

<b>Agenda Item</b> A6	<b>Committee Date</b> 11 December 2017	<b>Application Number</b> 16/01551/FUL
<b>Application Site</b>  Land at Bowerham Lane Lancaster Lancashire		<b>Proposal</b>  Erection of 25 dwellings and creation of a new access and access roads
<b>Name of Applicant</b>  Mr Chris Middlebrook		<b>Name of Agent</b>  Mr Andrew Tait
<b>Decision Target Date</b>  13 March 2017 (Time extension agreed 13 December 2017)		<b>Reason For Delay</b>  Viability evidence and supporting information
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		Yes
<b>Summary of Recommendation</b>		Approval (subject to No Objection from United Utilities and the applicant entering into a S.106 Agreement)

**(i) Procedural Note**

A site visit was arranged for Committee Members to view this site in advance of the Committee determining this planning application. This took place on 6<sup>th</sup> November 2017.

**1.0 The Site and its Surroundings**

- 1.1 The site is a greenfield wedge bounded by Hala Carr Farm to the north, the M6 motorway to the east and Bowerham Lane to the west. The site area is 1.76 hectares. The site slopes from the east (the M6 boundary is at 84 metres Above Ordnance Datum (AOD) to the west (Bowerham Lane is at 71 metres AOD) and is more pronounced towards the north. The northern boundary comprises a section of stone wall and hawthorn on the boundary with Hala Carr Farm and the eastern boundary comprises a post and wire fence on the open boundary of the M6. The southern boundary is bounded by a small but mature mixed woodland copse and the western boundary with Bowerham Road comprises an overgrown predominately hawthorn hedgerow. The site consists of coarse grassland which has been colonised around the edges by blackthorn, gorse, bramble and bracken. There is an existing belt of trees punctuated by an access gate on the boundary to Bowerham Lane. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Lane. There are also existing hedgerows on the boundary to Hala Carr Farm and part of the boundary with the M6 motorway.
- 1.2 The site does not benefit from any statutory nature conservation or landscape designation, with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located 1.5km to the west and Morecambe Bay Ramsar Site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) being located 2.5km to the west of the application site. An existing water trunk main enters the site from under the M6 (at a point opposite the junction of Bowerham Lane and Sandown Road) and exits the site to the south of Hala Carr Farm. The site is however allocated as Key Urban Landscape and as a Woodland Opportunity in the adopted local plan.

## **2.0 The Proposal**

2.1 The application proposes the erection of 25 residential dwellings consisting of:

- Four - 1 bedroom apartments (to be provided as affordable shared ownership units);
- Four - 2 bedroom houses;
- Six - 3 bedroom houses;
- Eleven - 4 bedroom houses;

The scheme provides for a bungalow, apartments, semi-detached and detached houses to a maximum of two storey, all to be constructed in brick and render under tiled roofs. The new access would be taken off Bowerham Lane with visibility splays of 2.4m x 43m in each direction.

2.2 The scheme proposes an earth bund which would be landscaped adjacent to the M6 (in the region of 2.5m above the existing motorway level), the maximum height of such would be 82.5 metres (AOD) adjacent to the M6 and this would fall to in the region of 78 (AOD) metres over the course of 20 metres into the site.

## **3.0 Site History**

3.1 The relevant planning history is as noted below.

Application Number	Proposal	Decision
16/0177/HDG	Removal 64m of hedgerow adjacent to the public highway and removal 121m hedgerow internal to the site	Approved
16/00603/PRETWO	Erection of 25 dwellings and creation of a new access	Pre-application Advice Provided
15/00714/OUT	Outline application for the erection of 20 dwellings	Approved
14/00960/OUT	Outline planning application for residential development	Withdrawn
01/89/0118	Outline planning application for residential development	Rejected on appeal

