Williamsons Park. Given the development proposal is in outline for up to 30 dwellings, the actual number and size of the units



are unknown. In the circumstances it is considered appropriate to re-assess this at Reserved Matters stage, and can be controlled by legal agreement.

## 7.9 Education Provision

7.9.1 There has been concern raised by the local community that the local schools do not have capacity to support additional pupils should additional housing be approved (the nearest of which is Moorside Primary School circa 230 metres to the north west). The County Council as education authority for the district have stated that there is currently no need for the applicant to make a financial contribution towards education provision, and therefore it is considered that the local schools can accommodate additional pupils without resorting to a financial contribution.

## 8.0 Planning Obligations

8.1 Should outline planning consent be granted, it is recommended that the following contributions should be sought of which the applicant is amenable to. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF:

- The provision of up to 40% of affordable housing to be based on a 50:50 (social rented : shared ownership) tenure split as required by Policy (percentage, tenure, size, type, phasing to be address at Reserved Matters stage based on local housing needs and viability);
- Public Open Space contribution to be re- assessed at reserved matters stage (when numbers of units and bedrooms are known);
- Long term Open Space Maintenance (including play-ground), non-adopted highways and drainage.

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the 13 week time period for decision-making (i.e. 16 June 2017). If the applicant fails to sign the Section 106 by this date then the application should be delegated back to the Chief Officer for refusal.

## 9.0 Conclusions

9.1 The recommendation here is finely balanced, as the proposal is a departure from the Development Plan, and ordinarily developments of this nature would not be supported in Key Urban Landscape and Woodland Opportunity designations. However, Members have to be mindful that the local authority does not have an up-to-date deliverable five year housing land supply. Officers do consider that the proposed site is a sustainable location for the delivery of 30 dwellings, and whilst the undeveloped nature of the site would be lost, there would still be a considerable buffer between the built form and the M6, which is capable of being landscaped, and therefore it is not considered that there would be a complete removal of the Key Urban Landscape in this location. In addition to this, it is a site that is adjacent to the built form, in what Officers consider a green wedge (rather than a linear line of landscape). Given the inability of the local authority to demonstrate a deliverable 5-year housing land supply, together with the lack of any technical objection from any statutory consultees, that on balance the material considerations weigh in support of the scheme to allow Officers to make a positive recommendation for this development. In coming to this conclusion Officers consider that at any Reserved Matters stage there would need to be significant amendments to the scheme to facilitate a proposal that could be supported, and through the provision of a landscaped frontage, sympathetic separation distances between on and off-site dwellings, retaining the historic dry stone walling along the site's frontage, and the inclusion of a strong and defensible landscape buffer to the east (along with full compliance with the planning obligations) would all be required to enable any subsequent application to be viewed favourably by Officers.

9.2 Whilst concern has been raised with respect to highways, drainage, Environmental Health considerations, education provision and nature conservation, none of the relevant consultees raise an objection to the scheme, or raise a concern which cannot be addressed by condition or at Reserved Matters stage. Officers have sought to secure modifications to the scheme in the form of a reduction in numbers of units, and with this in mind consider that the site has the capability to support 30 dwellings. It is recommended to Members to support the scheme subject to the applicant entering into a Section 106 Legal Agreement and the conditions listed below.

## **Recommendation**

That, subject to the applicant entering into a legal agreement to include for the provisions identified in Paragraph 8.1, Outline Planning Permission **BE GRANTED** subject to the following planning conditions (unless the applicant fails to sign the required Section 106 agreement by the determination date then the application should be delegated back to the Chief Officer for refusal):

1. Timescales
2. Approved Plans
3. Surface Water Drainage Plan
4. Surface Water Drainage maintenance
5. Finished floor levels
6. Access Details
7. Off-site Highway Works
8. Protection of visibility splays (including a plan setting out the required splays and provision for replacement stone wall)
9. Play Area provision
10. Noise Mitigation
11. Ecology Mitigation (including bird breeding survey)
12. Submission of a Tree Protection Plan and Arboricultural Method Statement
13. Foul Drainage Plan
14. Electric charging points
15. Removal of Permitted Development Rights.
16. Unforeseen contaminated land condition

## **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:

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 agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None