

Agenda Item	Committee Date	Application Number
A6	13 November 2017	17/00970/OUT
Application Site Land At Higher Bond Gate Abbeystead Road Dolphinholme Lancaster	Proposal Outline application for the development of 18 residential dwellings with associated access	
Name of Applicant Mr & Mrs D Wallbank	Name of Agent Mr Avnish Panchal	
Decision Target Date 1 December 2017	Reason For Delay Not applicable	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval (subject to entering into S.106 Agreement)	

(i) Procedural Note

A site visit was arranged for Committee Members to view this site in relation to outline planning application 16/01599/OUT (which was refused by Committee Members in April 2017). This was undertaken on 27 March 2017.

1.0 The Site and its Surroundings

- 1.1 The application site is located to the north eastern fringe of the village of Dolphinholme, approximately 11 km to the south of Lancaster city centre. The site relates to a 1.3 hectare parcel of land that is bound by Abbeystead Road to the south, open fields to the north and east, and Brookside Drive to the west with residential properties beyond this. The site falls to the south being approximately 102 metres above ordnance datum (AOD) in the north west corner of the site falling to 89 metres AOD to the south of the site where the proposed access is to be located. There is a shallow valley that runs from north to south close to the western boundary of the site. The site is bound by hedgerows to the south of the site and there is a hedgerow that runs in a south-west to north-east direction in the southern section of the site. There are isolated trees that run along the western boundary of the site, but no boundary treatment to the north.
- 1.2 The site is relatively unconstrained, though it is within an area that is susceptible to groundwater flooding. A Tree Preservation Order (TPO no.574, 2016) covers a number of trees that exist within the site (notably along the boundaries). Lower Starbank Farm is Grade II Listed and is located c150 metres to the north of the development proposal, and Castle Hill motte scheduled monument is situated c180m to the south. A watercourse is located on the western boundary of the site and Footpath 39 is located to the south of Abbeystead Road (20 metres away) and Footpath number 43 is 175 metres to the north. The proposed development is approximately 350 metres to the north west of Dolphinholme Conservation Area and approximately 1km to the south west of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), but does fall within the District's Countryside Area.

2.0 The Proposal

- 2.1 This outline submission proposes the erection of 18 dwellings (of which 7 would be affordable dwellings) with only the means of access being currently applied for. There is an existing bungalow on the site which is intended to remain. Matters associated with scale, layout, appearance and landscaping will be considered at Reserved Matters stage should a scheme be supported. The applicant has provided an indicative layout of how they consider the site could be developed. The applicant proposes to connect Footpath 39 with Footpath number 43 with a new footway that would cross land within the applicant's control to the north.
- 2.2 The site's proposed means of access is off Abbeystead Road and the main spine access will feature a 5.5m wide access and the scheme proposes visibility splays in the region of 2.4m x 100m to the west and 2.4m x 103m to the east.

3.0 Site History

- 3.1 The relevant planning history is noted below

Application Number	Proposal	Decision
17/00498/PREONE	Pre-application advice for the erection of 24 residential units	Advice Provided
16/01599/OUT	Outline application for the erection of up to 49 dwellings, 1 shop unit (A1) and the provision of an underground foul pumping station with creation of a new vehicular access point, public footpath and associated landscaping	Refused
16/00041/OUT	Outline application for the erection of 68 dwellings with creation of a new access	Withdrawn prior to determination
15/00907/PREONE	Pre-application Advice	Advice Provided

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objection - unsustainable location of the site and the over-reliance on the use of private cars contrary to the guidelines within the NPPF. If the application is approved conditions are requested; (i) Extending the existing street lighting along Abbeystead Road in an easterly direction beyond the site entrance; (ii) An extension of the existing 30mph speed limit in an easterly direction and associated gateway treatment and carriageway roundels; (iii) Extension of the footway provision along Abbeystead Road to the site entrance; and (iv) Pedestrian improvements between the site and the village school. This will necessitate cutting back and clearing encroaching vegetation on Abbeystead Lane and measures to address the pinch point at the junction of Abbeystead Lane and Wagon Road.
Ellel Parish Council	Objection to the development due to: <ul style="list-style-type: none">• Scale of development will have a detrimental effect on the small rural village;• The development will increase traffic along the single track, country lanes, which currently the roads are not equipped for, which will be a safety issue;• The sewage system is not equipped for extra housing waste - the main systems for Dolphinholme are septic tanks which already flow to the treatment works which overflow during heavy rainfall into the river. This extra waste from the development will have a negative impact on the environment;• Flood risk on the proposed development site from the brook adjacent to the land - any development will cause further run off in to the stream; and,• There is no public transport or sufficient facilities and amenities to cater for the increase in population
Greater Manchester Ecological Unit	No objection. Recommends the ecological mitigation measures and enhancement measures are employed.
Natural England	No objection

