

Agenda Item A5	Committee Date 11 December 2017	Application Number 17/01050/OUT
Application Site Land North Of Old Hall Farm Kirkby Lonsdale Road Over Kellet Carnforth		Proposal Outline application for the erection of up to 55 residential dwellings
Name of Applicant Mr Stephenson		Name of Agent Mr Hugh Daglish
Decision Target Date 23 November 2017 (Time extension agreed until 18 December 2017)		Reason For Delay Committee Cycle
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Approval

(i) Procedural Note

A site visit was arranged for Committee Members to view this site prior to determination, and this was due to be undertaken on 4th December 2017.

1.0 The Site and its Surroundings

- 1.1 The proposal is sited on the northern periphery of the village of Over Kellet, located some 280 metres north of the village Public House (The Eagles Head) and 350 metres to the north west of the village school (Wilsons Endowed C of E), and 1.8 km to the east of Carnforth High School. The site occupies an area of 3.41 hectares of agricultural land, and consist of three fields which are currently grazed and separated by hedgerows. To the north of the site lies open fields and Capernwray Road, to the east grazing land and to the south and south west lies residential properties including Old Hall Farm and beyond this Kellet Road and the village of Over Kellet.
- 1.2 The site rises gradually from north to south being approximately 45 metres above ordnance datum (AOD) to the north west, rising to 58m AOD to the southern part of the site. The site is relatively unconstrained however the Over Kellet Conservation Area is immediately to the south (although the proposed pedestrian access route to the south of the site will fall within the Conservation Area). Whilst there are no listed buildings within the site there are a number located in close proximity namely Old Hall Farm (Grade II) abutting the location of the proposed pedestrian route. Well House, Hogarth Cottage, Hogarth House and Wilson House which are all Grade II listed buildings are located to the south of the site (all within 100metres of the site boundary). Whilst no footpaths cross through the site, footpath 1 is sited 115metres to the west of the proposals. There is a small beck located on the northern periphery of the site, whilst not within flood risk, the site does suffer from surface water flooding, notably around the location of the beck. The Village Green crossroads which fall to the south of the site benefit from common land status as a Village Green.

2.0 The Proposal

- 2.1 This outline planning application is for the erection of 55 dwelling houses including the new creation of a vehicular access off Capernwray Road (all matters (including access) have been reserved). The scheme shows an indicative access serving the development off Capernwray Road and only one vehicular access has been outlined. An illustrative layout has been submitted in support of the planning application which outlines that a community orchard is proposed to be sited in the south western portion of the site and the south east portion of the site would feature a children's play area.

3.0 Site History

- 3.1 The relevant site history is noted below.

Application Number	Proposal	Decision
17/01077/FUL	Demolition of agricultural buildings, change of use and conversion of three agricultural barns into four 4-bed dwellings (C3) and erection of four 2-storey detached dwellings (C3) with associated access	Application Withdrawn
17/00264/PRETWO	Residential development for approx. 70 residential units	Pre-application advice Provided

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>Initially raised concern as the application offered limited mitigation for the impact on the local highway network and in particular pedestrian permeability. Following the receipt of the applicant's proposed off-site highway works in the vicinity of the village green in October 2017 the County now offer No objection subject to;</p> <ul style="list-style-type: none">• Setting back of the hedgerow to allow for visibility splays of 2.4 x 40 metres in each direction;• Review existing street lighting arrangements along Capernwray Road;• Off-site Highway works; creation of a village green area of shared space through the introduction of a raised table at the crossroads. Use of appropriate materials to be in keeping with the rural setting & listed status of surrounding buildings;• Introduction of separate traffic calming measures on Kellet Road, Capernwray Road & Nether Kellet Road such as to convey to users of the highway network the changed nature & character of the surrounding environment and in particular village green;• Introduction of staggered barriers at the junction of the pedestrian means of access (adj. Green Close) from the development site and its junction with "The Green" public highway;• Construction of a new length of footway between the pedestrian/site means of access (adj. Green Close) and extending along the frontage of Old Hall Farm to a crossing point and subsequent improvements to an established length of Kirby Lonsdale Road footway extending to "Kirkby Lonsdale Road/Bay View" public right of way.• Extension of existing village 30mph village speed limit to a point in the immediate vicinity of the application sites point of access with Capernwray Road - such as to make users of the highway aware of an increasing level of risk.
Lead Local Flood Authority	<p>No Objection, subject to the development being carried out in accordance with the submitted FRA; a surface water drainage scheme to be agreed; development to accord with the agreed SuDS scheme and Management and Maintenance Plan; a surface water lifetime management and maintenance plan; Construction phase</p>

