

Agenda Item	A6
Application Number	20/01072/REM
Proposal	Reserved matters applications for the erection of 15 dwellings
Application site	Land South East Of Church Bank, Church Bank, Over Kellet, Lancashire
Applicant	Fellside Land Developments
Agent	HPA Chartered Architects
Case Officer	Mr Adam Ford
Departure	No
Summary of Recommendation	Approval (subject to the submission of a revised landscaping and layout plan)

1.0 Application Site and Setting

- 1.1 The proposed development is located to the south of the village of Over-Kellet, with the site accessed from Greenways. The application site comprises undeveloped pastureland and amounts to a site area of approximately 0.6 hectares. There are no buildings within the site, but the site is bound by hedgerows to the northwest whilst further north lie the properties on Greenways. A mature pond lies adjacent to the site and to the east the land rises steeply and contains a combination of Craggs and Woodland. The development site rises gradually from the west towards to the east, however the highest part of the site is within the southwest corner of the site at approximately 86.5 metres Above Ordnance Datum (AOD). Further south lies agricultural land and undeveloped fields.
- 1.2 To the north-west of the site lie the existing residential properties on Church Bank, with their rear gardens abutting the application site's boundary, to the north is Greenways which is a residential road with a mix of semi-detached and detached properties. The steeply rising land to the east is populated with trees along its ridge and incorporates a limestone pavement and craggs being evident also.
- 1.3 Although the application site is not within a protected landscape, it does lie adjacent to the Over Kellet Pond which is a Biological Heritage Site (BHS) and the Kirk House Craggs (to the east of the site) benefit from being a Regionally Important Geological Site (RIGS) and are also a Biological Heritage Site. The Kirk House Craggs also benefit from a Limestone Pavement Order (LPO). The nearest SSSI is Morecambe Bay which is approximately 5km to the west (which is also RAMSAR, SPA and SAC protected). Footpath 12 passes the north-western fringe of the application site and Footpath 13 is located 50 metres to the south of the proposal. St Cuthbert's Church which is Grade II* listed is located 180 metres to the southwest of the site, with Kirkhouse (also Grade II Listed) being located 140 metres to the south of the site.
- 1.4 The majority of the site is included within a Mineral Safeguard Zone (Limestone). In terms of nearby Tree Preservation Orders, TPO 391/2006 lies to the north west of the site and relates to the land to the rear of 14 Church Bank. In addition, the two TPO belts lie adjacent to the site with TPO 134/1998 relating to trees within the Craggs and TPO 581/2016 relating to trees located to the south of the

site. In addition the access track which leads from Church Bank to the adjacent farmland is also subject to a recent TPO pursuant to 682/2020.

2.0 Proposal

2.1 This reserved matters application seeks approval for the layout, scale, appearance and landscaping with respect to 15 residential properties, following the granting of outline permission under 16/01572/OUT.

2.2 It should also be noted that although this application for reserved matters relates to 16/01572/OUT, the same developer is also proposing a further 7 units under application 20/01073/FUL within the same site as the original outline application site. This means that in total, 22 units are proposed but this *current* application is only able to consider the reserved matters insofar as they relate to the 15 units demonstrated on the submitted plans.

2.3 The 15 units as proposed comprise the following mix:

- 5 x 4 bed units (types A and B)
- 4 x 3 bed units (types C and D)
- 4 x 2 bed units (type E)
- 2 x 1 bed flat (type F)

Of these 15 dwellings, 4 are offered as affordable units as demonstrated by the hatched blue properties on the submitted layout plan. For clarity, the offered affordable units comprise 2 x type E (2 beds) and 2 x type F (1 bed flat). Each open market property is provided with dedicated off road parking in accordance with the maximum standards as set out within Appendix E of the Development Management DPD. The affordable units benefit from a shared parking area which can accommodate 7 cars whereas appendix E of the DM DPD requires the 4 affordable units (total of 6 bedrooms) to provide 6 spaces; a surplus of 1 space.

