

Agenda Item A6	Committee Date 5 June 2015	Application Number 14/01344/OUT
Application Site Land South Of Low Road Halton Lancashire	Proposal Outline application for the development of 60 dwellings with associated access	
Name of Applicant Mr F Towers	Name of Agent Mr Jay Everett	
Decision Target Date Extension of time agreed until 24 June 2015	Reason For Delay Awaiting further information	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval subject to the resolution of ecology issues	

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 site area is just under 4 hectares. The northern most 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. A line of electricity pylons crosses the field in a northeast – southwest direction adjacent to the site boundary.
- 1.2 Eighteen residential properties share a boundary with the site and are predominantly dormer bungalows. These are to the north and west of the site and the majority are at a lower level than the part of the site that they adjoin. There are also some residential properties, slightly further from the site, to the south west on Mill Lane and Forgebank Walk. A public right of way follows the line of the former and continues beyond this in a north easterly direction. There is a wooded area between this and the site which is protected by a Tree Preservation Order (TPO). This designation also covers some other groups of trees, mainly offsite but also those adjacent to the boundary with Low Road.
- 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 majority of the site is located within a Mineral Safeguarding Area. The River Lune is located approximately 40m from the most southern part of the site and is a biological heritage site, with the designated area extending up to the application site. There are also two additional public footpaths on either side of the river.

2.0 The Proposal

- 2.1 Outline planning permission is sought for the erection of 60 dwellings and includes the creation of a new access. This would utilise the position of the existing field access with alterations to meet the requirements of the Highways Authority. A footway is also proposed along Low Road from the site's point of access up to the junction with Forgewood Drive, which is an approximate distance of 135m.

Permission is not sought for the scale, layout and appearance of the development or the landscaping or boundary treatments and would be assessed as part of a subsequent reserved matters application if outline consent is granted.

3.0 Site History

3.1 There is no recent relevant planning history on the site except for the Screening Opinion in relation to the proposed development.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	<p>Objection includes the following reasons:</p> <ul style="list-style-type: none"> • On Green Belt surrounding the village and outside previously-agreed built village boundaries (<i>Note: contrary to this the land does <u>not</u> form part of the North Lancashire Green Belt</i>) • Would lead to the development of the remainder of the land within the applicant's ownership which is within the AONB • Visual importance of land to the AONB and the setting of the Crook o' Lune • This application makes no reference to the Parish Plan and is submitted in defiance of its aspirations • Unwelcome expansion of the rural village – should not be an urban extension of Lancaster • Concerns regarding infrastructure capacity including: sewerage; school places; bus services; traffic issues with the new M6 Link road • The topography is steep and prohibitive to house and road construction • Risk of flooding to existing housing • The Strategic Housing Land Availability Assessment (SHLAA) notes that this site may be able to accommodate 45 houses but "Officers have no evidence that this is achievable." • Absence of consultation on the village built boundary; and the consultation summary is not representative of the views of residents
Environmental Health	<p>Conditions requested include those relating to land contamination; hours of construction and a scheme for dust control. Measures should also be sought in relation to air quality (e.g. cycling facilities, electric charging points, etc).</p>
Tree Protection Officer	<p>Given that the site rises steeply from the north to southern aspect, there is likely to be a requirement to significantly alter existing ground levels which may have a significant impact on the retained on and off-site trees. The applicant must demonstrate that trees can be adequately retained and protected. New tree planting would be a requirement in order to improve the greening and potential screening between the private and public domain.</p>
Public Realm Officer	<p>Amenity Space is to be provided for developments proposing more than 10 dwellings and should be maintained by the developer in perpetuity. A cost for offsite contribution is difficult to assess without full housing details. However, it is expected that the development will be required to contribute around £30,000 to the ongoing development of facilities for outdoor sports, young peoples and children's demand.</p>
Engineer	<p>Support the application from a flood risk/drainage perspective, and recommend conditions: to implement drainage in accordance with the submitted flood risk assessment and Drainage Strategy; and submit a maintenance plan for the proposed drainage network and soakaways for the lifetime of the development.</p>
County Highways	<p>No objection. Pedestrian/cycle means of access incorporating staggered barriers from Forgewood Close/Drive to be incorporated into the schemes overall layout. Application site to be designed around the principles laid out in the document <i>Manual for Streets</i> (MFS) with an emphasis on shared space, change of surface finish and an indication to motorists entering the sites residential surroundings that careful driving at low speeds was the norm. A range of off-site highway improvement works are required. Conditions requested: layout to include provision of vehicles to enter Low</p>