	surface water management plan approval; and Construction and operation of attenuation.
Over Kellet Parish Council	<p>Objection, for the following reasons:</p> <ul style="list-style-type: none"> • The size of the development is too large, and there will be no community benefit. Housing need is also questioned given the number of properties for sale in the village; • The Parish consider that the applicants Statement of Community Involvement is factually incorrect; • Concern raised regarding highways – consider that the applicant has underestimated the impacts; • Sustainability – the village is not a sustainable settlement for a development of this size; • Flood Risk – The site is prone to surface water flooding; • Ecology – The site is greenfield and therefore has ecological value for the village as a whole; • Heritage/Landscape – consider that the site is good agricultural land and we should be preserving land for agriculture; • Infrastructure is lacking within the village to support a development of this many units, namely in connection to foul and surface water sewers; • Parts of the site were used for foot and mouth burials in 1967 and 2001 for the disposal of cattle; • Employment – Lack of employment opportunities locally.
Lancashire Police	No Objection , recommend that secured by design approaches are incorporated into any reserved matters application in connection with layout and appearance.
Animal and Plant Health Agency	No observations received within the statutory timescales
Contaminated Land Officer	No Objection and recommends that conditions associated with contaminated land are included on any approval. Makes note that the Council has no records of the foot and mouth burial locations.
Environment Agency	No Objection however records show that a Groundwater Authorisation was issued for Old Hall Farm in 2001 for a burial pit for animal carcasses at a location centred on SD 5214 7016. The disposal was undertaken at the specified location in order that there be no contamination of ground or surface waters. The Authorisation ceased on 7 March 2005.
Natural England	No Objection to the development.
Fire Safety Officer	No Objection
Lancashire County Education	No contribution is required towards primary school places, however a contribution will be sought for secondary school provision of 1 place (£21,423.27) , however given the number of pending planning applications this figure may rise to £171,386.16 for the provision of 8 places.
Greater Manchester Ecological Unit	No Objection. If any of the mature trees are proposed for removal/pruning works as assessment will be required to determine the potential of the trees for supporting roosting bats; Vegetation clearance shall not take place outside of March-August inclusive);and a comprehensive landscaping scheme shall be submitted at reserved matters stage.
United Utilities	No Objection , subject to conditions regarding foul and Surface Water to be drained on separate systems; surface water drainage scheme based on SUDs principles; and advice that a water main crosses the site and therefore access is required by United Utilities.
Tree Protection Officer	<p>Objection, subject to the reconsideration and the incorporation of T5-T7 and H3 into the overall design, which shall be retained and protected outside of private amenity space. <i>NB: As the layout is indicative, there is no requirement to provide the information requested at this outline stage.</i></p> <p>Recommends that a detailed Arboriculture Implications Assessment, comprised of a Tree Survey, Tree Constraints Plan, Tree Protection Plan, and Arboriculture Method Statement will be required to be submitted and agreed in writing in compliance to BS 5837 (2012) Trees in relation to design, demolition and construction. In addition to a detailed landscape scheme and 10 year maintenance</p>

	regime with any future reserved matters (if outline consent granted) application or full planning application in the future.
Strategic Housing Officer	No Objection in principle and recommends that 50% affordable or social recent and 50% intermediate housing is provided for.
Lancashire Archaeological Advisory Service	No Objection but recommends that a condition is attached requiring a programme of archaeological work in accordance with a written scheme of investigation.
Conservation Officer	Raise concerns as the development will subsume the settlement form which has already been substantially altered to the south and east and diminish the rural setting of the Conservation Area and listed buildings at Old Hall Farm. This would lead to less than substantial harm (para 134 of NPPF). The harm caused by such a large scale development could be mitigated through a reduction in the footprint and scale of such a development and a high quality design which respects the surrounding built form and character. Therefore, recommend a reduction in the scale of footprint of the development.
Public Realm Officer	No Objection however recommends that the scheme provides for; <ul style="list-style-type: none"> • The Planning Advisory Note requires 1001 m2 of Amenity Space on site; • The development is of an appropriate size that a play area is required to be provided on site. However an upgrade of the school site may be acceptable; • The Planning Advisory Note shows a requirement for an offsite contribution for outdoor sports facilities (£60,703). There are proposals to create new sports facilities within Carnforth. This contribution would contribute to this new development; • Young people's Facilities; There are currently no facilities catering for young people (12 years and above) within the village (£28,600). This would best be catered for onsite in the form of more challenging play equipment, a small course for mini wheeled scooters, a trim trail, etc. Depending on the wishes of young people in the area; • Parks and Gardens; this money would go towards implementing the masterplan at Happy Mount Park (£17,160).
Planning and Housing Policy	The site is located in a settlement where the council would look to promote residential development. Whilst supporting in principle development they recommend officers need to be satisfied that the proposal meets the wider requirements of the Local Plan primarily Policy DM42 of the Development Management DPD.
Public Rights of Way Officer	No observations received within the statutory timescales
Ramblers Association	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 The application has generated **23** letters of objection based on the following reasons;

