

Agenda Item A5	Committee Date 5 th March 2018	Application Number 17/01423/REM
Application Site Land South Of Low Road Halton Lancashire	Proposal Reserved matters application for the erection of 60 dwellings and associated infrastructure	
Name of Applicant c/o Agent	Name of Agent Miss Alice Weston	
Decision Target Date 19 February 2018 Extension of time agreed to 9 th March 2018	Reason For Delay Negotiations over the provision of affordable housing and design matters	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Approval (subject to resolving outstanding matters relating to open space, the scale and position of plot 60 and the acceptability that the layout proposed would not compromise the ability to deliver an appropriate drainage strategy and the same in relation to ecology mitigation)	

1.0 The Site and its Surroundings

- 1.1 The site relates to part of an agricultural field located adjacent to the south eastern edge of the village of Halton. It is roughly triangular in shape and wraps around the existing residential development on Low Road, Forgewood Close and Forgewood Drive. The northernmost boundary of the site borders Low Road and consists of a hedgerow and a row of mature trees. There is a grassed verge between this and the road and there is an existing gated access into the site at the eastern end of this boundary. There is a significant change in levels across the site with the land rising steeply to the south. At Low Road the site is approximately 27m Above Ordnance Datum (AOD) rising to around 40m AOD. A line of electricity pylons crosses the field in a northeast – southwest direction adjacent to the site boundary. Part of the site lies within the outer zone of a high pressure gas pipeline, which runs in a north-south direction to the east of the site.
- 1.2 The existing residential properties that border the site to the north and west are predominately dormer bungalows with various domestic extensions and additions to them. Most have their rear elevations facing the proposed site. The majority of these existing properties are positioned lower than the proposed site and in a number of cases lower than their own rear garden areas (existing garden areas step up towards the boundary of the site). Boundary treatments vary along this section of the site, such as open trellis fencing, close boarded fencing (various heights) and native hedgerows.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map, and is approximately 120m from the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site is approximately 385m from Halton's Conservation Area. The River Lune is located approximately 40m from the most southern part of the site and enjoys a biological heritage site (BHS) designation. This designated area extends up to the application site. There are a number

of protected trees within and adjacent to the application site. These trees are covered by a single Tree Preservation Order (TPO 321(2001)). There are no public rights of way (PROW) running through the land. The closest PROW is situated along Mill Lane to the south of the site (but not adjacent or connected to it).

2.0 The Proposal

- 2.1 The applicant seeks reserved matters approval (layout, appearance, landscaping and scale) for the erection of 60 dwelling units on the site. Access has been secured via the outline planning permission. The position of the access off Low Road remains as previously approved and is consistent with the outline consent.
- 2.2 The residential development is broken down as follows:
- 4 no. one-bedroom apartments;
 - 3 no. two-bedroom dwellings;
 - 23 no. three-bedroom dwellings;
 - 25 no. four-bedroom dwellings;
 - 5 no. five-bedroom dwellings.
- 2.3 The dwellings comprise a mix of 1.5 storey split level dwellings and 2 storey dwellings. The dwellings are predominately semi-detached or detached with some smaller terraced units and a single block of two-storey apartments. The applicant seeks a variety of different designs with a mixed palette of materials, colours and tones including natural stone, render, brown brick, composite timber-effect cladding, brown tiles (mimicking clay) and slate. Trespa (or similar) cladding materials are proposed for the feature windows and dormers, coloured to reflect the proposed roofing materials.
- 2.4 The proposed residential units shall be accessed off the main spine road with individual drives or into small courtyards and cul-de-sacs. This main road provides footways to both sides of the carriageway and shall be tree lined within the site. Proposed landscaping and open space (including above-ground surface water drainage pond) form the gateway into the site.
- 2.5 In order to provide a suitable development platform within the site and to secure an acceptable gradient for the internal spine road a significant amount of earth shall be removed from the site, reducing the highest part of the site from 40m AOD to 38m AOD.
- 2.6 The proposal includes a pedestrian/cycle link between the site and Foregwood Drive along the northern boundary between 12 and 14 Foregwood Drive, a pedestrian link via the open space at the site entrance into Low Road, and a connection between the proposed site and the adjoining development site being promoted by Story Homes.

3.0 Site History

- 3.1 The only relevant planning history associated with this proposal relates to the outline consent which this reserved matters application is pursuant of and a planning consent on neighbouring land.