2.4 The 15 properties all benefit from private amenity space which generally comprises grassed rear gardens with a small amount of patio also provided. Externally, the properties will be finished with a mix of the following materials:

- Ivory K render
- Grey gutters and fascia boards
- Cast stone window detailing and heads
- Reconstituted stone plinths

In addition, although the submitted elevational drawings initially showed the roofs as being finished in concrete tiles, the applicant has agreed that natural slate will be utilised, and the associated viability appraisal undertaken on behalf of the LPA has factored this design cost in. Natural slate is reflected on the amended elevation plans.

2.5 As demonstrated on the submitted layout and landscaping plans, public open space amounting to approximately 750sqm is proposed as part of the reserved matters application. At the time of granting outline permission, it should be noted that a condition was imposed requiring any reserved matters to incorporate an ecological buffer zone adjacent to the off-site pond. The submitted application includes this buffer zone but refers to the area as being public open space. Public access would not be possible to the buffer zone as it would be enclosed by a 1.1m stock proof fence.

2.6 Since the initial submission, the layout has been amended so that the dwellings relate to their context in a more organic way and do not appear as a rigid urban development. This has been achieved through introducing a curvature to the main spine road whilst also re-orientating a number of the dwellings so that they interact with the site and surroundings in a more harmonious manner.

2.7 In addition to this current application, it should also be noted that a formal application to discharge the conditions (21/00063/DIS) imposed upon the outline permission has also been submitted for consideration. These details are not strictly relevant to the determination of the current reserved matters, but officers remain in negotiation with the applicant to secure acceptable and policy

compliant details insofar as the discharge of condition application allows. It is important, however, to ensure the details are compatible and do not result in a permission that is incapable of being implemented.

2.8 Finally, as noted above, a full planning application has been made for the development of 7 dwellings within the boundary of the site subject to the outline planning permission. This site is in the same ownership and the dwellings are proposed as part of a wider, holistic, approach to developing the application site. Naturally, the inter-relationship between the reserved matters and full applications have been considered by statutory consultees and have also been taken into account in considering issues of development viability and deliverability. Accordingly, the full application is similarly reported to this Committee so as to provide the opportunity to consider the wider scheme holistically, noting the important implications with respect to viability.

3.0 Site History

Application Number	Proposal	Decision
16/00934/OUT	Outline application for the erection of 15 dwellings and creation of a new access.	Withdrawn.
16/01572/OUT	Outline application for the erection of up to 15 dwellings and creation of a new access	Approved
20/01073/FUL	Erection of 7 dwellings and associated access road	Pending Consideration
20/01220/VCN	Outline application for the erection of up to 15 dwellings and creation of a new access (pursuant to the variation of condition 2 on approved application 16/01572/OUT to amend the red edge of the approved location plan).	Pending Consideration

4.0 Consultation Responses

4.1 With respect to the reserved matters application, the following responses have been received from statutory and internal consultees:

Consultee	Response
County Highways	No objection to the proposal subject to a number of conditions (please note however that given the conditions imposed on the outline permission, a number of the recommended conditions requested by the Highway Authority need not be imposed).
LCC Conservation Officer	No comments to make
LCC Planning Policy	No objection offered but advice provided with respect to housing mix and internal sizing of the proposed affordable units.
Natural England	No objection to the proposal
Lancashire Constabulary	No objection to proposal and standard advice issued with respect to crime reduction
Public Realm	Based on 15 dwellings, on site amenity space should equate to 227sqm with a maximum off site financial contribution towards Public Open Space of £30,007.32: <ul style="list-style-type: none"> • £20,291.04 towards natural and semi natural green space • £2,496.12 towards amenity green space • £7,220.16 towards refurbishment of local community play space
Lancashire Wildlife Trust	Objection to application due to lack of information and perceived risk to adjacent pond. Objection refers to pollution risk, lighting and vehicle movements, public