- **Highways** – Detrimental impact on the local highway network, and congestion will occur; already concerns are raised regarding the safety of local residents which will only be made worse should this application be supported, Capernwray Road is a dangerous road which lacks footways; there are concerns regarding the contents of the Transport Assessment; the village lacks a more frequent bus service;
- **Infrastructure** - Should be a limit on the expansion of the village given local infrastructure such as the school are at capacity and no health care provision exists, at times there is no water pressure as the existing pipework is old and frequently leak
- **Surface Water drainage** concerns – The main surface water/foul sewer are already at capacity;
- **Foot and Mouth** concerns given the burials that have occurred on the site;
- **Employment** – There is a lack of employment opportunities within the village
- **Housing Needs** – There are 16 unsold properties in the village for sale, how can there be a need for more local additional houses;
- **Landscape and Visual Impact** – The development of the site will lead to landscape and visual matters that will be very hard to mitigate against;

- **Sustainability** – The application is not considered sympathetic to the village in terms of numbers of units reflective to the size of the village;
- **Historic Environment** – The development will adversely impact on the historic village centre which is a Conservation Area and will impact on the settings of adjacent listed buildings.

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)

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
 DM31 – Development affecting Conservation Areas
 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 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- 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;
- Layout
- Landscape;
- Cultural Heritage Impacts;
- Highways;
- Contaminated Land
- Drainage;
- Education Provision;
- Open Space;
- Natural Environment;
- 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 Over Kellet as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Over Kellet 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 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.

7.1.5 Policy DM42 of the Development Management DPD is especially relevant for this application new development in Over Kellet will be supported assuming the following criteria can be met:

- The development shall 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.

7.1.6 The proposal is sited to the north of residential properties, located quite centrally to the village in close proximity to village amenities and bus stops. Officers consider that the site is well related to the existing built form of the settlement.

7.1.7 With respect to its relationship to the village in terms of scale and character, the proposed development represents a not insignificant extension to the village. During pre-application discussions the applicant had proposed 70 dwellings, whereas officers considered upto 40 dwellings would have been more appropriate. Whilst the figure of 55 dwellings exceeds that recommended by officers, when taken as a whole and when looking at the village in plan form it is considered that the scheme has the potential to be proportionate to the existing scale and character of the village (as the layout, appearance and feel of the scheme would dictate this). Officers have confidence that this can be delivered. Many of the local residents have cited concern that local amenities cannot support a scheme of this nature and a common theme among the representations received is that the nearest doctor's surgery is in Carnforth. This is the case, and whilst the village does have key amenities in the form of a school, pub, local shop, post office and places of worship for the most part it is accepted that in order to get to workplaces, doctors and supermarkets occupiers of the site would have an option to either use public transport or drive. Fundamentally there is still a bus service in the village with a bus stop at the village green crossroads, and therefore alternative modes of transport do exist.

7.1.8 The applicant is proposing up to 40% of the units to be affordable (equating to 22 properties), and this is afforded significant and substantial weight in the planning balance argument. The provision of this can be secured by legal agreement. With respect to housing needs the Housing Needs SPD discusses that the need in other rural areas (which would include Over Kellet), is for predominately detached with some semi-detached properties for three and four bedroom units. The Local Authority will be imminently publishing its results of the latest housing needs data and therefore should this application be supported then the reserved matters would have to take account of this data, which may well differ.