## **4.0 Consultation Responses**

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

Consultee	Response
Planning & Housing Policy Team	<b>Raise concerns</b> that the current proposal would lead to a form of development which would not strike an appropriate balance between bringing forward housing, achieving reasonable residential amenity and respecting the landscape allocation in this area.
County Highways	<b>No Objection</b> , however recommends conditions associated with; <ul style="list-style-type: none"><li>• Protection of visibility splays in the region of 2.4m x 43m in each direction;</li><li>• Setting back of boundary hedging to allow for the construction of a 2 m wide length of footway along the site frontage;</li><li>• Relocation and upgrade of street lighting where appropriate;</li><li>• Construction of a pedestrian refuge facility, improved white lining on Bowerham Lane and stop and give way thermoplastic lines.</li></ul>
Natural England	<b>No Objection</b>
Highways England	<b>No Objection</b> subject to conditions; <ul style="list-style-type: none"><li>• No development on, or adjacent to the M6 motorway embankment that puts the embankment or earthworks at risk;</li><li>• No drainage shall connect into the motorway drainage system (including surface water run-off);</li><li>• No vehicular or pedestrian access of any kind between the site and M6 motorway;</li><li>• No planting of the surface of the site within less than one metre of the motorway boundary fence.</li></ul>

	<ul style="list-style-type: none"> <li>No planting of trees which could shed leaves or topple on the M6.</li> <li>Provision of a fence along the boundary of the site.</li> </ul>
<b>Environmental Health (Noise)</b>	<b>No Objection:</b> The site will naturally be subject to elevated noise levels associated with the M6. Internally, sound levels can be satisfactorily controlled to the recommended guideline levels provided within BS8233:2014 and World Health Organisation Guidelines on Community Noise with provision of suitable glazing and trickle ventilation provided to habitable rooms and bedrooms. The submitted reports suggest a glazing specification of Pilkington Optiphon 4-12.6.8mm for bedroom windows (to ensure design targets are met for night-time periods) and 10/12/4mm glazing to all other habitable rooms. The Environmental Health Officer is satisfied that provision of acoustic fencing to external amenity areas will meet the noise levels recommended within the above standards also.
<b>Environmental Health (Air Quality)</b>	<b>No Objection:</b> Initially raised some concern with the location of the site adjacent to the motorway however following additional information it is considered that the provision of electric vehicle charging points should be provided and that air quality will unlikely exceed objective levels at this location.
<b>Strategic Housing Officer</b>	<b>No Objection</b> to the reduced affordable housing provision based on the review of viability.
<b>Tree Protection Officer</b>	<b>No Objection</b> subject the proposals being carried out in accordance with the AIA and also the Landscaping Scheme, however asks that the details of the maintenance and management is forwarded for comment.
<b>Lancaster Civic Society</b>	<b>No Objection</b> , and welcomes the moves made to retain the existing hedgerow along Bowerham Lane.
<b>United Utilities</b>	No observations received within the statutory time period.
<b>Lead Local Flood Authority</b>	<b>No Objection</b> , subject to a drainage scheme being submitted with an associated management and maintenance plan.
<b>Fire Safety Officer</b>	<b>No Objection</b>
<b>Environment Health (Contaminated Land)</b>	<b>No Objection</b> to the proposal and considers there is no requirement for contaminated land conditions.
<b>City Council Engineer</b>	<b>No Objection</b>

## **5.0 Neighbour Representations**

5.1 The application has been advertised in the press, by site notices and local residents notified by letter. To date there has been **9** letters of objection to the scheme based on the below;

- Concerns that planning permission was granted for 20 dwellings and now 25 are proposed;
- Concerns on surface water drainage proposals;
- Traffic concerns on Bowerham Lane;
- Increasing footprint exposes future residents to higher levels of noise pollution and also dust associated with properties along Bowerham Lane and concerns on air quality given the proximity of the site to the M6 motorway; and,
- Negatively impacting on the natural environment and detrimental to the landscape qualities of this parcel of land.