	Road in a forward gear; offsite highway works; and scheme for construction of means of access.
Environment Agency	No objection subject to a condition requiring details of surface water drainage to be submitted.
Natural England	The proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SPA/SAC/Ramsar site or SSSI have been classified. Given the proximity to the Forest of Bowland AONB, advice should be sought from the Forest of Bowland AONB Partnership. Would expect more viewpoints to be identified within the AONB, a Zone of Theoretical Visibility should have been provided, unclear why viewpoints were not chosen on public rights of way that enter the AONB, and should have regard to the AONB Landscape Character assessment.
County Ecology	<p>The preliminary assessment fails to comprehensively assess potential impacts on protected and priority species and habitat, and the application as a whole does not demonstrate that the requirements of relevant biodiversity legislation, planning policy and guidance would be addressed. Further information is necessary to enable determination of this application including: the results of bat activity surveys; assessment of impacts on Species of Principal Importance in England (NERC Act 2006); and, depending on the results of further survey, further revisions to the proposed layout to incorporate avoidance, mitigation and as a last resort compensation for impacts on biodiversity (and possibly offsite compensation).</p> <p>If then minded to approve the application, they request conditions in relation to: restriction of works during bird nesting season; submission of construction Environment Management Plan/Method Statement; if necessary Himalayan balsam shall be eradicated from the site; protection of all retained trees during construction; bird nesting and bat roosting opportunities incorporated into both the built and natural fabric of development; details of external lighting; if more than two to three years elapses between the grant of outline planning permission and reserved matters/full application (or is likely to have elapsed before commencement), updated surveys for protected/priority species will be required. If further survey/assessment indicates that ground nesting priority species of bird (or brown hare) would be adversely affected by development, then additional offsite mitigation/compensation is likely to be required</p>
County Strategic Planning (Education)	Based upon the latest assessment, seek a contribution for 16 primary school places but not towards secondary school places. Calculated at the current rates, this would result in a claim of: £12,029.62 per place totalling £192,474.
County Council Minerals Planning	The site is in a Mineral Safeguard Area (MSA), and as such the applicants should submit a mineral resource assessment.
Public Rights if Way Officer	No comments received
Ramblers Association	No comments received
Forest of Bowland AONB	Following the receipt of further information, confirm that they are satisfied with the explanation of the issues that were originally raised and are comfortable with the findings of the Landscape and Visual Appraisal.
United Utilities	No objection subject to a condition requiring a scheme for the disposal of foul and surface water.
National Grid	No objection
Shell UK	No objection
Lune River Trust	No comments received
Canal and River Trust	No requirement to consult.
Geo Lancashire	Comments to be reported

5.0 Neighbour Representations

5.1 At the time of compiling this report 59 items of correspondence have been received objecting to the application which raise the following concerns:

- Visual impacts – including impact upon the character of the village and setting, especially given topography and impact upon skyline and public views;

- Impact on the Forest of Bowland AONB;
- Impact upon Conservation Area;
- Loss of valued greenfield for housing on an unallocated site – contrary to Parish Plan;
- Loss of Green Belt land (*NB: this site is not in the North Lancashire Green Belt*); and expansion towards Lancaster;
- Loss of agricultural land
- Brownfield or infill sites should be considered first;
- Was included in the SHLAA without local consultation and the proposed density is greater than identified in the document;
- Prematurity (i.e. should be a moratorium on greenfield sites until Neighbourhood Plan has been completed)
- Highway and traffic issues – including exacerbation of capacity once link road is built; speeding; bottleneck on Low Road; parking outside houses; congestion around shops and facilities on High Road; Potential for vehicles to use the Forgewood Estate if access created for emergency vehicles; no incentive to reduce car journeys;
- Wouldn't meet local housing needs;
- Questions need for more housing, including affordable housing;
- Housing needs are overestimated;
- Amenity issues – including overlooking; privacy loss; overshadowing; noise; impact upon light from trees in the buffer zone (and maintenance issues arising); pollution from traffic & lighting;
- Design issues – not in keeping with Forgewood Estate; 3-storey shown on plans are contrary to other details in the submission;
- Infrastructure and Service issues – including capacity of school and village services; location of site away from services; no links with local employment; impacts upon sewerage network and impact of surface water run-off;
- Ecological matters - Impact on wildlife/biodiversity; hedge removal; potential impacts on Regionally Important Geological/Geomorphological Site;
- Proximity to overhead transmission cables; Impact on fibre optic cable being buried on the site; and,
- Potential subsidence and the stability of existing nearby properties.

5.2 1 letter has been received neither objecting or supporting the proposal but providing the following comments:

- Must deliver significant level of affordable housing;
- Commuted sum should be sought to help provide infrastructure in relation to potential bus route along Low Road; and,
- Need visual assessments of dwellings from footpaths and cycleway to inform layout, design and density;

5.3 Correspondence has been received from David Morris MP which raises an objection and the following concerns:

- The development would significantly change the footprint of the village in a vastly rural area;
- Impact on local schools;
- Increase in traffic; and,
- Already a large number of new homes being constructed in Halton.