7.2 Layout

7.2.1 Layout is not being considered as part of this planning application however the applicant has submitted an indicative layout as to how they perceive the site could be developed. The layout has its strengths in terms of the retention of much of the sites boundary landscaping and the provision of usable open space and the pedestrian connection into the village. The scheme is quite dense, and whilst it is not considered over-developed, officers do have some reservations as to whether the site could deliver 55 units whilst reflecting the character of the surrounding area. This is a matter that would need to be addressed under the reserved matters process should members determine to support this application and the applicant had been requested to amend the description to an up to figure, of which they were amenable too.

7.2 Landscape Impacts

7.2.1 The application is supported by a landscape and visual impact assessment which concludes that there would be a change in relation to landscape character from pastoral land to a residential use, and this change will be noticeable in relation to the baseline situation. With respect to the landscape character that the site sits within, (Docker-Kellet-Lancaster Landscape Character Area) it is considered that there would be a minor adverse effect on the overall landscape character (this will reduce when the landscaping becomes established). It is considered that assuming a sensitively designed layout, which incorporates landscape spaces and appropriate boundary treatments within it, the scheme could be integrated into the existing environment and built from along the northern edge of Over Kellet with limited adverse effects.

7.2.2 It is considered that views into the site will be relatively screened to the south (within the Conservation Area), however along Kirkby Lonsdale Road to the east there will be views of the site (on higher ground). Given the open landscape to the north of the application site it is considered that the development will be seen as a modest extension to the village. Due to the topography and vegetation in the surrounding area, the proposed dwellings will sit lower than the existing skyline of the village, which will help reduce their prominence from viewed from the north. There is no denying there would be a significant change especially for those approaching the village along Kellet Lane and Capernwray Road and whilst it is considered that properties that border the site namely those on Hallgarth Gardens and Kellet Road will experience a change in their outlook it is not considered that this would be harmful given the separation distances that are capable of being achieved. Officers do consider that there would be a minor adverse impact on the landscape character of the area. However on balance, if protected landscapes in the two Areas of Outstanding Natural Beauty (AONBs) are to be conserved for their landscape qualities, it is potential sites that are located outside of the AONB that are likely to be developed and whilst there will be harm to landscape it is not considered so adverse that it would significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.

7.3 Cultural Heritage Impacts

7.3.1 The application is supported by a Heritage Assessment which considers the impact of the development on the Over Kellet Conservation Area. Whilst the main body of the development site is located outside the Conservation Area the proposed pedestrian access would fall within it (which will necessitate the need for the removal of a small element of stone wall). Outline applications for development within Conservation Areas would normally be resisted but given only the proposed pedestrian access would falls within the designation this is considered acceptable.