	disturbance, poor ecological management, impact on Great Crested Newts & impact on Limestone outcrop.
Environment Agency	Objection to proposal on drainage grounds (however, it should be noted that this is an issue which is addressed via the relevant conditions imposed on the outline permission)
CSTEP	Comments received Submitted employment and skills plan is not acceptable due to lack of measurable content
Parish Council	Detailed objection to the proposal which refers to lack of information, drainage concerns, ecological harm, unsafe vehicular access, lack of affordable housing and inaccurate plans.
United Utilities	No objection to proposal (comments relate to the associated discharge of conditions application rather than the reserved matters)
Waste and Recycling	No comments provided
LCC Tree Officer	No comments provided
Greater Manchester Ecology Unit	Proposed landscaping and ecological buffer is acceptable and no objection raised (Principal matters of ecology are addressed through the outline and associated condition application in any event)
Geo-Lancashire	No comments provided
Environmental Health	No objection subject to conditions
Fire safety officer	No comments provided
RSPB	No comments provided
Ramblers Association	No comments provided
Public Rights of Way	No comments provided

4.2 In total, 42 objections from members of the public have been submitted in response to this application and a summary of the issues raised is set out below.

- Scheme will generate too much traffic and results in unsafe access
- There is no need for more housing in the area
- Existing drainage infrastructure would be overwhelmed
- Loss of open space
- Lack of privacy for new and existing units
- Development is harmful to local ecology
- The scheme will cause increased flood risk
- Application is not consistent with the outline approval
- Scheme is harmful to local character
- Car collisions are likely to occur
- Without 40% affordable housing, scheme is not acceptable
- Over Kellet is not appropriate for more housing
- The site should be preserved for agriculture only
- The village does not have adequate amenities to support more housing
- Children will be at risk of pollution
- The site is too cramped and the dwellings are not well spaced out
- The scheme destroys local views enjoyed by residents
- Noise and disruption would be unacceptable
- If approved, a valuable area of recreation will be lost
- Lack of public transport provision would increase car reliance

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- The principle of development
- Layout

- Scale and appearance
- Landscaping
- Heritage matters
- Relationship with planning application 20/01073/FUL
- Compliance with outline planning permission

5.2 **Principle of Development SPLA DPD Policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, Development Management DPD Policies DM1: New residential development and meeting housing needs, DM2: Housing standards, DM3: Delivery of Affordable Housing and National Planning Policy Framework Sections 2, 5, 11, 12**

5.2.1 As noted earlier in this report, the site benefits from an extant outline planning permission (16/01572/OUT) which granted consent for up to 15 dwellings. This application for reserved matters seeks to agree the layout, scale, appearance and landscaping of the site. It does not, and cannot test the principle of development again. In addition, since the outline permission was granted, a new development plan has been adopted and this confirms, via the settlement hierarchy in policy SP2 of the SPLA DPD that Over Kellet is deemed to be a sustainable rural settlement with the ability to accommodate additional housing.

5.2.2 It is, however noted that a small portion of the site's eastern boundary lies in area designated under policy SC2 as a local green space. This policy confirms that such areas will be protected from development owing to their importance and rich value. However, in this instance, it must be noted that the designation under policy SC2 was made after the grant of outline planning permission. Accordingly, a pragmatic approach must be taken in considering the weight to be attributed to the protection afforded by this policy. In doing this, given the location of the site's proposed ecological buffer zone and the lack of over development in this north-eastern corner, a significant conflict with policy SC2 has not been identified. Furthermore, given that the allocation was made after the granting of the outline permission, it would be somewhat unreasonable to now cite this as a major constraint to a development that can, for the most part, be delivered without offending the policy.

5.2.3 With respect to housing standards, policy DM2 requires all new dwellings (market and affordable) to meet the nationally described space standards and for at least 20% of all housing to meet the building regulations requirement M4(2) category. In this instance, of the 15 units proposed on site they are all capable of meeting or exceeding the internal gross internal floor space prescribed by the NDSS with the exception of house type F. House type F (plots 11 and 12) are one-bedroom flats that are intended to function as affordable units. The NDSS would require these units to meet or exceed 50sqm. However, as proposed they are 48.6sqm. This represents a conflict with policy DM2 but given the deficiency is less than 1.5sqm, this is not judged to represent a significant conflict that would warrant the scheme being recommended for refusal. Ultimately, it poses a potential risk that an affordable housing provider may not be prepared to take on the units but this is understood by the applicant.