United Utilities	No objection assuming the development is carried out in accordance with the Flood Risk Assessment (FRA)
Lead Local Flood Authority	No objection assuming development accords with the FRA. Surface water drainage scheme to be designed and a management and maintenance plan required
Tree Protection Officer	No objection in principle but the Arboricultural Assessment needs updating to reflect the correct survey tables and recommends that the roadside hedgerow is pushed back rather than removed.
Local Plans Team	The site is located in the 'Countryside Area' on the edge of the Forest of Bowland AONB. Whilst development in principle is acceptable in such locations it needs to comply with other policies within the Development Plan and ultimately deliver sustainable development.
Public Realm Officer	No objection recommends that 328m ² of open space is provided on site and that a financial contribution of £52,739 towards open space in the village is provided for. All off-site contributions should be used to improve the public open space by the village hall. This included children's play, young people's facilities, the tennis court and the bowling green.
County Council (Education)	No request for a combination towards primary school spaces, but seeks a contribution of £42,846.54 towards the provision of 2 secondary school spaces.
Strategic Housing Officer	No objection on the basis that the affordable housing provision is provided for as documented within the planning statement.
Lancashire Archaeological Advisory Service	No objection and there is a lack of sufficient heritage interest in the site to require field investigation as a condition of any planning consent.
Environment Agency	No observations to make on the planning application.
Forest of Bowland AONB Unit	No observations received within the statutory timescales.
Lancashire Police	No observations received within the statutory timescales.
Conservation Section	No observations received within the statutory timescales.
Environmental Health (inc. Contaminated Land Officer)	No observations received within the statutory timescales.
Public Rights of Way Officer	No observations received within the statutory timescales.
Cadent Gas	No observations received within the statutory timescales.
Ramblers Association	No observations received within the statutory timescales.
Fire Safety Officer	No observations received within the statutory timescales.
Wyre Borough Council	No observations received within the statutory timescales.

5.0 Neighbour Representations

5.1 **43 letters** of objection have been received in response to the scheme raising concerns with the following main issues:

- Highway issues, including increase in traffic in the village and on minor roads; poor visibility at site's junction; safety around the school at peak times and a general lack of footways;
- Sustainability issues, including no public transport, and lack of other infrastructure to support a scheme of this nature, such as school places and shops;
- Impact upon village life, erosion of countryside and loss of agricultural land;
- Drainage and flooding issues, including concerns regarding waste-water management and existing flooding from the brook adjacent to the site;
- The site should not have been included within the local plan as a potential development site;
- The development would have an adverse impact on the AONB;
- Detrimental to the ecological value of the site;

- The village is undertaking a Neighbourhood Plan and this development needs to be considered in this context - the results of the August survey was that 81.5% of the village were opposed to this development;
- Number of errors contained within the application namely distances to Garstang and Lancaster and inconsistencies within supporting documents; and,
- Affordable houses in an area with no services is of little benefit.

There has been **19 letters** of support received raising the benefits of the scheme such as:

- Provision of affordable homes (seven) in an area of the District where house prices are high;
- Enables people to stay within the village as they may be able to afford a property;
- Would reinforce the character of the area ;
- Maintain and increase the vitality of Dolphinholme village;
- This scheme is more suitable given the development curves linearly to form a mirror image of the current properties alongside Brookside Drive.

5.2 A petition has been received containing **312 signatures** in opposition to the scheme.

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)

E3 – Development within and adjacent to the AONB
E4 – Countryside Area

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
DM42 – Managing Rural Housing Growth
DM48 – Community Infrastructure
DM49 – Local Services

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

SC1 – Neighbourhood Planning Areas
H3 – Housing Development in Rural Areas

6.7 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Dolphinholme Neighbourhood Plan.
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Open Space Provision in new residential development (October 2015);
- Provision of Electric Vehicle Charging Points – New Developments (September 2017).