- 7.3.2 The heritage statement discusses the impacts on the Conservation Area at Over Kellet and the Grade II Listed Old Hall Farmhouse and its associated roadside barn are discussed in the Heritage Statement and the level of impact is assessed as less than substantial. Regrettably the Heritage Statement does not assess the impacts on the Grade II listed Well House on Capernwray Lane, which stands immediately adjacent to the site. The potential impacts on the Listed Hogarth Cottage, Hogarth House, Wilson House and associated walls and gate piers and other nearby Listed Buildings such as Hall Garth and Old Hall have also been omitted from the assessment. Notwithstanding these omissions it is likely that any impacts on these buildings will be either negligible or 'less than substantial' if the present layout is retained, but given layout is not being applied for, it is critical that consideration of these listed buildings is further considered should a scheme be supported by Members.
- 7.3.3 The Conservation Officer has recommended that due to the lower topography, development in this location will be unlikely to impact on views of, or within the Conservation Area. However, the scale of the development will subsume the settlement form which has already been substantially altered to the south and east, and diminish the rural setting of the Conservation Area and listed buildings at Old Hall Farm. This would lead to less than substantial harm (para 134 of NPPF). The harm caused by such a large scale development could be mitigated through a reduction in the footprint and scale of such a development and a high quality design which respects the surrounding built form and character, and therefore they would wish to see a reduction in the area of the site. The access to the site would require partial demolition of a boundary wall which historically may have formed part of Old Hall Farm; however it is not considered curtilage listed as modern houses were developed in the grounds prior to its listing. Nevertheless, the pedestrian access point would be in a highly prominent part of the Conservation Area and there is concern from a conservation perspective on the integration of any development (i.e. footways/footpaths) from this point as it may impact the historic arrangement of the village green.
- 7.3.4 The views of the Conservation Officer have been fully considered in reaching the recommendation. However Planning Officers consider that the development will, at the very least preserve the character and appearance of the Conservation Area; however this is on the understanding that the housing proposals will have to respect the character of the surrounding built form and its wider setting, in terms of design, siting, scale, massing, height and the materials that will need to be utilised. This would be controlled by the reserved matters application should Members determine to support the scheme and the matter. With respect to off-site highway works officers are aligned in wishing for highway improvement works to be sympathetic to the character of the Conservation Area as discussed in Paragraph 7.4.4.
- 7.3.5 The site is considered to be of local archaeological significance and as such would not appear to merit preservation at the expense of development and therefore a formal scheme of archaeological desk-based and field investigation is merited, this can be controlled by means of planning condition.
- 7.4 Highways
- 7.4.1 The application proposes an indicative access point on Capernwray Road which has visibility splays in the region of 2.4m x 40metres in each direction, however this is only indicative and therefore matters of access would need to be addressed under a reserved matters application. Many of those making representations on the application have raised concern on the access arrangements. During the site visit it was observed there was a number of farm vehicles that utilise Capernwray Road and the results of the applicants 85th percentile speed surveys is 31mph (northbound) and 32mph (southbound), this tallies with what was observed on the site visit. Whilst it is uncommon for a developer not to apply for access as part of the application the County Council as Highway Authority raise no objection however this is on the premise that the relocation of the 30mph speed classification signage is undertaken and there will be a need for the applicant to apply for access under a reserved matters application should members support this outline application. Officers realistically consider that the only point of access to facilitate the development could come from Capernwray Road.
- 7.4.2 Many of those who have raised concern with the scheme have done so on the basis of highway impacts in particular the constrained nature of the local highway network. Officers did have some concerns regarding the pinch point narrowing of Capernwray Road at Tithe Barn where the road narrows to 4.1 metres and there is a blind corner with no footways. The County however do not share a similar view and on highway capacity raise no objection to the scheme.

- 7.4.3 A fundamental strength of the applicant's submission is its proximity to the village core and the pedestrian/cyclelink is critical to the success of this application. Officers would not be recommending support for this scheme if there was no means of access to the village. Whilst no proposal was submitted with the planning application it was asked of by the applicant early on in the application process to give an idea of how the application site could be connected to the village. In October 2017 a scheme was presented which included traffic/calming features across the crossroads element of the village green and provided for pedestrian routes across the village green towards the Post Office. The County have reviewed the applicant's suggestions and now raises no objection subject to a number of planning conditions.
- 7.4.4 Many of the conditions recommended by the County are reasonable however they are keen to seek to see a village green area of shared space though the introduction of a raised table at the crossroads. Whilst the indicative plan is useful officers do have some concerns and these areas of works require will require specialist collaborative working between the County, Local Authority and the applicant so not to undermine the historic nature of the village green, but allow for pedestrian movement in a safe and controlled manner.
- 7.4.5 The County have also asked for the construction of a new length of footway between the proposed pedestrian access, extending along the frontage of Old Hall Farm to a crossing point and subsequent improvements along Kirkby Lonsdale Road. The exact details would be secured under the Section 278 Highway Act.

7.5 Contaminated Land

- 7.5.1 The application is supported by a detailed environmental report. The fundamental concern arising from the past use of the land is that there are two foot and mouth burial sites within the application boundary. The 2001 location is just to the north of Old Hall Farm, and the 1967 burial site is located to the west of Hall Garth Gardens. Historical maps do not record the burial sites but the applicant contacted the Environment Agency and Animal and Plant Health Agency (APHA) in advance of submitting the planning application. The Environment Agency provided the applicant with a Groundwater Authorisation document which noted the location and number of carcasses, although the Appendix with the location plan was missing, and the EA do not appear to have the plan. APHA have suggested that the Local Authority/Trading Standards had Anthrax Orders in case any carcasses were ever encountered and they would have to deal with this and Anthrax can survive for up to 50 years in soil. Foot and Mouth Disease, whilst unlikely to survive cannot be ruled out completely.
- 7.5.2 The Contaminated Land Officer has no objection to the application however requires contaminated land conditions to be attached to any consent. The Contaminated Land Officer has stated that the local authority does not hold any information regarding the Foot and Mouth outbreaks in either 1967 or 2001. The local planning authority has consulted with the Animal and Plant Health Agency who have not provided comment on the application to date, and whilst the Environment Agency raised no objection to the application the case officer has been liaising with them to understand the implications that this planning application may have on groundwater.
- 7.5.4 The applicant's indicative layout does appear to have designed in such a way that negates any impact on the expected burial locations and it would have been beneficial for the applicant to provide a geophysical survey of the site to establish the extent of area associated with the burial locations as this could impact on the quantum of development that could be supported on the site. Officers do have concerns, however the applicant has been transparent in alerting officer's attention to the past use, and critically none of the statutory consultees object to the development and planning conditions can be attached to any consent requiring that a non-intrusive geophysical survey should be completed to delineate the two burial locations prior to any targeted intrusive investigation works.