Application Number	Proposal	Decision
14/01344/OUT	Outline application for the development of 60 dwellings with associated access	Approved on 21 September 2015
17/00201/DIS	Discharge of conditions 3-15 on approved application 14/01344/OUT	Pending Consideration
17/00165/OUT	Outline application for the erection of up to 90 dwellings with associated new access (Land between Low Road and Forge Lane, Halton – adjacent site)	Approved 17 July 2017
17/00959/REM	Reserved matters application for the erection of 77 dwellings with associated landscaping	Pending Consideration

4.0 Consultation Responses

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

Consultee	Response
Halton Parish Council	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> Concerns the development will increase flood risk; Concerns over the effectiveness of the proposed drainage strategy which relies on infiltration as the main source of sustainable drainage; Flood risk off-site based on the submitted flood exceedance routing plan.
County Highways	<p>No objections to the access arrangement with Low Road but questions the following matters:</p> <ul style="list-style-type: none"> Level of parking provision Measures to control excessive vehicle speeds within the site Carriageway surface water drainage proposals and prospects for highway adoption
Lead Local Flood Authority	<p>Objection - the proposed drainage strategy does not address concerns over flood risk off-site (in relation to the flood exceedance plan).</p>
United Utilities	<p>No objections to the principle of the proposed drainage strategy.</p>
Greater Manchester Ecology Unit	<p>The indicative outline proposals illustrated ecology/landscape buffers along the eastern and southern boundaries of the site. The proposed layout omits this. GMEU are satisfied that the hedgerow to the eastern boundary would be an adequate buffer with the farmland but have raised concerns about the hedgerow to the south alongside the existing woodland and recommend the rear boundary to the plot adjacent to the woodland is pulled back to give the hedgerow adequate distance from the woodland to provide a suitable buffer. A further recommendation is made in respect of the species for the boundary hedgerows.</p>
Tree Protection Officer	<p>No objections – conditions recommended ensuring development undertaken in accordance with the Arboricultural Implications Assessment (Version 2), the amended Landscape Proposals Plan and Lancaster Strategy Plan, Landscape and Ecology Management Plan and Method Statement.</p>
Forest of Bowland AONB Officer	<p>No comments have been received within the statutory consultation period.</p>
Conservation Officer	<p>No objections and recommends a number of conditions relating to the finished materials and detailing of the proposed houses.</p>
Contaminated Land Officer	<p>No objections to the submitted Phase 2 Site Investigation and Assessment.</p>
Environmental Health Service	<p>No comments have been received within the statutory consultation period.</p>
Ramblers Association	<p>No comments have been received within the statutory consultation period.</p>
National Grid (Plant Protection)	<p>Following submission of further information, National Grid have removed their initial holding objection and no longer object to the proposal which is in close proximity to a High Voltage Transmission Overhead Line.</p>
Cadent	<p>Advises that the development is in close proximity to existing gas and electricity apparatus and advises that the asset protection team have been notified and shall provide further comments (comments provided above from National Grid).</p>
Shell Pipelines	<p>Confirms no Shell pipelines in the vicinity of the site.</p>
Health and Safety Executive	<p>Do Not Advice Against, on safety grounds, the granting of permission.</p>
Lancashire County Council School Planning Team	<p>The s106 requires the Education Contribution calculation to be determined at the point of approval of reserved matters. At this stage, the School Planning Team have indicated there would be no requirement to provide a financial contribution based on their adopted methodology but the s106 requires the contribution to be calculated at the approval stage.</p>
Lancashire Constabulary	<p>No objection - general recommendations to ensure developments are designed to reduce crime and the fear of crime. The Constabulary also recommends the development is built to Secured by Design Home 2016 (Gold accreditation).</p>
Lancashire Fire and Rescue Service	<p>Recommends the design and layout of the development meets Building Regulations requirements in relation to access for fire appliances.</p>
Public Realm Officer	<p>To the time of compiling this report no comments received. A verbal update will be provided.</p>

5.0 Neighbour Representations

5.1 At the time of compiling this report 32 letters of objection have been received. A summary of the main planning reasons for opposition are set out below:

- Flooding and Drainage matters, including - Increase in flood risk; inadequate drainage infrastructure in the village; suspension of development until drainage matters are resolved; recent (2017) flooding of nearby residential properties; proposed drainage strategy is not LLFA compliant with exceedance routes potentially causing a flood risk off-site.
- Visual Amenity matters, including, loss of village character; development (including materials) is not in keeping with rest of the village; house designs are more urban in character rather than rural hillside.
- Residential Amenity matters, including the scale and housing mix is not consistent with that suggested in the outline planning submission (more larger properties now proposed); Inadequate separation distances; loss of privacy and overlooking due to houses on the steepest parts of the site; balconies facing Forgewood Estate would exacerbate overlooking and loss of privacy; and housing is in close proximity to powerlines and pylon
- Impacts upon infrastructure, including school places; and the development should be considered in conjunction with other proposals in the village, amounting to 303 new homes and questions whether the village infrastructure can cope with this increase in development.
- No evidence of housing need;
- Increase in traffic adding pressure to the road network, in particular School House Lane and Low Road (at the pinch point);
- Concerns over the installation of security fencing on site abutting neighbouring property;
- Lack of community consultation;
- Allegations of breaches of the outline planning permission.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 32, 34, 35 and 38 - Access and Transport
Paragraphs 49 and 50 - Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
Paragraph 103 – Flooding
Paragraphs 109, 115 116 – Areas of Outstanding Natural Beauty and valued landscapes
Paragraph 118 – Conserving and Enhancing Biodiversity
Paragraphs 120 -125 – Pollution and Contaminated Land
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Housing Requirements
SC5 – Achieving Quality in Design
E1 – Environmental Capital