5.2.4 From a housing mix perspective, insofar as it relates to *open market dwellings*, policy DM1 (which is underpinned by the evidence included within the 2018 Strategic Housing Market Assessment) confirms that across major developments an appropriate mix of dwelling types / sizes should be delivered. The below table demonstrates how this reserved matters application in isolation and in conjunction with the associated full application perform against the indicative housing mix shown in table 4.1 of the DM DPD:

Property type	DM1 Requirement (%)	Reserved matters (%)	Reserved matters and full application (%)
1 bed house / flats	10%	0 (0%)	0 (0%)
2 bed house	20%	2 (18%)	2 (11%)
3 bed house	35%	4 (36%)	10 (55%)
4+ bed house	25%	5 (45%)	6 (33%)
bungalows	10%	0 (0%)	0 (0%)
TOTALS	100%	11 (100%)	18 (100%)

Although the above analysis does not include the affordable units (owing to viability discussions), it demonstrates that the proposed mix across the scheme is broadly consistent with the mix of properties advocated by DM1. Whilst there is a skewed preference towards 3 bed properties, given the site's context and location, this is not uncommon. Furthermore, although the scheme does not represent a strict compliance with the mix suggested by DM1, this alone would not be sufficient to recommend refusal of the scheme given the district's lack of a 5 year housing supply.

To clarify the position on the affordable housing position, at the time of granting outline permission for 15 units, the associated S106 agreement required an affordable housing scheme (40% provision) to be submitted to and approved in writing. Due to the applicant submitting a proposal for a further 7 units, the schemes are to be aggregated and the LPA would thus expect 40% across the 22 units; thereby equating to 9 affordable units. However, the applicant claims that due to viability issues, across the full 22 units only 4 affordable units can be delivered; a position that the LPA's viability consultant disagrees with. The reserved matters application however cannot be refused on this basis because the provision of affordable housing is not a reserved matter. Therefore, the scheme (insofar as it relates to the reserved matters) is recommended for approval subject to amended plans pertaining to layout/landscape. To comply with the S106 agreement, the applicant will still need to submit an affordable housing scheme that is acceptable to the LPA at a later date; until this is done and agreed, development cannot commence on site in any event.

5.2.5 In terms of meeting M4(2), the submitted plans demonstrate that at least 20% of the units have adequate internal space for potential adaptations and amendments should they be required at a later stage. The proposed elevations do however show that the front doors to the properties are served by very minor, shallow ramps (up to 15cm) and they are not therefore strictly 'level' with the driveway. However, given the minor nature of the gradient access into the units via a wheelchair is still likely to be possible. A condition could, however, be imposed that requires details of the gradients to be submitted to and approved in writing prior to being installed.

5.2.6 Overall, given the site's existing outline planning permission and the above discussion, the principle of residential development in this location is considered acceptable and can be supported.

5.3 **Layout of the development: Development Management DPD Policy DM27: Open space and facilities, DM29: Key Design Principles. NPPF sections 2 and 15.**

5.3.1 As confirmed above, outline planning permission has been granted previously but the 'layout' of the development is to be considered under this reserved matters application. The layout of a development is defined as being the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

5.3.2 The site is served by a main spine road with a width of 5.5m although this narrows on the eastern boundary to 3.5m to allow for a pedestrian crossing. In addition, a 2.0m footpath runs through the site and allows for a connection to Greenways. The pending discharge of condition application also proposes a footpath connection to the west of the site so that the development site ties in with the locality's existing provision of footpath links. These details have been reviewed by the LPA and the Highway Authority and are judged to be acceptable subject to some minor adjustments. The proposed spine road has been adjusted since the initial submission from a rigid straight line to a slight curve. This reflects the pattern of development to the north of the site and it also prevents the scheme from appearing as a harsh urban extension.

5.3.3 As illustrated on the submitted layout plan, although 22 units are proposed in total, the 15 dwellings proposed under this reserved matters application have been positioned so that they are well spaced and do not appear as being cramped or contrived. This is achieved through plots 1 and 22 being set back away from the site's main entrance to allow for a landscaped gateway into the site. This spacing creates a buffer between the proposed development and the existing development on Greenways and in doing so, the scheme does not simply appear as a basic elongation of the established development already in situ.