## **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 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 will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 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 Saved Policies of the Lancaster District Local Plan

E27 - Woodland Opportunity Areas  
E31 - Key Urban Landscape

## 6.4 Lancaster Core Strategy

SC1 - Sustainable Development  
SC2 - Urban Concentration  
SC4 - Meeting the District's Housing Requirements

## 6.5 Development Management Development Plan Document

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  
DM35 - Key Design Principles  
DM36 - Sustainable Design  
DM37 - Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 - New Residential Dwellings

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

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

7.0. The key material considerations arising from this application are:

- Principle of development
- Landscape and Visual Impacts
- Layout considerations
- Affordable Housing/Housing Needs;
- Highways;
- Noise considerations / Air Quality;
- Drainage;
- Public Open Space;
- Natural Environment;
- Other Matters;
- Planning Balance.

### **7.1** **Principle of Development**

7.1.1 The site is located within the urban core of Lancaster and is located 2.6km to the south of Lancaster City Centre and is in easy reach of Bowerham local centre which supports a variety of local services. There is a frequent bus service that passes close to the site with a bus stop located at the Fox and Goose Public House (220 metres away). The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District, and this was very much the intention of Policies SC1 and SC2 of the Core Strategy. It is therefore considered that the site is a sustainable location for the delivery of 25 dwellings (assuming other issues can be addressed).

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

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

7.1.4 As part of the emerging Land Allocations DPD the site is still proposed to retain its Key Urban Landscape designation and whilst only limited weight can be afforded to this, it continues to protect the site from development, but would seek to support development if it preserves the open nature of the area and the character and appearance of the surroundings. Notwithstanding this the same plan also proposes to allocate the site under Policy reference H1.4 (for 20 dwellings) which relates to residential development in urban areas (given the site benefits from an extant outline permission).

7.1.5 This proposal does seek to introduce some significant landscaping and an earth bund (in the region of 20 metres in width) to the eastern edge of the site together with an area of planting to the south of the site, in total this amounts to around 2,200m<sup>2</sup> of landscaping. However, it is not considered that the scheme accords with the policy requirements of the Key Urban Landscape designation and to a lesser extent the Woodland Opportunity designation (albeit accepting that the development can act as a catalyst to ensure landscaping occurs) and therefore the scheme is a departure from the

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

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

7.1.6 Officers are mindful of the refusal of the scheme for the erection of 50-60 dwellings in 1990 (1/89/0118); a decision that was endorsed by the Planning Inspectorate when it dismissed the subsequent appeal. The Inspector considered that the principle of development at that time would be wholly unacceptable, and this has been afforded weight in the determination of this planning application. Planning policy has evolved, not least due to the introduction of the NPPF, and critical to this application is the pressing need to deliver more homes given the local authority cannot demonstrate a deliverable 5 year housing land supply. Officers are also mindful of the recent refusal of planning application 16/01515/OUT by Planning Committee in April 2017 for the erection of up to 30 houses. This scheme was 50 metres to the south of the application site and an appeal against this refusal has now been lodged by the applicant.

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

7.1.8 The previous outline permission on the site was considered acceptable on the premise that a significant area of woodland planting was proposed. Only 0.5 hectares of the 1.76 hectares was proposed to be developed as part of the outline; this rises to 1.22 hectares as part of this planning application. The current proposal, whilst accepting that it makes more efficient use of land, goes against the grain of the policy requirements of the Key Urban Landscape and Woodland Opportunity designations. Officers emphasised during the pre-application discussions that the site would have been better suited to 16 dwellings, allowing more freedom on the site for landscaping adjacent to the M6. Officers therefore consider that it has to be concluded that the development would conflict with Policy E27 and E31 of the Lancaster District Local Plan. The issue therefore is whether, taking all other matters assessed via this report, this policy departure outweighs the need to deliver housing.