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 – Access and Transport

Paragraphs 49 and 50 - Delivering Housing

Paragraphs 56, 58 and 60 – Requiring Good Design

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

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC2 – Urban Concentration
SC4 – Meeting Housing Requirements
SC5 – Achieving Quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

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

6.4 Development Management Development Plan Document (DM DPD)

DM20 – Enhancing Accessibility and Transport Linkages
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM41 – New Residential dwellings
DM42 - Managing Rural Housing Growth

6.5 Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan

M2 – Safeguarding Minerals

6.6 Other Material Considerations

Meeting Housing Needs Supplementary Planning Document
Landscape Strategy for Lancashire 2000

7.0 Comment and Analysis

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

- Principle of the development
- Landscape and Visual Impact
- Access and highway impacts
- Residential Amenity
- Ecological Impacts
- Impact on trees and hedgerows
- Flooding and drainage
- Loss of agricultural land
- Affordable Housing
- Open Space provision
- Education provision
- Contaminated land
- Mineral safeguarding

7.2 Principle of the development

7.2.1 Core Strategy Policy SC1 requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces and a host of facilities and services. DM DPD Policy DM20 sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits. Halton is listed as one of the settlements where new housing will be supported.

7.2.2 Halton has a range of services including a primary school, doctor's surgery, public house, shops,

regular bus services, community centre, sports facilities and good cycle links. The village is in close proximity to the Lancaster which makes it more locationally sustainable than most rural settlements within the District. Policy DM42 sets out criteria against which proposals for rural housing will be assessed, but neither the DPD or the earlier Local Plan Proposals Map identify boundaries around villages in which new development should be contained. The site is located adjacent to the existing built up area of Halton and is considered to be of a scale, in terms of housing numbers, proportionate to the size of the village particularly given its number of services and proximity to Lancaster. The site is not within the North Lancashire Green Belt, as outlined in some of the representations received, which instead lies to the west of Halton, beyond the motorway corridor. A larger site has been assessed within the Council's Strategic Housing Land Availability Assessment (SHLAA) 2014 as being deliverable. This sets out that, *'whilst parts of the site shown would be unsuitable for development due to topography, pylons and the potential visual prominence of dwellings in elevated positions...some development could be accommodated if sensitively designed'*. However this document provides an evidence base rather than being a formal land allocation.

- 7.2.3 In terms of general housing need, the 2014 Housing Land Supply Statement illustrates that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing. As such, a 5 year supply of housing land cannot currently be demonstrated. Some of the representations raise concerns regarding the validity and robustness of the assessed housing need figure within the Turley Report. However, until a new plan is adopted, the housing requirement remains as that described in the Core Strategy (400 dwellings per annum) and it is unlikely that the ongoing review would bring the figure below this, based on the council's wider evidence. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. For decision making this means granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies of the NPPF; or
 - Specific policies in the NPPF indicate development should be restricted.

As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer opportunity to deliver housing should be considered favourably.

- 7.2.4 On the basis of the above, it is considered that the principle of new residential development in this location is considered to be acceptable.

7.3 Landscape and Visual Impact

- 7.3.1 The proposal is located on a rising area of land at the south eastern end of Halton. The land rises behind the existing residential development and is highly visible from within and outside the settlement. Approximately 120m to the east of the site is the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policy DM28 of the DM DPD sets out that the Council will require proposals that are within, or would impact on the setting of, designated landscapes to be appropriate to their landscape type and characterisation.

- 7.3.2 The landscape setting comprises principally pasture farmland with occasional arable fields, the settlement, Halton Mills complex and mature hedgerow trees, and the woodland at the Mills fringes. To the east of the site, the rising land marks the fringes of the AONB, the designation boundary cutting through open fields. Two public footpaths run along the northern bank of the River Lune, one adjacent to the site boundary and the other along the water's edge. National Cycle Route 69 follows the disused railway line along the southern bank of the Lune at this point.

- 7.3.3 The applicant's Landscape and Visual Impact Appraisal sets out that the development proposal would result in the transformation of the site from farmland to residential development with associated highways and landscaping which is likely to result in a high magnitude of change leading to an adverse effect of moderate significance in the immediate context of the site. It goes on to say that when considered against the wider context of farmland in the locality and the contribution that the site makes to its setting the magnitude of change is likely to be low leading to an adverse effect of minor significance. The proposal seeks to retain the boundary hedgerows and tree cover to the south and reinforce these with new tree planting to strengthen the landscape setting of the village.

