

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