## 7.2 Landscape and Visual Impacts

7.2.1 The application is supported by a Landscape Site Analysis Appraisal which states that on-site visibility is greater from the more elevated eastern and northern parts of the site, where there is clear visibility south across the site boundary along the M6 corridor. From the north-east part of the site in particular there is long-distance visibility west and south west across the boundary hedgerow towards Lancaster, Morecambe and the coastline. The appraisal considers that the proposed scheme supports the objectives of the Key Urban Landscape and Woodland Opportunity policy. Officers would disagree with this element of the assessment as the allocation of the Key Urban Landscape (KUL) is intended to protect the undeveloped areas of land between Lancaster and the countryside to the east, and the allocation of the KUL has a role to play in maintaining the distinction between the town and country and provides a rural backdrop to the urban area. The site does form a green buffer between the M6 and residential properties on the eastern fringes of the city. It is accepted that this small green wedge of the Key Urban Landscape area does have a very different feel to some of the larger KUL which are located besides Grab Lane and also Land South of Hala Hill and towards the University, and some weight is attached to this difference.

7.2.2 From a purely landscape perspective it is considered that the site is relatively hidden from view along Bowerham Lane due to the presence of the hedgerow screening along the frontage, but views into the site can be seen from the M6 and also along Blea Tarn Road when travelling into the urban core. The provision of the landscape bund to the east of the site would assist in the creation of a strong buffer adjacent to the M6 and would be landscaped. The applicant had initially proposed a woodland

walk, however Highways England required that there should be a 2 metre solid boundary fence between the site and the M6 to prevent encroachment onto the motorway (in essence providing this 2 metres back from the existing stock proof fence adjacent to the M6 to be 2 metres in height). Whilst the principle of this from a safety perspective was acceptable, there was concerns as to the appearance of the fencing and how this would look for motorists travelling along the M6 corridor. The provision of the woodland walk and subsequently the 2 metre fence along the M6 has since been removed from the applicant's scheme, the individual plot boundary treatment will now form the boundary treatment and Highways England are comfortable with this approach.

- 7.2.3 It is recommended that whilst there would be harm caused by developing the site for residential purposes, officers are mindful of the outline consent (albeit this scheme increases the development area quite significantly) but overall this proposal would conflict against the policies that protect the site from development. These are environmental matters which weigh heavily against the proposal.

### 7.3 Layout Considerations

- 7.3.1 A key strength of this application is the retention of the existing hedgerow that borders Bowerham Lane as this forms a substantial and robust visual buffer and whilst some landscaping has been removed to facilitate the creation of the access the majority of the hedgerow remains. This is a significant strength over the outline approval which would have involved the loss of the landscaping to facilitate access to the driveways.

- 7.3.2 Notwithstanding the concerns associated with the policy conflicts, on the whole officers are satisfied with the layout of the development. There are (residential amenity) elements of the proposal such as the siting of plot 1 which do raise concern, however in this particular case there would only be a kitchen window and shower room windows facing eastwards (i.e. towards Hala Carr Farm) and the boundary treatment associated with plot 1 and 2 needs to be re-considered to be something more attractive than a close boarded fence. Plot 9 would be in the region of 9.7 metres from the single storey garage and 14 metres from the dwelling at plot 8 however the land levels here are in the region of 2.4 metres difference, in general whilst tight, this is acceptable. Plots 19 and 18 have an uncomfortable relationship, however plot 19 does not have any rear windows other than the rear door and therefore on balance can be found acceptable. Garden sizes on the whole are considered acceptable and whilst there would be an impact on Hala Carr Farm, Hala Carr Farm is elevated compared to plot 1 and no habitable windows exist in that elevation and whilst there would be a change in outlook for this property given the screening that exists coupled with the separation distances, privacy will be protected.

- 7.3.3 This is a sloping site and the applicant proposes to re-grade the site to allow for development to take place, and to allow for usable garden spaces. The use of retaining walls is proposed principally to the rear of plots 9-13 (although they are utilised elsewhere on the site). With any sloping site the use of retaining walls would be required, a planning condition is recommended requiring details of the boundary treatments which shall include the type of retaining wall to be utilised.

- 7.3.3 A variety of house types are proposed and the inclusion of a bungalow is a positive. The dwellings would be constructed under a tiled roof system, utilising brick, roughcast render and anthracite grey windows, doors and fascia's. The adjacent properties on Bowerham Lane utilise a similar palette of materials and therefore it is considered subject to conditions requiring samples to be provided this can be found acceptable the house types and materials can be found acceptable.