7.0 Comment and Analysis

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

- Principle of development;
- Landscape;
- Layout and Design;
- Highways;
- Drainage;
- Ecology;
- Trees and Hedgerows;

- Education Provision;
- Open Space;
- Cultural Heritage Impacts;
- Other considerations.

7.1 Principle of development

- 7.1.1 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. 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. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.
- 7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the District, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the Council would, in principle, support proposals for new housing. Policy DM42 identifies Dolphinholme as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Dolphinholme is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; *"The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)"*.
- 7.1.3 Given the site is identified as Countryside Area, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests; and make satisfactory arrangements for access, servicing, cycle and car parking provision.
- 7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing and this has been further supported by the Housing White Paper *'Fixing our broken housing market'* of February 2017. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.
- 7.1.5 It is fully acknowledged that the Local Authority cannot demonstrate a 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.
- As a consequence there is a clear expectation that, unless material consideration imply otherwise, opportunities for housing delivery should be considered favourably.
- 7.1.6 Ellel Parish Council, along with Nether Wyresdale Parish Council have made an application to designate the Dolphinholme area as a Neighbourhood Plan area. Consultation on this area designation took place in late 2016 and the designation was approved in January 2017. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing

appropriate locations to achieve such development. Many have cited concern that this application should not be determined until such time a Neighbourhood Plan has been adopted. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion, being at the Referendum stage, before any real weight can be attached to it. Clearly the Neighbourhood Plan in Dolphinholve is at a very early stage, although it is slightly more advanced than it was in April 2017 when a planning application was last determined on this site as a workshop was held on 20 July to consider various areas of land as possible options for housing. Whilst there has been progress, little weight can be afforded to the community's intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration. It is clear from feedback contained within the objection letters that the site is not favoured amongst the local community.

- 7.1.7 Whilst the scheme is within the Countryside Area it is contained within the Council's Strategic Housing Land Availability Assessment 2015 as a Strategic Site (SHLAA ref_130). It should be stressed that the application site occupies approximately 20% of the SHLAA allocation contained within SHLAA_130. The wider allocation has the potential for 150 dwellings. The Strategic Sites are sites that could, subject to further investigation, be potential contributors to the District's housing needs, but would require an overarching strategic approach in their delivery to be considered under the Land Allocations process. At the present moment in time it is not possible to conclude on their deliverability and it is the role of the Neighbourhood Plan to shape development proposals within the village.
- 7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Dolphinholve will be supported assuming the below criteria can be met:
- Be well related to the existing built form of the settlement;
 - Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
 - Be located where the environment can accommodate the impacts of the expansion;
 - Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and,
 - Consider all other relevant policies.
- 7.1.9 Dolphinholve is effectively split into two parts, Higher Dolphinholve and Lower Dolphinholve. The development is adjacent to residential properties along Brookside Drive and those that bound Abbeystead Road and therefore it is considered that the development has some form of geographical relationship to the existing built form of Higher Dolphinholve. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.
- 7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a modest extension to a village which has in the region of 140 houses. Whilst Officers had reservations regarding the scale of the refused scheme for 49 dwellings, based on 18 dwellings it is considered that the scheme can be seen to be proportionate to the scale and character of the settlement. Officers still have significant concerns regarding the overall sustainability credentials of the village, as whilst there is a small shop located within the Fleece Public House, this is quite divorced from the settlement (albeit a similar distance from some existing dwellings within the village as those properties are from the application site), and whilst there is a school and parish hall, for the most part any future occupier of the site will be predominantly reliant on private car journeys, a view shared by County Highways and echoed by Officers. Some of the letters of support have noted that the provision of further housing would help support local business (such as car garages) and this is not in dispute, and it is accepted that social and economic benefits could occur should a scheme be supported.
- 7.1.11 Despite the outline nature of this submission, the local planning authority needs to be convinced that the site has the potential to accommodate a scheme reflective of its rural surroundings and conserves and enhances the character and quality of the landscape. The applicant has submitted an indicative layout in support of the scheme to show how the site could be developed. Following the refusal of planning application 16/01599/OUT the applicant engaged with Officers via the Council's pre-application service and the layout and number of dwellings as proposed is largely a result of this process whereby a more linear scheme, which has been orientated vertically, has been proposed to better reflect the pattern of development in this part of the village.