- 7.3.4 The appraisal sets out that the proposal has been masterplanned to respond to the landform of the site, securing a network of housing and highways that follow the contours of the site. While the scheme responds to the landform within the site there will be a requirement for small scale levels of engineering to accommodate the proposal, but this is not out of character to much of the wider settlement, located as it is on sloping ground and characterised by its meandering streets and layering of housing that rises out of the valley. It concludes that the development is likely to result in a medium magnitude of change to landform, leading to an adverse effect of moderate significance in both the short and longer term. It must also be pointed out that the scheme is in outline and the layout could change. However the indicative plan provided shows that there has been an attempt to restrict development on the highest point of the land.
- 7.3.5 The Landscape Strategy for Lancashire (LSL), published in 2000, identifies that the site is located within the Drumlin Field Landscape Character Type. This landscape is characterised by: rounded drumlins which create a distinctive, undulating topography, the alignment of the drumlins reflecting the direction of glacial ice flow; small mixed woodlands; sheltered marshy hollows between drumlins contrast with the smooth open hilltops and provide visual texture and wetland habitats; strong field patterns with distinctive stone walls and hedgerows; dispersed pattern of stone villages, hamlets and farmsteads sited in sheltered locations on the mid-slopes of drumlins; larger settlements clustered at significant road junctions or river crossings; and historic houses and designed parkland. The local Landscape Character Area (LCA) is 13c Docker-Kellet-Lancaster, drumlin field, has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. Greater variety of texture is provided by the isolated areas of moorland which protrude from the field, for example at Docker Moor, and the River Lune which cuts a gorge through the hills at Halton. This gorge provides a major transport route through the hills with a number of parking, picnic and camping sites scattered along its length. In particular relation to this proposal, the strategy for this landscape character type sets out that built development should be sheltered within the undulating landform, avoiding ridgelines or hill tops, and built development should be restricted on the skyline of drumlins with buildings sited on the mid-slopes, above poorly drained land.
- 7.3.6 Several viewpoints have been submitted as part of the Assessment, the majority within the village but with a few from more distant views. The report concludes that development would not result in any significant harm to the landscape resource over time, has the potential to secure landscape benefits and is unlikely to result in significant adverse effect to the wider character of the Docker-Kellet-Lancaster landscape character area or the settlement. It goes on to say that the proposal would conserve the predominantly open and rural character of the wider countryside; it would retain and reinforce the hedgerows to the boundaries of the site; and it would incorporate new tree planting measures. It also sets out that there is unlikely to be any significant impacts on the AONB.
- 7.3.7 Both Natural England and the Forest of Bowland AONB Unit raised some concerns regarding the Assessment. In particular these related to the number of viewpoints taken from within the AONB, the lack of a Zone of Theoretical Visibility (ZTV) map for the site in order to inform likely viewpoints, and the lack of assessment or consideration in relation to the Landscape Character Assessment covering the AONB. They have set out that the development is in the setting of the AONB therefore it is likely that there will be some adverse impact to landscape character. Whilst the AONB Landscape Character Assessment (LCA) does not cover the site in question, the adjacent landscape character type Drumlin Field K1 Gressingham, is applicable for the site. The AONB LCA concludes this landscape type is considered to have limited capacity to accommodate change without compromising key characteristics. They have gone on to say that as a result of this limited capacity to accommodate change, it can be argued that the likely overall effects of the development on the local landscape are likely to be greater than 'Moderate Adverse' as currently presented within the Landscape Visual Impact Assessment (LVIA) for the development.
- 7.3.8 The agent has responded to these comments by saying that in terms of the production of a ZTV, the assessment was supported by field work that involved walking the routes of local highway and public rights of way to find the most appropriate representative views, and provide an accurate record of actual visibility. The scale of visibility for a residential scheme such as this is not the same as for a wind farm and therefore a ZTV was not considered necessary. In terms of the additional views, Green Lane is set deep in a cutting with visibility restricted to the confines of the highway and corridor views in a southerly direction as you travel towards the River Lune. The River Lune is also

set deep in a cutting in this location and has heavily wooded banks. They have set out that the LVIA was carried out in the summer with full leaf cover. They have advised that during the site visit they could not locate views from the riverside paths towards the site due to the intervening landform and vegetation cover. Due to the scale and location of the development, they do not consider that carrying this out over the winter months would materially change the findings of the appraisal.

7.3.9 In terms of the effect of development on local landscape character, they have set out that due to the localised setting of the landform the visibility of the site is very restricted, in particular in middle distance views to the south and east on land associated with the Drumlin Field landscape character type (within the AONB). The site is not located within the AONB, and shares an immediate relationship with the modern extensions of the existing settlement and to see settlement on sloping land in this located would not represent a discordant landscape element. Whilst it is acknowledged through the assessment that the development will result in an adverse effect, it is not likely to be an adverse effect of major importance to the setting of the Drumlin Field landscape character type within the AONB. In response to this, the AONB Unit has confirmed that they are comfortable with the findings of the LVIA.

7.3.10 Given the topography of the site, the site is relatively prominent both within and outside Halton, with views gained from the local highway network in addition to public rights of way. It is clear from the Assessment that the development will have a significant impact on the character and appearance of the site and parts of the development, in more elevated positions, will be particularly prominent. Although the indicative layout shows the dwellings kept off the highest point of the hill, this is unlikely to be clear from outside the site but will just keep the overall height down. The development will have the appearance of covering all of the drumlin, infringing on the skyline. However, it must also be acknowledged that existing development within Halton, not far from the site, that is constructed on sloping land. As such, this form of development is not completely out of character with the settlement and to some degree will be seen in the context of this. Although in close proximity to the AONB, taking into account the comments from the AONB Unit, it is not considered that it will have a significant impact on the designated landscape given its scale and that it is viewed against the existing development.

7.4 Access and highway Impacts

7.4.1 The application proposes an access off Low Road. This is proposed to be located towards the western edge of the site's frontage with Low Road. Visibility splays of 2.4m by 90m have been indicated on the submitted access drawing. This does cut across part of the grassed area to the south west of the access point. Clarification has been sought as to the ownership of this and whether it forms part of the highway verge. As part of the scheme, a new footway is proposed between the site's access and the existing junction of Low Road with Forgewood Drive. A crossing point and some additional signage has also been proposed on Low Road.