- 7.3.4 The landscaped bund proposed would essentially serve to act as a buffer between the M6 and the built form and the toe of the bund would extend from the eastern most properties to the M6. The slope would be in the region of 35% towards the residential properties and for this to work effectively and work with the landscape it needs to appear natural and well landscaped. It is inevitable initially there will be landscape impacts associated with the creation of the bund and the key to its success will be its profiling so it does not look an alien feature and ensuring landscaping occurs in the first available planting season. A condition is recommended to control this.

### 7.4 Affordable Housing Provision / Housing Needs

- 7.4.1 The scheme was originally submitted on the basis of delivering the policy-compliant 40% of the units to be affordable, equating to 10 units, however a viability assessment was received in January 2017 setting out that the scheme could only seek to support 4 of the units to be affordable on the provision

that these were discounted open market homes (which the Council does not support). The latest iteration of the applicant's viability assessment suggested that 3 units could be delivered as shared ownership units. A long running independent viability exercise has been ongoing with Eckersely Property assisting the local planning authority (LPA) with the independent review. The site does have its challenges given its sloping, and as the application has been progressing additional costs have been brought to the Council's attention (namely in relation to cut and fill). Officers are disappointed that such a low quantum of affordable housing has been achieved, given the full requirement was stipulated within the applicants supporting submission but national and local planning policy requires that LPAs consider the impacts of viability and the delivery of housing in policy making and decision taking. Whilst officers were concerned that new costs were being added to the viability assessment during the application process, it is considered that the applicant has sufficiently evidenced that the viability of the site is challenging. On this basis it is accepted that the alternative affordable scheme (based on 4 shared ownership apartments) is reluctantly found acceptable. This matter can be controlled by means of Section 106 Agreement.

- 7.4.2 With respect to the mix of properties the applicant proposes a mixture of between 1-4 bedroom units with 14 of the 25 units between 1-3 bedroom and the remaining 11 four bedroom. It is considered that the mix of properties is appropriate to the area and given the Meeting Housing Needs SPD considered the demand in South Lancaster was for 2 and 3 bedroom properties this is acceptable.

## 7.5 Highways

- 7.5.1 The scheme would seek to use a new access off Bowerham Lane and the relevant visibility splays of 2.4m x 43 metres in a north and south location have been proposed. The Highways Authority have requested that a 2 metre wide footway is proposed along the sites frontage. It should be noted that there is currently no footway on the entire eastern stretch of Bowerham Lane and therefore whilst serving to protect visibility splays, it could be greener to have this area as managed grassland or the like assuming it is under 1 metre (to allow for the visibility splays to be protected) and a crossing point to the adjacent side of Bowerham Lane. The County have requested a pedestrian refuge and this is considered appropriate. The access detail would be fundamentally agreed with the County under the Section 278 highways legislation including any necessary footpath enhancements along the sites frontage.

- 7.5.2 Highways England (in their role as operator of the motorway and major A road network) have no objection, however they have recommended a number of planning conditions such as ensuring the drainage from the site will not connect to the motorway; not causing harm to the existing motorway embankment; and no access to the motorway. They have asked that the landscaping is not capable of falling on the M6 and that a buffer zone is maintained along the motorway, and that the applicant needs to take steps to ensure noise emanating from the M6 can be controlled. Highways England have also raised the question that the applicant needs to be mindful of the possibility of errant vehicles leaving the northbound carriageway which could endanger the safety of residents. The conditions that Highways England recommended can be incorporated into planning conditions associated with drainage and landscaping. With respect to vehicles leaving the M6, the point is duly noted, however the same could be true of any scheme that is located in close proximity to a road.