7.1.12 The applicant is proposing 40% of the units to be affordable (equating to 7 properties), and this is afforded significant and substantial weight in the planning balance argument. Many of those who are in support of the scheme have made reference to wishing to move back to the village or to be closer to family. Given current planning legislation the Local Planning Authority can only seek the provision of affordable homes (or financial contributions) on schemes of 10 or more dwellings (and less than 1000 square metres). The current scheme would allow vital affordable housing to be delivered within the village which is why this is a significant benefit arising from the scheme. However, there are some other substantial costs associated with the development, such as education contributions, off-site highway works and a foul water pumping station, and therefore there are reservations that the full 40% affordable contribution can practicably (and viably) be delivered. Notwithstanding this, a recent planning appeal decision from June 2017 (regarding a Former Territorial Army Centre in Islington) has confirmed that land values have to take into account planning policy requirements with respect to establishing land value for the purposes of viability assessments. Should Members seek to approve the scheme, the applicant needs to be mindful of this appeal decision.

7.1.13 Dolphinholme's current level of service provision includes a primary school and a village hall, and it has an outsourced post office visiting 2 mornings a week. 2 churches are located within the settlement and there is a public house with shop included within it c1.5km away, but residents would be heavily reliant upon private cars for most facilities. Furthermore access to other nearby services, such as Galgate, are made more problematic due to the use of the minor roads in the area, although it is accepted that National Cycle Route 6 is located 2km from the village and therefore it is possible to cycle to Lancaster (albeit more likely during the summer months). Whilst the concerns raised previously still apply, Dolphinholme is a village whereby the Local Planning Authority would look to support sustainable housing schemes and therefore on balance Officers are satisfied that the proposal conforms to Policy DM42 of the Development Management DPD.

7.2 Landscape

7.2.1 The applicant has submitted a Landscape and Visual Assessment (LVIA) in support of the application and helpfully have included some photomontages from selected viewpoints. The resulting conclusions of the assessment relating to landscape character show that whilst the sensitivity of the landscape here is high, the magnitude of change resulting from the proposal would be 'low adverse' and the impact 'negligible adverse', and from a visual impact perspective the impact on neighbouring properties would be 'medium/low adverse' and the overall significance would be 'moderate/minor adverse'. With respect to views from the surrounding landscape and AONB, the overall significance would be 'negligible/minor beneficial'.

7.2.3 It should be noted that the site is approximately 1km from the Forest of Bowland AONB and previously there was concern raised by the AONB unit regarding the impact on the AONB (Officers accept that there would be some impact on the AONB). This site is in a sensitive location and is an important gateway into and out of the AONB/Trough of Bowland and does share similar characteristics to those of the AONB. Notwithstanding this, the site is not within a protected landscape and therefore if land within the Forest of Bowland AONB is to be protected from development then sites with no landscape protection are those that are likely to be the focus of planning applications for development.

7.2.4 As with the previous application, Officers retain some concerns regarding the conclusions contained within the applicant's LVIA. The change from grazing land to a housing scheme of this scale will bring about landscape impacts, but unlike the previous proposal it is considered that the pattern of development proposed would be similar to the arrangement of Brookside Drive. It is considered that when the site is viewed from more distant views the development would be seen as part and parcel of the village. Properties along Brookside Drive have attractive views over the application site and onwards across the fells within the AONB. The loss of a view is not a planning consideration but the loss of outlook is. The outlook for these properties will change substantially and therefore inevitably there would be localised significant effects for properties on Brookside Drive and some on Abbeystead Road. The properties on Brookside Drive are in excess of 30 metres from the dwellings as proposed and the indicative plan shows a proposed planted buffer. Officers consider that whilst there would be landscape and visual impacts these would be localised and from more distant views it is considered from a landscape perspective the scheme conforms to Policies E4 of the Lancaster District Local Plan and Policies DM28, DM35 and DM42 of the Development Management DPD.