5.3.4 In conjunction with paragraph 130 of the revised NPPF, policy DM29 seeks to ensure developments are well designed with a high level of amenity incorporated into proposed layouts. The scheme in question has been designed to ensure that appropriate separation distances are secured and in

general, garden provisions are in accordance with the standards set by policy DM29 of the DM DPD. Due to plots 15 – 21 being proposed by the associated FUL application, the separation distances between these units are not considered here. However, in terms of the development proposed by the reserved matters application, the submitted layout plan illustrates that between the front elevations of plots 10/09 to 11/12/13/14 there is a separation of at least 24m and between the front of plot 01/02 to plot 22 there is a distance of 21m. These separation distances are acceptable in terms of the impact on amenity for potential site occupiers.

- 5.3.5 The outline permission requires site levels to be agreed via the relevant condition and policy DM29 further clarifies that for every additional 0.5m difference in ground level, a further 1m in separation distance should be secured. The application site is, it must be noted, at a higher level than the adjacent development to the north. However, the separation distance between the rear elevations of the proposed units and those on Church Bank is between 30.1m and 26.4m. Given the difference in site levels across the site, although the units will be visible, they are not judged to be at a distance which would be detrimental to existing levels of amenity in terms of overlooking or loss of privacy.
- 5.3.6 With regards to private amenity space, the recent Covid-19 pandemic has highlighted how crucial access to private, outside space can be; and could continue to be in should the pandemic continue or worsen. Policy DM29 of the DM DPD provides that new houses should be provided with at least 50sqm of usable garden space that is not overlooked with a *minimum depth of at least 10m (our emphasis)*. Small north facing gardens should also be avoided. The submitted layout plan indicates that the vast majority of the proposed gardens are suitably compliant with this requirement. It is noted that plot 1 relies on a side garden to deliver the required amount of space but given the curvature of the spine road as required by the LPA, this is deemed acceptable. In addition, the gardens to plots 11/12/13 and 14 are noticeably smaller than the open market units. However, they have been designed with a minimum 10m depth and the annotations on the site plan illustrate that they exceed 50sqm as required by policy DM29. Furthermore, given the outlook these gardens have across the crags and undeveloped land, the fact they are slightly smaller than Officers would like to see is not a significant weight against the scheme by any means.
- 5.3.7 In terms of the layout (but also relevant to landscaping), it is important to consider the proposed open space within the development as this allows residents a further outlet for recreation and relaxation. Given the provisions of the outline permission, the submitted layout plan includes an ecological buffer zone to the east of the site. This will be enclosed by stock proof fencing and will not therefore feature as conventional open space; although its basic presence does contribute towards a pleasant, open setting for the site. Ultimately, two areas of accessible public open space are provided by the development and these are shown to the north east of the site (121sqm) and to the west of the site (627sqm). This provision exceeds the minimum amount of open space required for 15 units, but Members should bear in mind that the open space provided has been designed to account for 22 units as opposed to just 15.
- 5.3.8 The open space provided is basic amenity grass which will be used by residents of Over Kellet. The smaller area to the northeast is not likely to be used for ball games but it is large enough to be enjoyed and used for sitting, reading and other such activities. The area to the west of the site is larger and would likely be utilised for ball games and general play. Details of the open space maintenance and management are required under the outline permission but given the levels of the site, it must be noted that the POS area of 627sqm includes the existing Limestone outcrop. This has steep sides and is not particularly 'useable' in the way POS would typically be. However, given the comments from the Wildlife Trust (and the condition imposed at outline), the LPA would prefer to retain this feature within the development. By retaining it, the scheme's bespoke character is enhanced, and it also helps to denote the development's boundary.
- 5.3.9 Finally, with respect to the layout, as councillors will note from the submitted layout plan, the southern segment of the wider site is essentially removed from the original outline plan and is subject to a full application for 7 further dwellings; with said application recommended for refusal due to viability concerns. However, this means that if the current reserved matters application is approved, there will essentially be a 'void' within the site's layout. The submitted plans do not illustrate what will happen to the land in the event that the 15 units proposed here are approved and the additional 7 are refused. Ultimately, if the land were to be included as landscaping, it would not result in an adverse impact or a policy conflict with respect to the layout as it would simply be open space. Accordingly, Officers have advised the applicant that this application is recommended for approval

subject to an amended landscaping plan being submitted so that the area currently 'removed' from the site can be appropriately controlled. A formal response to this approach is awaited and a verbal update will be offered at committee accordingly.