## 7.6 Noise Considerations / Air Quality

- 7.6.1 The proposal is sited in close proximity to the M6 motorway (being only 22 metres away from the nearest property) and therefore a natural concern is the well-being of the future occupiers of the dwellings. A noise survey has been submitted in support of the scheme which has demonstrated that standard double glazing incorporating trickle vents will achieve the required 35 Db(A). External gardens will require the benefit of a 2m high acoustic fence which will provide a minimum of 10.5dB attenuation reducing the anticipated sound level below the lower recommended guideline value of 50dB(A).
- 7.6.2 Officers were concerned given the presence of proposed dwellings so close to the M6 and requested that Environmental Health visit the site to undertake sound measurements at a similar location to that used in the acoustic survey to verify the report findings and make a subjective and objective assessment of the environmental noise impacts. The Environmental Health Officer has no objection to the development on the basis that the acoustic trickle vents and glazing is utilised and also that the provision of acoustic fencing to external amenity areas will ensure that the relevant noise limits are met. It is therefore considered that noise can be suitably controlled.



7.6.3 A natural concern is the air quality associated with traffic along the M6 corridor given how close the site is to the carriageway. The applicant's environmental consultant has discussed with the local authority's Air Quality Officer and there was general agreement that based on the evidence it would be unlikely that the proposed dwellings would be subject to air quality above the national objective values and therefore the properties will not be significantly adversely affected by poor air quality. This is a view echoed by the air quality officer however a recommendation has been made for the provision of electric vehicle charging points to all properties. The applicant is amenable to such a request.

## 7.7 Drainage Considerations

7.7.1 Schemes should be drained of surface water sustainably however the applicant maintains that soakaways would not be suitable due to the ground makeup being clay which is unsuitable for infiltration for soakaways. Given there is no surface water body in the vicinity of the site, the next solution in line with the hierarchy is connecting to the existing surface water sewer on Bowerham Lane and there has been discussions with United Utilities to this effect. The Lead Local Flood Authority have no objection to the scheme however it is considered that run off should be restricted to no greater than 9 l/s, this can be addressed by means of planning condition in association with the long term maintenance of the systems.

## 7.8 Public Open Space.

7.8.1 The Public Realm Development Manager raises no objection to the development however advises that 445m<sup>2</sup> of area is provided as open space and that a financial contribution of £75,510 is sought. The scheme provides for the proposed woodland (circa 2,200m<sup>2</sup>) and also a landscaped bund and therefore provides significant open space landscaping. Given the results of the viability appraisal no off-site contribution has been requested from the applicant.

## 7.9 Natural Environment

7.9.1 The applicant sought consent for hedgerow removal along the sites frontage in the region of 64 metres and 121m of hedgerow and the application was approved in January 2017. The hedgerow removal has occurred. Some small scale tree loss on the site is proposed to facilitate the development however the Tree Protection Officer has no objection to the loss, but supports the retention of the existing hedgerows that front the site, in addition to the strategy for the regeneration of the retained hedgerow adjacent to Bowerham Lane. There is some concern as to why 7 metres of hedgerow was lost to create the new pedestrian footway adjacent to 290/292 Bowerham Lane, and local residents have raised this in response to the application, the applicant has since confirmed this is only for pedestrian access. It is considered that this route serves pedestrians and therefore some replanting here should occur as part and can be conditioned as such.

7.9.2 An ecological appraisal supports this planning application which suggests that birds are likely to utilise the hedgerows on site for nesting between March and September and therefore vegetation clearance should be undertaken outside of this period and that low numbers of bat species were recorded foraging adjacent to the site but no bats were recorded as roosting near or on the site. It is recommended that the mitigation scheme that is referred to in the applicant's ecological appraisal are carried out.

## 7.10 Other Matters

7.10.1 The site is greenfield and the local authorities contaminated land officer initially requested conditions associated with the proposal. Following additional consideration of the planning application and a review of the Phase 1 and 2 surveys submitted in support of the scheme no objection has been raised. The County Council as the education authority raise no objection to the development and consider at the time of their response no education contribution was required, they have provided further assurance in November 2017 that no education contribution is required.

7.10.2 There is a United Utilities water trunk main that crosses the western boundary of the site (essentially the alignment of the spine road), the applicant has provided for a 10 metre easement but the road is sited within the easement. The views of United Utilities have been requested, and members will be updated verbally following United Utilities comments.