6.4 Lancaster District Local Plan – saved policies (adopted 2004)

E3 – Development Affecting Areas of Outstanding Natural Beauty
E4 – Countryside Area

6.5 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
DM26 – Open Space, Sports and Recreational Facilities
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM38 – Development and Flood Risk
DM39 – Surface Water Run-off and Sustainable Drainage
DM42 - Managing Rural Housing Growth

6.6 Other Material Considerations

Emerging Policy DM29 Design of Development
National Planning Policy Guidance
Meeting Housing Needs Supplementary Planning Document
Halton Conservation Area Appraisal
Halton Neighbourhood Plan Area Designation
Halton Parish Plan
Forest of Bowland AONB Landscape Character Assessment
Lancashire Landscape Strategy including Lancaster Character Assessment
Open Space in New Residential Development Planning Advisory Note (PAN) (October 2015)
Lancashire County Council Infrastructure and Planning Annex 2 Education (November 2017)
Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

7.0 Comment and Analysis

7.1 As this is an application for reserved matters approval pursuant to the outline consent, the principal planning considerations relate to the following:

- Design, Visual Amenity and Landscape Considerations
- Impact on Residential Amenity

- Access and connectivity
- Compliance with the outline consent

- 7.2 An application for reserved matters approval is not an application for planning permission. Reserved matters are those aspects of the proposed development which an applicant can choose not to submit details of at the outline stage, and are details reserved for subsequent approval. Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines reserved matters as access, appearance, landscaping, layout and scale. In this case, access was considered as part of the outline planning permission.
- 7.3 The applicant has chosen to submit all the remaining reserved matters (appearance, layout, scale and landscaping) relating to the outline permission at once. This application has also been made in compliance with condition 1 of the outline application (and therefore section 92 of the Town and Country Planning Act 1990) in relation to the time limit within which an application for reserved matters approval can be made pursuant to the outline permission.
- 7.4 In light of the above, the consideration of this application relates only to the 'reserved matters'. Matters relating to the principle of the development, such as the need for housing, traffic impacts, flood risk, loss of agricultural land and ecology are matters previously considered and accepted conditionally as part of the approval of outline planning permission. This does not mean that some aspects covered by the outline permission, such as landscape/townscape considerations, will not be assessed as part of the assessment of reserved matters, but such will relate only to whether the proposed reserved matters enables or prejudices compliance with the outline permission or conditions therein.
- 7.5 In short, consideration of the reserved matters is not an opportunity to re-examine the principle of the development of the site for 60 residential units.
- 7.6 **Design, Visual Amenity and Landscape Considerations**
The impact of the proposal on the visual amenity of the area and the local landscape, including the setting of the AONB, was a key consideration at the time the outline application was being considered. At that time, the local planning authority judged, on balance, that the site could accommodate 60 residential dwellings. The scheme is sensitively located on the edge of the village, elevated above surrounding development close to the AONB and Conservation Area boundaries. There are views into and across the village where the development will be visible. The scale, layout, landscaping and appearance of the development has needed careful consideration to ensure the impacts of the development on the setting of designated heritage assets, the AONB landscape and the visual amenities of the area are considered suitable.
- 7.7 The site topography is recognised as a constraint to the development of the site. During earlier pre-application discussions there was significant discussion over the layout of the scheme and the balance needed to ensure the development of the scheme appropriately responded to both the proximity to neighbouring dwellings and the visual amenity of the area and landscape/townscape character. To address this the applicant proposes to carry out some significant engineering operations to effectively lower existing ground levels across the highest parts of the site (the ridge of the drumlin) creating a development platform at 38m Above Ordnance Datum (AOD). This also enabled the road to be pulled further south to increase separation to neighbouring dwellings to the north and create an appropriate gradient on the internal spine road. The steepest sections of the site are on the northern side of the existing drumlin alongside the Forgewood Estate. Development is proposed in this location with the finish floor levels (FFLs) gradually stepping down from the highest parts of the proposed site (38mAOD) to approximately 34.5m AOD. This follows the existing lie of the land. The existing levels along the boundary with property on Forgewood ranges between circa 27m AOD(at the western end) to approximately 32m AOD(central) to 30m AOD (eastern end).
- 7.8 The applicant will be removing the majority of the earth that is proposed to be cut from the highest parts off the site. This is on the basis that significant "filling" of earth would lead to potential landscape impacts which would not follow the natural contours of the landscape. There remains some modest "filling" to accommodate level platforms for the proposed units but this been kept to a minimum with the introduction of split level housing along the northern boundary of the site.