5.4 **Scale and Appearance of the development: Development Management DPD Policy DM29: Key design principles; DM30: sustainable design; NPPF section 12**

5.4.1 In conjunction with the NPPF, policy DM29 seeks to secure developments that contribute positively towards the identity and character of the areas in which they are proposed. Good design should respond to local distinctiveness and in locations such as Over Kellet, a focus on an appropriate palate of materials will be important. The revised NPPF also places an increased focus on good design through advocating 'beautiful' buildings and places to reside.

5.4.2 In this instance, the scheme does not propose any single storey units and all 15 units in question are to be two storeys in their scale. In terms of the dwelling heights, house type A for example, which is visible upon entering the site, has a ridge height of 7.9m with eaves of 4.9m. This is not considered to be excessively large or inappropriately scaled for the site given the prevailing context and existing development. All other dwelling types are of a similar scale and whilst there are some small deviations in terms of roof height, this allows for a varied form of development, and it prevents the scheme from appearing as monotonous and uninspiring.

5.4.3 Given the site's prominence and the long views which are possible from Nether Kellet Road, Officers consider that the use of high-quality materials throughout this development are important. Initially, as members will note, the original plans proposed concrete roof tiles and reconstituted stone on the front of certain plots. It is also proposed to use render throughout the development. Although the viability claims made by the applicant are noted, it is felt that the roofscape here, given the relationship with the open countryside is visually important. As such, amended plans have been submitted which show the roofs as being constructed of natural slate. The use of render in conjunction with natural slate and re-constituted stone is deemed acceptable given the prevalence of rendered properties on both Church Bank and Greenways. This allows for the development to retain its own character and identity whilst respecting the local characteristics and prevailing landscape.

5.4.4 With the exception of plots 11-14, each dwelling has a 900mm high stone wall to its frontage and this further serves to create a sense of local character and also introduces pleasant visual features that help to frame the development. Although the submitted street scene drawing has now been superseded, it serves to demonstrate that the proposed use of materials and external finishes are able to complement each other and that they have been utilised in such a way so as to deliver a degree of consistency throughout the development.

5.4.5 Prior to their use on site, details and samples of the proposed slates, stone and render will need to be agreed but this is a matter which can be adequately controlled via a suitably worded planning condition.

5.5 **Landscaping DM DPD Policy DM46: Development and Landscape Impact; NPPF section 15**

5.5.1 With respect to reserved matters applications, landscaping is defined as being the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

5.5.2 A number of these elements have been discussed already throughout this report and following the revised scheme layout, an updated landscaping plan has been provided to take into account the alterations to the plot layouts. Crucially however, new planting (with approximate amounts) will be secured in the following locations:

- POS area of 121sqm: 6 native trees planted
- POS area of 627smq: 13 native trees planted
- Ecological buffer zone: 13 native trees planted subject to compatibility with drainage basin

- Rear gardens of properties: mixture of new shrubs and trees
- Front gardens: mixture of new trees planted

5.5.3 To ensure that any landscaping as may be proposed is compatible and indeed appropriate for the site's ecological buffer zone, formal comments on the revised landscaping plan from the LPA's Ecological advisor have been sought. These comments, dated 25th August 2021 confirm that GMEU wish to raise no objection to the proposed landscaping and that it is suitable for the ecological buffer.

5.5.4 In terms of general boundary treatments, the ecological buffer zone will be enclosed by a 1.1m high stock proof fence. The properties to the south of the scheme will be separated by 1.8m feather boarded fencing whilst their rear boundary treatment will comprise of a 1.1m stock proof fence in conjunction with a native hedgerow. The properties to the north of the site however will still be separated by a 1.8m feather boarded fence but their rear boundary only comprises a native hedge. It is also noted that a new masonry retaining wall is indicated as being installed to the rear of properties 1-7. No details pertaining to this have been provided and as such it will need to be controlled via a condition to ensure it is compatible with the proposed layout and landscaping.