## 7.11 Planning Balance

- 7.11.1 In conclusion the proposal will bring with it social and economic benefits, and whilst only 25 houses are proposed this would still make a very positive contribution towards the supply of market housing (and to a lesser extent affordable housing) at a time the local authority cannot demonstrate a 5 year housing land supply. Furthermore officers are satisfied that the application site is sustainably located with good access to public transport provision and this weighs in the support of the scheme.
- 7.11.2 Weighed against this is the fact that the proposal offers a lower rate of affordable housing that would ordinarily be required and the reduction of affordable housing is a social matter which weighs against the proposal. Crucially there would be harm associated with developing this site from a landscape perspective given the site is covered by the Key Urban Landscape designation. Notwithstanding this there is support for the retention of the hedgerow along Bowerham Lane which is of an environmental benefit from both a landscape and ecological perspective. However overall officers conclude that there would be harm which weighs significantly against the scheme.
- 7.11.3 The recommendation is finely balanced. However whilst significant weight has been attached to the negatives of the scheme, the scheme is able to demonstrate some economic and social benefits and minor environmental benefits in the retention of the hedgerow when compared against the provisions of the outline consent (which is a material consideration) and therefore it is considered that the development does comprise a form of sustainable development for the purposes of the Framework and it is not considered in this instance the negatives associated with the scheme would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework as a whole.

## 8.0 Planning Obligations

- 8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.
- Provision of four of the units to be shared ownership affordable units;
  - Long term maintenance of non-adopted open space, landscaping and non-adopted highways and drainage.

## 9.0 Conclusions

- 9.1 The recommendation here is finely balanced and members will be tasked with a hard decision to make, as the proposal is clearly a departure from the Development Plan, and ordinarily developments of this nature would not be supported in Key Urban Landscape and Woodland Opportunity designations. However, Members have to be mindful of the outline consent (15/00714/OUT) that supported twenty dwellings, (although on a much reduced footprint), and secondly remember that the local authority does not have an up-to-date deliverable five year housing land supply.
- 9.2 Whilst a small landscape buffer remains, the vast majority of the Key Urban Landscape in this location would be lost, however 2,200m<sup>2</sup> of the site is proposed to be open space/woodland. It is a site that is adjacent to the built form, in what Officers consider a triangular green wedge (rather than a linear line of landscape). There will be landscape impact and this weighs against the scheme to a moderate degree in the planning balance argument. Given the inability of the local authority to demonstrate a deliverable 5-year housing land supply, together with the lack of any technical objection from any statutory consultees, that on balance, the material considerations weigh in support of the scheme to allow Officers to make a positive recommendation for this development.
- 9.3 Whilst concern has been raised with respect to highways, drainage, environmental health considerations and nature conservation, none of the relevant consultees raise an objection to the scheme, or raise a concern which cannot be addressed by condition. It is recommended to Members to support the scheme subject to the applicant entering into a Section 106 Legal Agreement to secure the provision of 4 affordable units and the conditions listed below (assuming no objection is received from United Utilities).

## **Recommendation**

Subject to no objection from United Utilities and that subject to the applicant signing and completing a legal agreement to secure the obligations as contained within Paragraph 8.1 Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Scales
2. Working Programme
3. Access Plan
4. Offsite highway works
5. Protection of vis-splays 2.4m x 43m
6. Car Parking to be provided
7. Garages for motor vehicles
8. Details of cycle parking and refuse provision
9. Development in accordance with the AIA
10. Landscaping and management scheme to be implemented
11. Implementation of landscaped earth bund
12. Scheme for the enhancement for ecology
13. Development in accordance with the FRA
14. Development in accordance with the recommendations in the noise assessment
15. Surface Water Drainage Scheme
16. Surface Water Drainage Management
17. Finished Floor Levels
18. Material Samples
19. Removal of PD rights
20. Vehicle Charging Points.
21. Boundary Treatment Plan
22. Unforeseen Contaminated Land

## **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.