7.3 Layout and Design Issues

7.3.1 Not only have the number of dwellings been considerably reduced as part of this application, but crucially there has been welcome improvements to the layout since the last application was refused. The applicant has sought to utilise a more linear form of development, characteristic of the village and a similar arrangement to the existing properties along Brookside Drive. The indicative scheme shows the majority of the properties facing towards the east and therefore when entering the village from Abbeystead this is far more palatable than the previous scheme. The applicant has submitted some computer generated images of the indicative layout and how it could be viewed from Abbeystead Road and Brookside Drive. Officers consider that the site has development capacity and given the low density of dwellings proposed, it is considered that there would be flexibility to allow improvements to the layout and cater for the likes of the foul pumping station that the applicant refers to in the flood risk assessment, and account for the change in land levels. At the Reserved Matters stage the relationship with the existing property on the site would need to be carefully considered and also elevation treatment of properties and boundary treatments. Officers are now convinced that the site could be developed sensitively.

7.4 Highways

7.4.1 The application is accompanied by a Transport Statement (TS) which examines the sustainability credentials of the application site, and the impact that the development may have on the local highway network. The report concludes that the site is not within the most accessible part of the District for non-car modes of transport, but concludes there are facilities nearby within walking distance and there are opportunities and facilities for prospective residents to cycle to nearby amenities. The TS has estimated that the development would generate around 15 two-way vehicle movements in the weekday morning peak period and 17 two-way movements in the weekday afternoon peak hour period, and considers this to be negligible and concludes that there are no highway reasons to refuse the scheme.

7.4.3 The Highway Authority raises concern that the only facility that is nearby is Dolphinholme Primary School and therefore to get to other services, whether that be doctors, shops, or to work, the development will rely on private motorised trips leading to an over reliance on private cars. They consider that the proposal therefore cannot be described as sustainable development in line with the NPPF. The response is in essence is similar to that supplied in relation to planning application 16/01599/OUT. Members may recall that as part of application 16/01599/OUT an investigation into whether the school bus service could be extended to include holidays to allow the local community use it was explored. Through discussions with the County it was evident that this school service did previously operate during the school holidays, however was removed a few years ago when the passenger survey data showed that only students were using the bus and usage during holidays was virtually nil.

7.4.5 With respect to walking or cycling, there is little in the way of quality footway links connecting the site to the wider area. However, it is possible to improve footpaths within the village (such as along Abbeystead Road and also addressing the pinch-point between Abbeystead Lane and Wagon Road). The provision of sensitive street lighting along Abbeystead Road could also promote more sustainable transport methods. Cycling has a significant part to play in reducing short car journeys but the location of the site does not promote cycling by virtue of a lack of continuous footways, unlit and poor carriageway alignment. Furthermore most of the local roads are bound by established hedgerows and are subject to the national speed limit. Whilst the more experienced cyclist may not be deterred by this, it does not promote a safe environment to cycle for the typical cyclist.

7.4.6 Officers share County's view that the site is not the most sustainable location for a development of 18 houses, although accepts that accessibility is not the sole dimension or key to sustainable development (especially in rural areas). County has suggested that to improve the sustainability credentials of the site the extension of the street lighting to the site entrance should occur, in addition to extending the 30mph speed limit in an easterly direction with associated gateway treatment and roundels, and the extension of the footway provision along Abbeystead Road to the site entrance. These measures are considered reasonable and deliverable. County wishes to see pedestrian improvements between the site and the village school and this would necessitate cutting back and cleaning encroaching vegetation on Abbeystead Road and measures to address the pinch point at the junction of Abbeystead Road and Wagon Road. The applicant has confirmed their agreement to such a condition, and it is considered that addressing the pinch point Wagon Road and Abbeystead Road can be addressed by utilising the footway on the western side of Abbeystead Road using dropped kerbs and tactile paving. On the issue of improving the existing footway from Wagon Road

to the school Officers are liaising with colleagues from County and the applicant's agent as to what is deliverable and achievable as the stretch of road that County refer to is in the region of 220m in length and Officers have some doubts as to what realistically can be delivered.

7.4.7 Notwithstanding the above, there is a footway to the local school (in the region of 1m in width), and whilst this falls below the typical two metres in width that the County Council advocate, this is a small rural village where footfall will be quite low. The scheme is for only 18 dwellings and therefore a balance needs to be struck, between conserving the historic qualities of the village (noting that the Conservation Area is immediately to the south of the proposed widening) and the use of a footway which could be more suited to an urban environment. Members will be verbally updated on the outcome of discussions at the Committee meeting.