5.5.5 In addition, although not strictly required for the purposes of the reserved matters application, the associated DIS application confirms that in order to facilitate the development, there is no need to remove or fell any existing trees within or adjacent to the site. A tree protection plan has been provided and this confirms that fencing will be installed along the northern boundary to preserve existing off-site trees. Protective fencing will also be installed around the perimeter of the site to protect mature trees to the south and the group of trees to the east.

5.6 **Heritage Matters DM DPD Policy DM37: Development Affecting Listed Buildings; DM DPD Policy DM39: The setting of heritage assets. SPLA DPD Policy SP7: Maintaining Lancaster's unique heritage. NPPF section 16.**

5.6.1 Although this application does not propose any alterations to a Listed Building or any other Heritage Asset, St Cuthbert's Church which is Grade II* listed is located 180 metres to the southwest of the site, with Kirkhouse (also Grade II Listed) being located 140 metres to the south of the site. The setting of these listed buildings must therefore be considered as part of this application. Given the degree of separation and the scheme's use of soft landscaping with appropriate materials, the LPA's Conservation Officer has raised no concerns with respect to the impact of the development upon the aforementioned heritage assets.

5.6.2 Accordingly, Officers are satisfied that the development as proposed does not adversely impact upon the setting of St Cuthbert's Church or Kirkhouse.

5.7 **Relationship with planning application 20/01073/FUL (7 dwellings)**

5.7.1 As noted, whilst this current application for reserved matters relates to 15 units, a further application within the original site boundary (as per the outline permission) has been submitted for an additional 7 units. This brings the total number of proposed dwellings to 22.

5.7.2 This has implications for the way in which the current reserved matters are considered because the two schemes need to be assessed holistically as one development given that they share the same access road and will rely on the same surface water drainage infrastructure. Ultimately, the 7 units proposed by the FUL application (plots 15-21) occupy a 'cut out' of the southern segment of the site. As members will note, due to the interrelated nature of the schemes, the viability claim submitted by the applicant relates to all 22 dwellings and the proposals must therefore be considered on an aggregate basis. Having sought external input with respect to the viability appraisal submitted by the applicant, it would appear that across the 22 units it is viable to deliver a policy compliant amount of affordable housing, ie 40%.

5.7.3 This means that the 15 units proposed should deliver 6 affordable units and the scheme for 7 should provide 3; therefore securing 9 affordable homes across both sites. However, due to the scheme for 7 offering no affordable units, the application is recommended for refusal. Therefore, if the current application for the reserved matters is approved, the area of the site which relates to plots 15-21 will be undeveloped and remain as open space. In such a circumstance, a bespoke planning condition

would need to be imposed upon the reserved matters application requiring the submission of a landscaping scheme (and its maintenance) to be submitted prior to occupation to ensure that a satisfactory scheme was delivered. In terms of the impact upon how this relates to landscaping (and by default layout), please refer to paragraph 5.3.9.