7.4.2 Many concerns have been raised regarding the increased traffic and the impact on highway safety. The Highways Authority has not raised an objection to the principle of the development. However, a number of issues have been highlighted which need to be addressed. Although Low Road will be the principal means of access, the Highways Officer has set out that links should be created from Forgewood Close and Forgewood Drive as a secondary point of access for pedestrians, cyclists and emergency vehicles, and as an alternative egress for private cars. In response to this, the applicant's transport consultant has set out that it is intended that pedestrian/cycle access will be created from Forgewood Close and Forgewood Drive, which is shown on the indicative site layout plan. However, it has been set out that, for any development of upto 70 residential units there is not a requirement to provide an emergency access. A comparison of expected trip generation was also requested to determine the level of impact on the surrounding public highway network, in addition to the inclusion of the requisite residential accessibility score details. The response from the applicant's consultant confirms that the Transport Assessment, which accompanied the application, does assess the traffic generations and existing traffic levels and provides a detailed assessment of the accessibility by non-car modes.

7.4.3 The Highways Officer has confirmed that there are no objections to the proposal. Low Road in the vicinity of the application site is a relatively straight stretch of carriageway with high actual speeds considering its 30mph speed classification. As a consequence, County Highways have requested off-site highway improvement works under Section 278 of the Highways Act to include the implementation of a range of carriageway improvement measures comprising:

- Improved carriageway thermoplastic lining at the sites junction with Low Road and extending through an existing gateway feature.
- Improved pedestrian refuge / gateway treatment measures - Such features would emphasise a change in character of the overall street scene acting as an aid to improved traffic management and safety of users of the same.
- Upgrade of public transport facilities to Lancashire County Council quality bus stop standards.
- Review of existing street lighting requirements along Low Road and particular in the vicinity of the sites point of access with the same.

7.5 Impact on Residential Amenity

7.5.1 This outline application reserves all matters except access. As such the scale, design and layout of the scheme would be considered through a subsequent Reserved Matters application if outline consent is granted. As such, at this stage, it needs to be determined whether 60 dwellings can be adequately accommodated on the site without having a detrimental impact on the amenities of the nearby residential properties. In order to assess this, an indicative layout has been submitted in addition to written details of how this could be achieved. There have been many concerns raised by residents with regards to the potential for overlooking and loss of light particularly given the topography of the site and the difference in levels between the site and most of the adjacent properties.

7.5.2 The submission sets out that bungalows will be located adjacent to the Forgewood Estate in order to reduce the impact on the existing development, and the layout will correspond to that of the existing dwellings in order to create views through to the development. These bungalows will have a minimum 15m long garden, and 5m deep landscaped buffer zones are proposed adjacent to the dwellings of the Forgewood Estate. Sections have been provided to show how this could be achieved. It is likely, taking this approach, that there would be at least 25m between the existing and proposed dwellings. Most of the neighbouring properties have their rear gardens adjoining the site boundary, although for some it is their side gardens. The proposed separation distance is beyond the distance required for facing windows and this should ensure that existing dwellings are not overshadowed by the development given the proposed type of housing. The gardens and boundary treatments would need to be carefully considered to ensure that there was not overlooking from the external areas, and could be overcome by creating gradual changes in levels across these.

7.5.3 Concerns have been raised by neighbouring residents regarding the proposed 5m buffer zone, including the ownership and management of this and overshadowing from the proposed landscaping. It is worth noting that this is a suggestion at this stage with regards to how the change in levels between the site and the existing dwellings could be managed to prevent amenity impacts. It has also been raised that the planted area conflicts with the drainage strategy as this area is proposed to be a flood relief channel. One option that has been set out is for this area to be designated to the existing dwellings. This obviously has its advantages as it would not remain an empty strip of land open to mis-use and would result in the existing properties having an increased buffer under their own ownership from the proposed development. In order for this to work it would need to be in their ownership and that is a separate matter that the applicant would have to pursue with them. However, if this area does form part of a landscaping or drainage strategy for the proposed development then it would be impossible and unreasonable to control if within the ownership of several different properties not part of the development.

7.5.4 Although the difference in levels between the existing dwellings and the proposed development would be need to be carefully considered as part of any subsequent reserved matters application, it is considered that there is sufficient space on the site to allow for an appropriate solution, as shown on the indicative layout plan. At this stage it would be difficult to resist the development on these grounds, as schemes are successfully implemented elsewhere where there are changes in land levels.

7.6 Ecological Impacts

7.6.1 The site is located approximately 4.6km to the south east of Morecambe Bay which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar Site and Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England has

advised that the Local Authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the scheme may have. The response goes on to set out that the proposal is not likely to have a significant effect on the interest features for which Morecambe Bay SPA/SAC/Ramsar site has been classified and advise that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed will not damage or destroy the interest features for which the SSSI has been notified and therefore advise that it does not represent a constraint in determining this application.