- 7.9 The proposed house types are no higher than 2 storeys with the properties backing the Forgewood Estate split level appearing as 1.5 story at the rear. The scale and layout of the scheme has been designed to show the development gradually stepping up the hillside (north to south), which is consistent with other development in the village. The stepping up of the development is mitigated to a certain extent, and certainly less significant than it could have been, due to the proposed changes to the site levels. The scale of development and the orientation of the proposed units and their roof arrangements is not considered out of keeping with the existing development in the village.
- 7.10 The development is supported on the whole by the retention and bolstering of existing landscape features with new additional planting to the site boundaries and within the site itself. Significant new landscaping is proposed to the site entrance where the construction of residential units have purposefully been precluded due to the requirements to provide attenuation for surface water and to create a landscaped gateway into the site. This area of land also provides amenity land (POS) despite the relatively heavily landscaping proposals in this location. The boundary to the east of the development shall be separated from the remaining part of the field with new structural planting. This will comprise a new hedgerow along the full length of the eastern boundary (amendments are being sought to remove the gap in the planting in the location of the parking court) with tree planting towards the southern tip of the site alongside the existing woodland. The hedgerow to the western boundary shall be retained. A dominance of soft landscaping to the site boundaries and within the scheme, together with the relatively low density, supports the rural character and openness of the countryside surrounding the site and the village generally.
- 7.11 In the north eastern corner of the site, the applicant proposes a landscaped area of land which will support an orchard with a network of pedestrian connections between the site and surrounding development. This is a consequence of the steep gradient of the land in this location. At the outline stage the indicative proposals assumed a much larger area of open space in this location, which had benefits in relation to the impacts on residential amenity. However, earlier iterations of the site layout (at the pre-application stage), which did provide for a larger gap, were discounted on the basis that the scheme did not appear well-related to the existing built form of the village (as required by policy DM42). The large gap would result in the dwellings situated further up the hill appearing divorced and more prominent which would be to the detriment of the village townscape and surrounding landscape. The proposed scheme maintains a small landscape gap but enables the scheme to form a more suitable extension to the village in this location, which would be well-related to the existing built environment.
- 7.12 Turning to the design and appearance of the development, the built form in Halton is varied with a mix of traditional, historic development; 1960s development and more modern development close by on Halton Mills. Buildings within the historic core of the village are predominately a mix of natural stone, render and slate. Buildings are mainly two-storey in scale and articulated by simple, but architecturally intricate, fenestration with a vertical emphasis. Adjoining development (Forgewood Estate) is predominately rendered with a combination of stone and brickwork detailing mainly single storey with box dormers/roof additions. The fenestration and form of development does not possess the same qualities as the historic parts of the village and is typical of its era. Halton Mills is made up of a variety of different building designs and forms – again some features completely at odds with the historic form of the village, such as the three storey dwellings, but the use of slate, render and stone is consistent with the historic core. Officers are also mindful that the adjoining site being promoted by Story Homes will consist of a further style of houses.
- 7.13 The proposed development adopts a contemporary approach to the style and appearance of the proposed residential units. The NPPF (paragraph 60) clearly states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiatives through unsubstantiated requirements to conform to certain development forms and styles. Instead, it is proper to seek to promote or reinforce local distinctiveness. This is reflected in DM35 and DM42 of the DM DPD.
- 7.14 It is considered that Halton's varied architectural styles and building forms actually provides an opportunity to develop a scheme which could be contemporary, innovative and creative – reflective of the 21st century. Places should evolve with time. This is something that the local planning authority at the pre-application stage have not resisted, provided the scheme reflects local distinctiveness. The strong, solid gable elevations, pitched roofs, elevations punctured with simple openings reflecting the verticality in the local vernacular, and the use of traditional materials, are all features which reflect local distinctiveness. Unlike some other schemes, the palette of materials is

quite extensive. In certain situations this can have negative impacts and generally the approach has been to adopt a simple palette. In this case, the applicant has put a lot of thought into the composition of materials used on certain house types and how particular house types sit within the proposed street scenes, resulting in an extensive range of house types overall. Whilst there are a number of materials proposed, each house type is limited to a simple palette of 2-3 different principal materials. The commonality to all house types is the ratio of solid to void in the elevations and the colours and tones of the proposed materials to reflect the rural landscape which the development will sit within. Due to the sites elevated position and views of the site from higher parts of the village (and wider AONB landscape) the roofscape of the development is considered particularly important. The application proposes a mix of natural slate and a brown tile. The latter is not a traditional material used in the village but is accepted on the basis that it works within the composition of the whole scheme – adding variations to the roofscape which reflects the colour and tones of the surrounding landscape.