5.8 **Compliance with the site's outline planning permission**

- 5.8.1 As noted at several junctures within this report, this is a reserved matters application following the granting of outline planning permission. It is noted that a significant number of public comments refer to drainage and ecology but these are not matters that are strictly relevant to the current application because such matters are being addressed under the associated discharge of condition application.
- 5.8.2 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 here relate to site drainage and ecology.
- 5.8.3 How the site will be drained and not increase the risk of flooding has previously, and still remains, a concern to the community (noted in the public representations). This is particularly understandable following recent flood events. 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 consent). However, the layout of the scheme still needs to be able to respond to the site wide drainage strategy (as submitted or amended). The layout and scale of the development ensures the site can accommodate any such requirements and should be noted that following detailed comments offered by both the Lead local Flood Authority and the Environment Agency, revised drainage details have been submitted under 21/00063/DIS. However, further comments from these two consultees is yet to be received. However, given the submitted information in response to the initial comments, there are no indications that the principle of the drainage strategy (i.e. the use of soakaways and provision of and the location of an attenuation basin) is unacceptable, and therefore Officers are confident that the proposed layout would not prejudice the ability for the developer to comply with the drainage conditions.
- 5.8.4 With respect to ecology, the significant concern raised pertaining to the Over Kellet Pond is duly noted. However, with respect to the site's drainage / water quality, the Council's ecology advisors (Greater Manchester Ecology Unit) are satisfied with the details submitted under 21/00063/DIS. The landscaping as proposed within the buffer zone has also been reviewed by GMEU who have confirmed it is suitable and acceptable with respect to the potential impact upon the pond and its supported species. The management of the area is yet to be agreed but this is something which is controlled via a specific condition on the outline permission in any event.
- 5.8.5 It must also be noted that although a significant number of public comments relate to and refer to the impact of the development upon Great Crested Newts, Natural England have issued the developer with a District Level Licence (DLL). This is a new regime and Officers have spent time liaising with Natural England to understand how this new approach impacts developments where permission has already been granted. Ultimately, as confirmed by Natural England and the gov.uk website, where a DLL is granted, developers do not need to carry out their own survey work and nor do they need to plan and carry out site specific mitigation work. Once issued by Natural England, the countersigned certificate is provided to the LPA to show that the applicant's obligations to GCN are being met through DLL. Officers understand that this may be frustrating for a number of residents but given Natural England's status and the extant nature of the scheme, the impact it has upon the development here must be appropriately weighted.
- 5.8.6 In addition to the planning conditions imposed upon the outline permission, a number of planning obligations are also stipulated within the associated S106 agreement:

- **40% affordable housing:** through the submitted viability appraisal, the applicant intends to deliver 4 affordable units on site. This is currently under review but as noted the LPA's viability consultant has suggested a full policy compliant quantum can be delivered. However, the lack of agreement with respect to affordable housing should not fetter member's decision with respect to the reserved matters. The need to submit and agree an affordable housing scheme is controlled through the associated legal agreement and this control will remain even if this application is approved.
- **Open space provision:** in total, across both schemes approximately £10,000 has been requested to go towards the community play area. The other requests made by the Public Realm team are not considered CIL compliant. This contribution can be delivered in addition to the 40% affordable housing and the scheme remains viable.
- **Maintenance of open space and non adopted areas:** this obligation remains in situ irrespective of the outcome of this application.
- **Biodiversity improvements:** the original S106 agreement contains an obligation that requires a 25 year management plan for the Craggs and Pond. This obligation remains in situ and no development may take place until an agreement has been reached.

6.0 Conclusion and Planning Balance

6.1 The principle of development of this site is established. The proposed details submitted as reserved matters show how the impact of the layout and design have been minimised and should not give rise to any unacceptable effects. The dwellings have been designed to be sympathetic to the locality through the use of natural slate and reconstituted stone whilst a significant amount of open space is provided given the modest number of units proposed. Further technical matters relating to drainage, ecology for example are capable of being dealt with under the conditions imposed on the outline permission and agreed under the terms of the s106 with discussions continuing.

Recommendation

It is recommended that reserved matters approval is granted subject to an amended layout and landscaping plan being submitted **and** the following planning conditions:

Condition no.	Description	Type
1	Time limit for reserved matters	Control
2	Development to be in accordance with approved plans: <ul style="list-style-type: none"> • Layout (to be amended) • Floor plans • Elevations • Landscaping (to be amended) 	Control
3	Details, samples and specifications of external materials to include slate, render and reconstituted stone (including retaining stone wall) to be used on dwellings to be submitted before development above ground	Above ground
4	Details of cycle storage to be submitted prior to development above ground and thereafter maintained	Above ground
5	Parking and driveways to be constructed in accordance with agreed details and thereafter maintained	Pre-occupation
6	Internal estate road to be built to at least base course level	Pre-occupation
7	Landscaping to be implemented and maintained	control
8	Removal of PD for enlargements	control
9	Compliance with submitted energy statement	control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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