7.5 Drainage

7.5.1 Given the site is in excess of 1 hectare the proposal is accompanied by a Flood Risk Assessment (FRA). The applicant's hydrologist has assumed there would be approximately 3,000m² of impermeable surfacing provided on the site. Infiltration testing has not been undertaken and therefore it is unclear whether the ground will be suitable for soakaways. This is not uncommon on an outline application. Many of those objecting to the scheme have done so on the basis that surface water from the development site may lead to flooding elsewhere and that the stream that runs to the west of the site floods regularly. The site is not within Flood Zones 2 or 3 though there are elements of the site that do suffer from surface water flooding. Whilst the concerns are noted, the Lead Local Flood Authority has not objected to the development and have proposed a number of conditions to address how surface water could be managed on the site, and the information supplied to date would suggest that the site can be drained with SuDS (Sustainable Urban Drainage) principles in mind. It is considered that the proposal does conform to Policy DM39 of the Development Management DPD and therefore whilst the concerns of local residents are noted it is considered that the scheme can be drained and that flooding will not increase elsewhere in the event of the approval of this scheme.

7.5.2 There has been concern raised by the local community regarding foul water drainage, but the Environment Agency (EA) has not objected to the proposed development, and nor have United Utilities. Whilst the applicant proposes to utilise a foul pumping station (located close to the site entrance) there is nothing before Officers to conclude that the site cannot be drained of foul water. Therefore, on balance Officers are satisfied that with detailed design that the development would comply with the relevant policies within the Development Management DPD.

7.6 Ecology

7.6.1 The application is supported by a desktop study and extended Phase 1 habitat survey that was carried out by a competent ecologist in July 2017. The conclusions suggest that assuming the protection of the western boundary stream from pollution during the operational and construction phase, and that sensitive lighting is utilised, together with enhancing habitats for roosting bats and nesting birds, that the development is acceptable from an ecological perspective. Greater Manchester Ecology Unit raises no objection but recommend conditions associated with the provision of a lighting scheme, environmental management plan and also restricting vegetation clearance during the main bird breeding season. These are considered reasonable.

7.6.2 Concern has been raised via the representations received in response to the scheme that the site supports birds such as Curlew and Lapwing. On previous visits to the site the case officer has noted that the site has been used by birds. However, it is considered that the loss of the fields in isolation is unlikely to impact on wintering birds. Natural England offers no objection to the scheme and therefore it is considered that the development complies with Policy DM27 of the Development Management DPD.

7.7 Trees and Hedgerows

7.7.1 There are a number of trees and hedgerows that bound the site and the application is supported by an Arboriculture Implications Assessment. There are a total of 18 individual trees within the site and 8 groups of trees together with 11 hedgerows. The applicant proposes to remove c108 metres of hedgerow (106m for the access along Abbeystead Road and 2m within the site), and an oak tree has been identified for removal given its poor overall condition. However, no other trees have been identified for removal. The Tree Officer has no objection to the loss of the proposed hedgerows and trees on the site. It is, however, recommended that the 106 metres of hedgerow to facilitate the access

is not lost, but is pushed back into the site thereby still allowing for the required visibility splays. These observations have been shared with the applicant and Members will be updated verbally on this point. A positive of the amended scheme is that given the access has been moved slightly further to the west this has resulted in the substantial retention of hedgerow and avoids the swathe of land (to the east of the access) which would have needed to be grassed which was considered a weakness of the scheme previously.

7.8 Education Provision

7.8.1 A justified concern amongst many of those that have made representations is whether there is sufficient education provision within the local area. On such matters the local planning authority always takes the advice of the County Council, who act as the Education Authority for the District. Unlike previously where the County recommended that there would be a need for 11 additional primary school places to be provided at Dolphinholme Church of England School County and 5 secondary school places at Ripley St Thomas Church of England Academy, they have now confirmed that there is sufficient capacity at Dolphinholme Church of England Primary but two places towards secondary school provision is required. The applicant would be amenable to entering into a Section 106 agreement to secure the provision of these monies to be put towards education places. It is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

7.9 Open Space Provision

7.9.1 The applicant includes the provision of open space within their indicative layout of the site. The Public Realm Officer has requested that 328m² is provided for and this can be taken into consideration as part of any Reserved Matters consent.