- 7.15 The scheme also takes some influence from more modern development surrounding the site, including the use of timber-effect cladding and the introduction of dormer windows and some brick to the external elevations. To some house types feature dormer windows and/or projecting window frames are incorporated using a Traspa (or similar) cladding material. The cladding material is coloured to reflect or complement the principal elevation materials. The guttering proposed is bold in appearance but is intended to add interest to the building (forming a feature itself). The guttering is fixed on brackets omitting the need for extensive fascia boards. In the longer distance views, such as from the Conservation Area, the guttering will not be overly prominent. The provision of flues to certain house type is not unacceptable provided the precise colour and finish is conditioned as these features will be more prominent in longer distance views.
- 7.16 From the Conservation Area the plots which are perceived to be the most sensitive due to their visibility from the Conservation Area are plots 36, 37, 38, 39 & 40. The design of the house types for these plots, whilst contemporary reflect traditional proportions and finishes, and are judged sympathetic to the historic environment. If the adjoining site is also developed (17/00165/OUT), it is likely that these views will be obscured slightly. The plots on the top of the proposed site will diminish in views as they are set in (to the east) with large gardens. The hedgerow boundary will remain a dominant landscape feature. It is recognised that the development will be within the setting of designated heritage assets, though it is situated some distance from the site with other intervening development. This elevated position however requires careful consideration to be given to the appearance of the development and the use of materials. The Council's Conservation Officer supports the proposal but recommends conditions are imposed relating to materials and finishes of the dwellings to secure a high-quality form of development in this location. Overall the development is considered compliant with the design and heritage related policies set out within the DM DPD.
- 7.17 To support the contemporary design of the development, the layout provides a relatively wide spine road running through the core of the site with small courtyards and a single cul-de-sac accessed of it. Extensive landscaping and large garden areas complement this layout to provide a relatively low-density development. This creates a sense of openness within the scheme and will enhance the overall public realm of the development. Overall, the approach to the layout, scale and appearance of the development is judged to represent high quality development that would be visually attractive, whilst responding to local character. With the changes in land levels and the extent of landscaping, the proposed development is also judged not to significantly adversely affect the visual amenity of the area or landscape quality. On this basis, the proposed development is considered compliant with the landscape, design and tree-related policies within the Development Plan.
- 7.18 **Impact on Residential Amenity**
As noted earlier, the most significant constraint associated with the proposed site relates to site topography. With this comes the challenges of designing a development which would not lead to significant adverse impacts on residential amenity, for both existing and proposed residents. This was a significant concern to existing residents (mainly those on the Forgewood Estate) at the time when the outline application was being considered.
- 7.19 Reasons for opposition to the proposed scheme (listed at section 5 of this report) in relation to residential amenity relate to the appearance, position and scale of the proposed dwellings along the northern boundary with Forgewood Drive and Forgewood Close and the management and maintenance of the swale and landscape buffer that is proposed in along this boundary.

- 7.20 There are concerns that the dwellings along the boundary with the Forgewood Estate are not bungalows and so the proposed dwellings are higher than what was envisaged at the outline stage (though this was not a consideration at the outline stage and was only indicative), the separation distances are inadequate and that subsequently the development will represent overbearing development which would affect the level of enjoyment and privacy currently enjoyed to neighbouring property (including garden areas).
- 7.21 The proposed dwellings along the northern boundary are predominately split-level dwellings with two floors of accommodation. The house types at the closest interface distance have been design to appear 1.5 storey to the rear with the roofs pitched in an east-west orientation so the roof and eaves anchor to the ground to provide a more gradual stepping up in height. There are some larger units along this row which have gables facing Forgewood Estate and include balcony features but separation distances are generous in these locations even accounting for the differences in levels between the site and neighbouring properties. Due to the sloping nature of the site, the proposed dwellings will inevitably be elevated (as will the garden areas) above neighbouring dwellings and so the perception of overlooking and loss of privacy is an understandable concern and one that has been given careful consideration.
- 7.22 The following table provides a summary of the approximate separation distances between existing dwellings and the proposed dwellings:

Existing dwelling	Plot Number	Approx. Interface distance (Metres)
16 Forgewood Close	60	29
14 Forgewood Close	60 (garage) 59	35 and 32
12 Forgewood Close	59	32
10 Forgewood Close	58	33
8 Forgewood Close	56	32
30 Forgewood Drive	54	43
28 Forgewood Drive	53	40
26 Forgewood Drive	52	53
24 Forgewood Drive	51	60
22 Forgewood Drive	44	27
20 Forgewood Drive	44	28
18 Forgewood Drive	43/42	40
16 Forgewood Drive	42/41	45/50
14 Forgewood Drive	41/40	47/45
12 Forgewood Drive	40	41