- 7.6.2 A preliminary ecological assessment has been submitted and County Ecology have been consulted. The site is located within approximately 20m of the River Lune Biological Heritage Site (BHS) and just over 200m from Lambclose Wood and Gutterflat Wood BHS. These are both non-statutory designated sites and are considered to be Local Sites for the purposes of the NPPF. Whilst the proposals do not affect either site directly, it will be important to ensure that impacts on such sites are avoided both during construction and operation. This could be addressed by way of a Construction Environment Management Plan secured by a planning condition. The County Ecologist has advised that the final site layout should be revised to include the creation of a wider vegetated buffer between the development and the River Lune Biological Heritage Site. Given the nature of habitats within the River Lune BHS, which includes adjacent habitats of woodlands and scrub, grasslands and marshland, it has been advised that the vegetated buffer should be ideally at least 10m in depth and could include locally appropriate native tree species (woodland planting) or perhaps species-rich grassland. The woodland/ woodland edge will also need to be protected from light pollution, in accordance with paragraph 125 of the NPPF, and for the avoidance of impacts on bats and their habitat. Use of artificial external lighting can be controlled by planning condition. Separation of gardens and developed areas from the BHS by a vegetated buffer zone would also help to protect the BHS from light pollution and other operational impacts.
- 7.6.3 Although the application area does not include habitat suitable to support roosting bats, bats are known to roost in the surrounding areas, including within the built development and woodland adjacent to the site. The ecology report concludes that bat species are unlikely to be negatively impacted because suitable habitat will be retained within the remaining undeveloped field surrounding the site. The County Ecologist has set out that if the development impacts upon the habitat of bats then it is not appropriate to consider adjacent undeveloped land as mitigation or compensation for the impact of development. In addition, the ecological assessment does not include the results of any activity surveys for bats to support the conclusion that bats would not be affected. In the absence of any survey information, the importance of the application area as a foraging or commuting route, for example between roosts to the north and the wooded river corridor to the south, is currently unknown and potential impacts cannot be assessed. It should be noted that Bat Conservation Trust good practice guidelines (as endorsed by Natural England) recommend activity surveys through the bat active season for sites between 1 and 15ha in size, even where bat habitat quality is assessed as low. Given this, bat activity surveys have been requested and the update from this will be reported at the Committee meeting. It is unlikely that this would result in no development being able to take place on the site, but commuting routes may need to be retained or created which has the possibility to reduce the number of units on the site. As such, potential impacts on bats should be fully understood prior to determination of the application. It would also be appropriate for bat roosting opportunities to be incorporated into the built fabric of development.
- 7.6.4 Although the presence of otters within the application area seems reasonably unlikely, this species is known to be present along the River Lune, and the applicant will therefore need to be aware of their legal duty in respect of this species. The County Ecologist has set out that increased recreational pressure along the River Lune and adjacent habitats has the potential to result in disturbance to this species, and it will therefore be appropriate for the applicant to demonstrate how recreational access (other than along public rights of way) will be prevented. The creation of a wider vegetated buffer zone between the River Lune BHS and the development would contribute towards reducing any potential disturbance to the BHS and associated species.
- 7.6.5 Habitats within and adjacent to the application area are suitable to support nesting birds. The ecological assessment provides a summary of biological records returned from the local records centre, but fails to mention any records of bird species. The County Ecologist has outlined that there breeding birds associated with woodlands, rivers, hedgerows and open farmland, including priority ground nesting birds such as lapwing, curlew, skylark and grey partridge. The ecological appraisal should have considered the likelihood of impacts on species returned by the records search, either

scoping these in or out of further consideration based on an assessment of habitat suitability and/ or survey. The report concludes that impacts are unlikely because similar habitat will be retained within the remaining field around the site. However, this is not an assessment of the potential effects of the development, and the fact that similar habitat may be present outside of the development area does not constitute mitigation or compensation for any impacts of the development. If the proposals would result in the loss of habitat for breeding birds, including Species of Principal Importance in England, or would impact upon breeding birds in the surrounding area, then the proposals will need to include adequate avoidance, mitigation or compensation to fully offset impacts, and thereby at least maintain biodiversity value, in accordance with the principles of the NPPF. The agent has been asked to address the concerns and an update of this will be provided at the Committee Meeting.