7.9.2 In addition a financial contribution of £52,739 has been requested by the Public Realm Officer towards off-site open space improvements - £19,909 to outdoor sports facilities, £9,380 to young people's facilities and £23,450 to children's play area. The Public Realm Officer has stated that there is a strong need to improve the public open space within Dolphinholme to cater for the additional impact of an additional 18 houses in the village. Planning obligations can only be sought where they are considered necessary to make developments acceptable, directly related to the development, and fair and reasonably related in scale and kind to the development that is being proposed. The application is made in outline form, and therefore whilst Officers believe that a financial contribution could go towards the likes of upgrading the kickabout area in the village, it would not be considered reasonable to require a contribution towards the bowling green and tennis courts given there are no firm plans at present to undertake improvement works. It is recommended that a financial contribution towards the upgrading of facilities within the Parish is secured by means of legal agreement with the amount to be calculated at the Reserved Matters stage when the number and size of the dwellings are known (based on evidenced need).

7.10 Cultural Heritage

7.10.1 The proposed development is approximately 150 metres to the south of Lower Starbank Farm which is a Grade II Listed building, and about 180m to the north of Castle Hill motte scheduled monument. Given the distances (and in the case of the motte, the topography), and subject to appropriate design it is not considered that the settings will be unduly harmed. The Council's Conservation Officer has yet to provide comment on the application but given there was no objection previously it is considered that the scheme complies with Policy DM32 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. It is considered that the setting of the heritage assets would be preserved on the basis of a scheme to be assessed at the Reserved Matters stage. Lancashire Archaeological Advisory Service advises that the site is unlikely to contain sufficient heritage to require a field investigation as a condition of any planning consent.

7.11 Other matters

7.11.1 The application is accompanied by an air quality assessment which recommends the provision of electric vehicle charging points to all properties and cycle storage provision. Matters associated with vehicle charging points can be addressed by means of planning condition. Given the previous use of the site it is not expected that the site would suffer from contamination so an unforeseen contaminated land condition is proposed.

7.11.2 Footpath 43 is located in the region of 175 metres to the north of the development. The applicant has shown a potential connection across land within their control to the footpath, and a condition is recommended to deliver this. There has been concern raised that the applicant's intentions have been to develop the whole site which is included with the SHLAA. Officers have to base each application on their own merits and therefore whilst Officers understand the concerns raised, should this scheme be supported and a future scheme come forward then Officers would have to assess that application on its own merits, including the cumulative impacts.

8.0 Planning Obligations

8.1 It is recommended that the following should be sought by way of legal agreement;

- 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 addressed at Reserved Matters stage based on local housing needs and viability);
- Education contribution of £42,846.54 for two secondary school places to be agreed (to be reviewed at the Reserved Matters stage when the unit numbers and number of bedrooms are known);
- Open space off-site contribution to be re-assessed at the Reserved Matters stage;
- Long term maintenance of landscaping, open space and non-adopted drainage and highways and associated street lighting.

These requirements are considered to meet the tests set out in Paragraph 204 of the NPPF. Given the scheme there is a need for a number of highway related works that would be undertaken under Section 278 of the Highways Act. These works can be conditioned.

9.0 Conclusions

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a contribution towards meeting the need for market and affordable homes. Whilst there are concerns regarding highways, the reason for objection is based on sustainability grounds and not a highway safety or capacity concern. The local community are concerned with water management on the site, but no objection has been received from the relevant consultees.

9.2 There will be a localised harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact. Whilst Officers do have concerns that the site will result in the use of private transport, Dolphinholme is a sustainable rural village for the purposes of DM42 of the Development Management DPD and a planning condition is proposed to ensure electric charging points are integrated on all the new dwellings together with sensitive off-site highway improvements. On balance, it is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

Recommendation

That subject to the applicant entering into a Section 106 agreement to secure the obligations listed in Paragraph 8.1, Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Timescales
2. Approved Plans
3. Access Detail
4. Off-site Highway works
5. Surface Water Drainage Scheme
6. Foul Water Drainage Scheme
7. Development in accordance with principles within the Flood Risk Assessment
8. Provision of electric vehicle charging points
9. Development in accordance with mitigation measures within the ecological appraisal

10. Provision of an Environmental Management Plan
11. Scheme for external lighting to be agreed
12. Unforeseen land contamination
13. Restriction of vegetation clearance during bird breeding season
14. Footpath connection
15. Finished floor and site levels
16. Removal of permitted development rights.
17. Provision of open space

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

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the 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