- 7.23 All the above interface distances exceed the minimum recommended distance of 21m as set out in the DM DPD. However, regard must be given to the differences in levels between existing and proposed dwellings. The emerging DM DPD (policy DM29) specifies that for every half-metre change in level between proposed properties, a further 1m of separation should be added. This policy cannot carry more than moderate weight in the decision-making process at this stage, but it is a material consideration. Nevertheless, the layout on the whole has adopted this approach. The impact on residential amenity and the extent a proposal appears overbearing is a matter of judgement and can also be influenced by the design and scale of the proposed house types and any intervening structures and landscaping. Whilst the scheme will be elevated above neighbouring properties, on the whole, the development would not result in significant adverse impacts on neighbouring residential amenity. This is a result of the scale of the dwellings, the interface distances proposed and the proposed buffer (containing the swale) and landscaping between them. The only element of the scheme that is currently not judged acceptable is the relationship of plot 60 to property on Forgewood Close. The applicant is reviewing this house type and position to try and improve the relationship between the two dwellings. A verbal update will be provided.
- 7.24 The relationship between the proposed dwellings themselves (within the site) is judged acceptable and on the whole complies with policy DM35. There are some plots where the standard interface would not be met. In these circumstances, the fenestration and internal layout of the plots have been customised to ensure that privacy and overlooking between plots is at a satisfactory level, such as plots 31 and 32.

- 7.25 Each plot has its own on-street parking with generous gardens. North facing gardens towards Forgewood Estate are particularly large. The smaller units within the site have allocated parking within a parking court and benefit from sufficient gardens too. In terms of the proximity of the development to the high-pressure gas pipeline and the overhead transmission lines and pylon, the HSE and National Grid have raised no objections to the development.
- 7.26 Overall and subject to amendments to plot 60, despite concerns to the contrary, the proposed development would not result in a significant adverse impact on residential amenity to warrant a refusal of this reserved matters application.
- 7.27 **Access and connectivity**
The access is proposed off Low Road as per the outline approval. The precise details of such are controlled by condition on the outline permission and are currently subject to consideration. The reserved matters that are the subject of this application would not compromise the ability to secure the access arrangements under the outline consent. Despite concerns to the contrary, the impacts of additional traffic generation from the proposal is not a material consideration in the assessment of this reserved matters application.
- 7.28 As part of the layout considerations of the proposal, the scheme also proposes a number of pedestrian connections between the development site and the surrounding built environment. This includes a connection between the site and Forgewood Drive, a connection to the adjacent development site (Story Homes scheme) and a connection within the open space adjacent to the site entrance to provide a connection to the footpath on Low Road (bottom Low Road). There are no technical specifications of these connections submitted as part of the application but a commitment within the layout to secure them. Officers are in discussions over the details particularly in relation to site levels to ensure such links are achievable. A verbal update will be provided.
- 7.29 The internal road network is a mix of primary and secondary roads/cul-de-sacs. The main spine road is sufficient for two-way traffic and provides footways to both sides of the carriageway. Traffic calming measures are proposed on this carriageway given its length and gradient. Smaller roads are proposed to the courtyards and cul-de-sacs and will be treated in different surfacing materials to differentiate between the road hierarchies and to add interest to the scheme. The Highway Authority have raised no objections to the layout or the dimensions of the carriageways proposed. They have raised concerns over adoption due to surface water drainage proposals. This, unfortunately, is a common theme on many developments. It is not a reason to resist development as road adoptions are covered by separate legislation.
- 7.30 The layout of the scheme demonstrates each dwelling unit will have sufficient parking provision to satisfactorily accord with the Council's parking standards set out in the DM DPD. The adopted standards are maximum standards. For the majority of the proposed house types, particularly the larger units, parking provision is provided at the maximum level but does include the garages as part of the parking allocation (not to all plots). The dimensions for the garage are 6m x 3m. The Highway Authority have raised some concerns over the level of parking. However, given the size of the proposed garages the highway authority's concerns could not sustain an objection.
- 7.31 Cycle parking can be accommodated easily within garages for those plots with garages. There are no details for cycle parking provision for the plots without garages. This will require some external structures within gardens on within the communal areas around the affordable units (located along the eastern boundary). A condition will be imposed to address this matter.
- 7.32 **Compliance with the outline planning permission**
The applicant has submitted a separate discharge of condition application to address pre-commencement conditions. This is still pending consideration. There is no requirement (in statute) for the discharge of condition application to be dealt with, and matters agreed, at the same time or in advance of the decision relating to the reserved matters application. The conditions imposed on the outline permission stipulate the trigger by which details need to be agreed and, in this case, include a number of pre-commencement conditions. What is important at this stage is that proposed layout, scale, appearance and landscaping of the development (herein the reserved matters) should not prejudice the ability for the applicant to comply with the outline conditions. The critical conditions where this is relevant relates to drainage, landscape, trees and ecology mitigation.