- 7.6.6 Habitats in and adjacent to the site are suitable to support badgers. According to the ecological appraisal, there was no evidence of badgers at the time of survey. However, badgers are mobile and could colonise the area, and begin excavating setts, in the future and prior to the commencement of development at this site. Given the likely lapse of time between any outline permission, full application and the commencement of development, the County Ecologist has advised that it will likely for updated surveys for badgers, and indeed all protected species potentially affected by the development, to be carried out in support of subsequent full/reserved matters applications.
- 7.6.7 Habitats of Principal Importance are present in and adjacent to the site, including broad-leaved woodland and hedgerows and it will be important to ensure that the development does not lead to further loss or deterioration of priority habitats. Whilst adjacent woodland is not affected directly, the proposals have the potential for indirect impacts during construction and operation. Provided the development can be accommodated without compromising the long-term survival of trees and woodland in this area, then construction phase impacts can be controlled by planning condition. Operational impacts could be partially offset through the creation of the landscaped buffer zone adjacent to the existing woodland. Hedgerows within the development site should be retained and enhanced for wildlife, to offset operational impacts including light pollution and disturbance/ predation, outside domestic curtilages. Any unavoidable losses of hedgerow should be adequately compensated through replacement planting.
- 7.6.8 Despite the local records centre holding numerous records of Species of Principal Importance in the wider area, the ecological appraisal report does not appear to consider potential impacts on Species of Principal Importance or their habitats. However, a number of priority species do, or could potentially, occur on the proposed development site including the protected species mentioned above (with the exception of badger), numerous bat species, a range of bird species, amphibians, and mammals such as hedgehog and brown hare. Species listed in Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) are present in the wider area, including Himalayan Balsam (and methods to stop their spread would need to be adopted by the developer). Whilst habitats within the application area might not be of intrinsically high biodiversity value, the loss of undeveloped land to housing will inevitably impact upon biodiversity. The NPPF directs planning decisions to address the integration of new development into the natural environment and encourage biodiversity incorporation. The County Ecologist is surprised that the ecological appraisal report does not include any recommendations for the maintenance or enhancement of biodiversity, only noting that vegetation clearance should be timed to avoid disturbing nesting birds. The County's response goes on to say that the Council might also like to consider that although 'Biodiversity Offsetting' has not been formally introduced by the Government, if the metric was applied to this site there would be a requirement to offset the loss of agricultural/arable land. Although the indicative layout does include undeveloped areas, these do not appear to have been designed with biodiversity in mind but appear to be proposed as public open space and landscape mitigation. It has been advised that it will at least be appropriate for the layout to be revised to include wider vegetated buffers: between the development and existing housing to the north, to maintain habitat and connectivity for wildlife including bats; along the western boundary for the same reason; and along the southern boundary of the proposed development to buffer the River Lune BHS from the effects of development.
- 7.6.9 The agent has been asked to address all the concerns raised by the County Ecologist. Results from surveys and information will be reported at the Committee meeting in addition to details of the proposed mitigation. Although the layout of the scheme has not been finalised, implications for biodiversity need to be fully assessed at this current, outline stage.

7.7 Impact on Trees and Hedgerows

- 7.7.1 The site is bounded by a number of hedgerows, boundary trees and woodland compartments. The majority of trees are in good overall condition with long periods of useful remaining life potential. There are trees present that are subject to a Tree Preservation Order which relates to a range of trees, designated as woodland, groups and individual trees. Many of the trees are growing in offsite locations, however, many remain implicated by the development proposals. The River Lune, is designated a Biological Heritage Site (BHS) and lies beyond the southern boundary of the site. Trees line much of the rivers banks, and make a positive contribution to the appearance and character of the landscape adjacent to the river.
- 7.7.2 The applicant's Arboriculture Implications Assessment identifies a total of 4 individual trees, 4 groups, 2 woodlands and 6 hedges. Species include sycamore, ash, hawthorn, oak, birch, elder, cypress, beech and holly. Two individual trees, an elder and birch, have been identified for removal because of their poor overall condition (regardless of the development proposals). It is proposed that part of a group, an individual tree and part of a hedgerow are removed in order to accommodate the development. All other trees are to be retained and protected. However, the Tree Protection Officer has highlighted that given that the site rises steeply from the north to southern aspect, there is likely to be a requirement to significantly alter existing ground levels. This may have a significant impact of retained on and offsite trees, either by direct disturbance in the root system or through significant changes in the existing ground conditions. It therefore must be demonstrated that trees can be adequately retained and protected in compliance to the standards set out within BS 5837 (2012).
- 7.7.3 In response to the concerns regarding impact on trees as a result of proposed changes in levels, the agent has stated that all the existing trees are located at or beyond the boundaries of the site where it would be highly undesirable if not impossible to change the levels. Group G1 forms the northern boundary of the site to Low Road and the proposed access road and dwellings are effectively at grade here given the site levels and well set back from the tree canopies. Area W2 is located outside the red line boundary and beyond the power lines so the trees here could not conceivably be prejudiced by the development. Groups G2, G3 and G4 are located on the northern boundary adjacent to the Forgeood Estate and the site levels here form the boundary with these properties. The proposed dwellings have intentionally been located a significant distance away from the boundary to prevent any overlooking issues and enable the gardens to follow the natural contours. Areas H4 and H3 are outside the application site and Area W1 is also largely outside of the red line with the south western corner forming the existing natural boundary at the rear of a significantly long back garden, where again the distances involved would mean the levels could easily be retained as existing.
- 7.7.4 As the application is in outline, the proposed levels of the site are unknown at this stage. However, it is considered that, on the basis of the submitted Tree Report and the agent's comments set out above, the development could be accommodated within the site without significant implications on trees and subject to appropriate planning conditions including details of site levels, a Tree Protection Plan and an Arboricultural Method Statement. Additional tree planting will also be required in order to improve the greening and potential screening between the private and public domain. There will be opportunities to do this in relation to boundary treatments, private amenity space and public open space. Landscaping would be considered at the reserved matters stage.