7.6 Drainage

- 7.6.1 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 1.7 hectares of impermeable surfacing provided on the site. Infiltration testing has not been undertaken however the ground investigation report notes that drift deposits consisting of glacial clays are located across the site meaning that infiltration methods will not be suitable. 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. The site is not within Flood Zones 2 or 3 though there are elements of the site that do suffer from surface water flooding (notably the northern area of the site where the proposed SuDS basins are proposed to be located). Naturally water management is a concern to all however 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.

- 7.6.2 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 to allow foul water to be pumped to Kirkby Lonsdale Road there is nothing before Officers to conclude that the site cannot be drained of foul water and it is likely that the pumping station would ultimately be adopted by United Utilities. Therefore, on balance Officers are satisfied that with detailed design that the development would comply with the relevant policies within the Development Management DPD.

7.7 Education Provision

- 7.7.1 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 takes the advice of the County Council, who act as the Education Authority for the District. The County has stated that the future planned net capacity at Wilsons Endowed School is 126 by January 2022 with the projected pupils at 127, however there are a number of other schools within a 2 mile radius such as Our Lady Of Lourdes Catholic Primary School Carnforth and Carnforth Christ Church Of England Voluntary Aided Primary School where there is sufficient capacity. The County have stated however there needs to be provision made for one secondary school place, but have stated that this could rise to a maximum of 8 secondary school places should planning applications be approved before this scheme is determined.

- 7.7.2 With respect to secondary provision the County consider that there is only a need for one secondary place. However given the pending applications that have still to be determined (notably Brewers Barn which is for 158 units 16/00335/OUT and land to the North of Kirkby Lonsdale Road for 70 dwellings) they are seeking a contribution for up to 8 secondary school place (Carnforth High School). Contributions can only be requested when they are reasonable in scale and kind, and at the time of drafting this report the schemes the County refer to have been determined by members however a decision has not been released due to the legal agreements having not been signed. On this basis it is not considered that their request would pass the tests of reasonability, and therefore the figure of £21,423.27 should be re-evaluated at reserved matters stage when bedroom numbers and number of units are known (the County utilised 4 bedroom units across the development, which in reality would be less at reserved matters stage). It is considered that the development would meet the requirements of Policy DM48 of the Development Management DPD.

7.8 Open Space provision

- 7.8.1 The applicant includes the provision of open space within their indicative layout of the site notably around the southern periphery of the site and a community orchard and also play provision is proposed. The Public Realm Officer has requested that 1001m² of open space is provided for and this can be taken into consideration as part of any Reserved Matters consent.

- 7.8.2 In addition a financial contribution of £106,463 has been requested by the Public Realm Officer towards off-site open space improvements - £60,703 to outdoor sports facilities, £28,600 to young people's facilities and £17,160 to Parks and Gardens. 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 but the applicant has made provision within the scheme for open space including equipped play areas, and therefore whilst Officers believe that a financial contribution could go towards the likes of upgrading the local play facilities within the village and some form of contribution to the wider plans for outdoor sports facilities in Carnforth; Happy

Mount Park is some distance from the site and therefore it would not be reasonable to ask for this. The scheme is of a sufficient size to warrant the inclusion of a play area and this is included within the applicant's submission although the Public Realm Officer has highlighted this may be possible to secure an upgrade to the school site instead.

- 7.8.3 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), and critically as to whether play equipment is being provided on or off the site as the applicant will need to discuss intentions with the Parish Council/School as to whether providing equipped play is a reasonable suggestion.