7.33 Drainage and Flooding

The vast majority of the public representations made to this application referred to the impacts of the development and flood risk. This is particularly understandable following the recent flood event of November 2017 where properties close to the application site suffered flooding. It is the conditions imposed on the outline planning permission that govern the acceptability (or otherwise) of the proposed drainage strategy (not this application for reserved matters approval). However, the layout of the scheme still needs to be able to respond to the site wide drainage strategy (as submitted or amended). For the purposes of the assessment of this application, the latest drainage strategy (version 3) indicates that the development will connect to the existing foul sewers on Forgewood Drive and Forgewood Close. The applicant has undertaken percolation tests to establish the prospects for infiltration and the use of soakaways within the development. The proposed drainage strategy indicates that soakaways will be designed to accommodate the 1 in 100 year rainfall event plus a 40% allowance for climate change and that these are suitable for most plots. Clarification is currently being sought in respect of the plots where soakaways are judged inappropriate. The highway network is designed to drain to the detention basin. The depth of water expected in the infiltration basin for a 1 in 100 year event plus 40% climate change allowance is 0.725m. The majority of the time the basin will be a dry basin and will form part of the sites public open space and landscaped areas. There are no proposals to make a surface water drainage connection to the existing surface water drainage network. To date, United Utilities have not raised an objection to the proposals but the Lead Local Flood Authority (LLFA) have, mainly in relation to exceedance flows off-site.

7.34 The applicant has provided a response to the LLFA in relation to the exceedance routes but the LLFA remain concerned. The applicant is in the process of addressing these concerns. At this reserved matters stage, the main test is for the council to be satisfied that the layout of the scheme does not compromise the ability to accommodate changes to the drainage strategy that may be required by the LLFA to ensure the development can adequately drain without being at risk of flooding or increase the risk of flooding off-site. A verbal update can be provided on this matter.

7.35 Ecology and Landscape

A Landscape and Ecology Management Plan sets out the required mitigation for the proposed development. In short this includes the protection of retained landscape features (boundary hedgerows and trees). This is also conveyed in the tree survey and arboricultural report, for which there are no objections from the Tree Protection Officer; requirements to avoid any vegetation clearance during bird nesting season; the requirement for an additional badger survey 3 months in advance of commencement; the provision of a construction management plan to prevent pollution of existing habitats, and; habitat creation and enhancement. The provision of the buffers to the southern and eastern boundaries have been discussed most extensively and this has the potential to affect the layout. The hedgerow to the eastern boundary is accepted by GMEU as an adequate buffer, whilst the southern end of the site has been questioned. The applicant has responded to this and we are awaiting comments from GMEU. A verbal update will be provided but it appears from the comments made by GMEU that some minor adjustments to the garden boundaries (which can be accommodated due to the low-density development in the affect location) can be dealt with through an amended plan before Members reach a decision on the application.

7.36 Other Considerations and use of conditions

To safeguard the unique design qualities of the scheme, which responds to the visual amenity of the area and landscape character, together with the sensitive relationship to neighbouring residential amenity, Officers are of the opinion that there are exceptional reasons why the removal of permitted development rights should be imposed by condition should Members support the proposal. This would not remove the ability for future homeowners to apply for planning permission, but that the impacts of such permitted development would need to be carefully assessed due to the potential harm to the visual and residential amenity.

7.37 Conditions are also considered necessary to secure the high-quality finish to the scheme. This includes final agreement of materials and stonework detailing, window specifications and construction details for the cladded feature windows and dormers, details of all pedestrian connections and the provision of such before occupation (or alternative phased timetable), details of any proposed gateway entrance feature to the highway, precise boundary details and the implementation of all the proposed landscaping (and phasing).

7.38 With regards to the maintenance of open space and the swale to the rear of properties on Forgewood Estate, this will form part of the developments open space and therefore under the planning obligation would need to be maintained. This would be through a site management company like most new developments in the district (and national wide). The swale is approximately 5m wide and will be landscaped. Early proposals suggested a path running along this landscape buffer/swale however for security reasons this was not promoted. Access to the proposed swale/landscape buffer is intended to be restricted at both ends.

8.0 Planning Obligations

8.1 The outline planning permission was subject to a legal agreement securing the following:

- Up to 40% provision of affordable housing (percentage, tenure, size, type to be agreed at Reserved Matters stage subject to viability);
- Open space land to be identified at the Reserved Matters Stage;
- Education contribution – the figure to be calculated upon the approval of reserved matters and to be paid before the occupation of the 20th market dwelling; and,
- Maintenance of Open Space through the setting up of a private management company.