7.9 Natural Environment

- 7.9.1 The applicant has provided an indicative plan that has proposed three areas of public space that include the retention of existing trees and hedgerows. This is to be welcomed. However the Tree Protection Officer considers that existing trees and hedgerows elsewhere in the site have been proposed for retention and protection, so too should trees and hedgerow within the centre of the site should also be incorporated into the overall design. Whilst concerns have been raised by the Tree Protection Officer the applicant has stated that the hedgerow has significant gaps and tree 7 which is an old plum tree has dieback in the canopy and tree 5 has vascular wilt which is indicative of early Dutch elm disease. There will need to be some loss of hedgerow to facilitate access and therefore should members support the scheme a detailed arboriculture implications assessment would need to be submitted in support of the scheme and whilst the concerns of the Tree Protection Officer are noted, layout is not being applied for as part of this application.

- 7.9.2 The site is made up of species-poor semi-improved grassland, ruderal vegetation, scrub and vegetation which are of low conservation value in terms of vegetation, with negligible impacts expected with their removal and no mitigation required. The site is marshy in parts (northerly parts of the site) and this would be categorised as priority habitat however the extent of this habitat on site is small and fragmented from other similar habitats. Greater Manchester Ecology Unit raise no objection to the proposed development however do state that dependent on the trees to be removed there may be a need for an assessment as to whether the development has the potential to support roosting bats, planning conditions associated with the protection of bat roosting habitats, restriction of vegetation clearance and detailed landscape plans should be conditioned.

7.10 Other considerations

- 7.10.1 The application site is not within an Air Quality Management Area however a planning condition is recommended requiring that electric vehicle charging points are integrated into the new dwellings which assist in promoting more sustainable private vehicle types.
- 7.10.2 Approximately 90% of the site is covered by a mineral safeguarding zone (this incorporates most of the land circling the village). However given the location (in close proximity to residential dwellings) it is highly unlikely that the site would be able to be commercially worked for mineral. Notwithstanding this, there may be the opportunity for a prior extraction exercise to take place; however given the constraints of the site this is unlikely to be feasible and it is not considered there would be any sterilisation of mineral resource by non-minerals development and therefore the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan.

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 £21,423.27 for one 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 (based on the applicants on-site proposals and the evidenced need for POS improvements)

- 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 Planning Balance / Conclusions

- 9.1 The application is sited within the sustainable rural settlement of Over Kellet where sustainable and sensitive housing schemes will be supported by the local planning authority. 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 valuable contribution towards meeting the need for market and affordable homes and therefore brings with it social and economic benefits and the open space and landscaping that is indicatively proposed would have environmental benefits and this is attributed modest weight. Whilst there are concerns regarding highway and drainage impacts the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.
- 9.2 It is considered that the development would help preserve the character of the Conservation Area, and overall there would be a less than substantial harm caused to the setting of the adjacent listed buildings and the Over Kellet Conservation Area, and a planning condition is recommended regarding the improvements to the village green to allow for pedestrian movement. Concern has been expressed with respect to ground conditions on the site (due to the foot and mouth burial locations), however planning conditions are recommended to ensure there is no detrimental impact on the environment, and it is considered that planning conditions can be imposed to address any concern. There will be a harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development - the overall impact being minor adverse though in close views that would increase to significant and therefore this is a significant weakness of the scheme. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the impact on the landscape. 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 control the obligations as detailed within Para 8.1 Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Timescales
2. Approved Plans (location plan)
3. Full access details to be submitted
4. Full details of the pedestrian/cycle connections to the village centre
5. Surface water scheme to be agreed
6. Foul drainage scheme to be agreed
7. Contaminated Land Assessment (including geophysical survey to establish location of burial pits)
8. Details of on -site POS and equipped play equipment
9. Details of external lighting (to include the site and the pedestrian footway)
10. Maintenance and management of surface water drainage scheme;
11. Off-site highway works - including traffic calming and improved connectivity via the village
12. Protection of visibility splays
13. Development to be carried out in accordance with the recommendations within the Ecological appraisal
14. Garage use condition
15. Permitted development right removals
16. Provision of electric vehicle charging points
17. Written scheme of investigation – Archaeology
18. Provision for a Tree Survey
19. Restriction on vegetation clearance unless outside of bird breeding season

- 20. Scheme for foul water including any pumping station details.
- 21. Updated Bat Survey to be carried out.
- 22. Finished floor levels to include garden and 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.