8.2 Affordable Housing

The applicant had submitted a viability appraisal to the local planning authority under the terms of the outline permission (and associated obligation) setting out that the site's abnormal costs adversely affect development viability and initially offered 2 affordable dwellings. The Council appointed an independent consultant to review the applicant's appraisal. After lengthy negotiations, the agreed position (assuming there is an education contribution – see below) is that the development can only viably deliver a provision equivalent to 11.67% (7 affordable housing units) of the total dwellings proposed. Whilst this provision is low, on the advice of our consultant it is reasonable given the extent of abnormal costs – most significantly the removal of cut earth from the site (along with other abnormal costs too). The layout accommodates this agreed level of provision with 4no. 1 bedroom rented units and 3no. 2 bedroom shared ownership units.

8.3 Education

The County Council's School's Planning Team have provided regular assessments. The latest position indicates that there is no requirement to provide an education contribution based on their adopted methodology which indicates there will be sufficient school places available. This is subject to pending applications, and therefore the Schools Planning Team would undertake a final assessment in accordance with the terms of the legal agreement upon approval of the reserved matters application. In the event that an Education Contribution is not required, officers have negotiated an additional 3no. 3 bedroom shared ownership units bringing the total provision to 16.67% (ten affordable units) comprising 4no. 1 bedroom apartments, 3no. 2-bedroom shared ownership units and 3no. 3-bedroom shared ownership units. A revised layout is being drafted to reflect this agreed scenario.

8.4 Open Space

There are extensive areas of open space designed into the proposed development. Such will exceed the requirements for amenity space within our Open Space Planning Advisory Document. However, its functionality as a kick about space is clearly constrained by the shape and topography of the site, together with its proximity to existing and proposed dwellings. Furthermore the location of the open space is on the edges of the development rather than positioned centrally within the proposed built form. Officers are awaiting formal comments from the Public Realm Officer in respect of the acceptability (or otherwise) of the detention basin forming part of the formal open space and the quality of the overall provision. Due to the nature of the site and access to good quality open space within the village, and the fact the areas of open space are proposed to be well landscaped offering a community orchard as part of the proposal, the proposal level and quality of open space is not, on balance, considered unacceptable. A verbal update will be provided.

9.0 Conclusions

9.1 The development of the proposed site is certainly one with significant challenges but also one that has provided an opportunity to deliver a well-planned, innovate and interesting scheme. Subject to the outstanding matters being adequately resolved in advance of the planning committee, the scale,

layout, appearance and landscaping of the development (herein reserved matters) are considered acceptable and would not conflict with policies in the Development Plan or the Framework. With regards to the Core Principles of the NPPF, the proposed scheme does represent high quality design and provides good standards of amenity for all existing and future occupants; it has taken account of the landscape character through extensive proposals to reduce the impacts of the proposal by re-grading the land and significant new planting and; through the proposed house type designs has responded innovatively to local distinctiveness of the existing built and historic environment. On this basis, Members are recommended to support this reserved matters application.

Recommendation

Subject to resolving the outstanding matters noted in the report, that Approval of Reserved Matters **BE GRANTED** subject to the following conditions:

1. Time limit for reserved matters
2. Development to be constructed in accordance with approved plans (list of drawings)
Details to be agreed before construction of the super structures
3. Notwithstanding the details submitted, precise details of the boundary treatments forming the plot enclosures and raised garden patios to be submitted and agreed in writing with the LPA
4. Scheme for the pedestrian connections to be provided and agreed with the LPA including phased timetable for implementation. Such connections shall be retained at all times.
5. Scheme for any gateway features to the site entrance and agreed with the LPA
6. Notwithstanding the details submitted, final materials of the external finished to the dwellings, including the flue details and external surfaces, to be agreed and sample panels of the stonework/brickwork render detailing to be agreed with the LPA.
7. Precise construction details and external finishes of the windows/doors/dormers/feature windows/curtain glazing/junctions between materials are submitted and agreed with the LPA.
8. Details of the location, size and finish of external cycle storage for plots without garages to be agreed and implemented before occupation of respective dwellings.
9. Development to be carried out in accordance with the Landscape Strategy and Proposals Plan (as amended) and thereafter maintained in accordance with the Landscape and Ecology Management Plan, phasing of landscaping scheme to be agreed before construction of superstructures
10. Precise landscaping of the Swale to be agreed with the LPA.
Control conditions
11. Development to be carried out in accordance with the amended AIA and AMS
12. Retention of existing hedgerow to western boundary
13. Parking to be provided in accordance with the site layout plan and provided before occupation and thereafter retained.
14. Internal highway to be constructed in accordance with submitted highway plans
15. Garages to be retained for the parking of vehicles only for specific plots
16. Removal of PD (extensions, roof additions, outbuildings)
17. No insertion of new, altered windows/doors
18. Removal of PD relating to fences, gates and means of enclosures
19. Removal of PD relating to the formation of hardstanding

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

In accordance with the above legislation, the City Council can confirm the following:

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None