7.8 Drainage

- 7.8.1 A flood risk assessment and drainage strategy has been submitted as part of the application. This has been assessed by the Council's engineer who has advised that flood risk in the locality of the site should be reduced as a result of the development in comparison to the present risks on and off site. It has been recommended that the drainage is implemented in accordance with the flood risk assessment and Drainage Strategy before the construction of dwellings to ensure that flood risk through construction is effectively managed, and to ensure that the scheme is fully completed and effective before the occupation of any dwellings. However it is noted that the submission states that this is just preliminary and may change when the final scheme is designed. As such it would be reasonable to include a condition requiring a drainage strategy to be submitted. A maintenance plan would also be required for the proposed drainage network and soakaways for the lifetime of the development, which includes frequency and details of maintenance, funding mechanisms, management proposals, and allows for the replacement and repair of any of the associated infrastructure. On this basis it is considered that surface water drainage can be adequately dealt with

and will not increase the risk of flooding elsewhere. In addition, United Utilities have raised no concerns with regards to either foul or surface water drainage.

7.9 Affordable Housing

The submission sets out that 40% affordable housing will be provided on site. Although the scheme is in outline, this sets out that this would be 50% social rented and 50% intermediate housing. This is in accordance with DM DPD Policy DM41 and the Meeting Housing Needs DPD. This is proposed to be secured by a Section 106 agreement, with the precise size, tenure and location of the units determined at the reserved matters stage.

7.10 Open Space Provision

7.10.1 The scheme proposes open space provision on the site, the precise details will be determined at the Reserved Matters stage but the details shown on the indicative layout are considered to be acceptable. This will be maintained in perpetuity and be covered by the S106 agreement. The Public Realm Officer has advised that a contribution may be required towards sports facilities within Halton. An update in relation to this will be provided at the meeting.

7.11 Education Provision

7.11.1 Many concerns have been raised regarding the capacity of the local primary school. The County Council have set out that latest projections for the local primary schools show there to be a shortfall of 74 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration and housing developments which already have planning permission. They have assessed the proposal and set out that the expected yield from this development would be 16 places and the shortfall would therefore increase to 90. Therefore, a contribution is sought in respect of the full pupil yield of this development. The latest projections for the local secondary schools show there to be 431 places available in 5 years' time. With an expected pupil yield of 6 pupils from this development, the County Council have set out that they would not be seeking a contribution in respect of secondary places.

7.11.2 The applicant has agreed to pay a contribution towards primary school places which has now been calculated at £96,237 based on the information provided in relation to the number and size of units. This may need to be amended at the reserved matters stage if this changes.

7.12 Minerals Safeguarding

7.12.1 The majority of the site is located within a mineral safeguarding area for sandstone and sand and gravel. The County Council, who are the mineral authority, have set out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and Waste Local Plan. They have requested that a mineral resource assessment is submitted, describing the quality and quantity of any minerals that are present in the application area, whether they could be recovered and the practicability of extraction including proposed working methods and the environmental impacts of mineral extraction, and the effect of the proposed development on any mineral deposits adjacent to it.

7.12.2 The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. All the land surrounding the built up area of Halton is identified for mineral safeguarding. The site is on the edge of this and lies adjacent to existing residential development. As such it is unlikely that the development would impact on the likelihood of minerals being extracted in this location.

7.12.3 Policy M2 of the Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible

development taking place.

- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.12.4 Having had full regard to the requirements of this policy, it is considered that given the lack of housing land supply, as discussed above, there is an overriding need for the development which outweighs the need to avoid sterilisation of the mineral resource. In any case it is not considered that pursuing extraction of the minerals as part of the development would be appropriate in this location given the proximity to residential properties.

7.13 Other matters

7.13.1 The application is seeking outline planning permission only with the exception of the access. Matters such as scale, layout, appearance and landscaping are not being applied for. Such issues will be legitimately assessed at the Reserved Matters application should members be minded to grant outline planning permission.

8.0 Planning Obligations

8.1 A Section 106 Legal Agreement is sought to secure the following:

- Up to 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and viability);
- Open space provision and ongoing maintenance arrangements;
- Possible contribution towards open space to be clarified with public realm officer
- Education contribution
- Possible contribution towards highway measures that cannot be agreed through a Section 278 agreement with the Highways Authority.

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development, and will provide an important contribution towards housing supply within the District. It is considered that the development could be accommodated on the site without a significant impact on the character and appearance of the AONB and will be served by an appropriate means of access. However, it is likely that the development will have a significant local impact on the character and appearance of the landscape given the topography and prominent position of the site.

9.2 The Council does not have a five year land supply of housing and as such the application should be considered in the context of the presumption in favour of sustainable development. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate development should be restricted. Taking all matters into consideration, it is not considered that any adverse impacts of granting consent significantly and demonstrably outweigh the benefits and there are no specific policies in the NPPF that indicate development should be restricted. As such, it is considered that the proposal represents a sustainable form of development and accords with the NPPF. This is subject to the adequate resolution of the ecological issues highlighted above.

Recommendation

That - subject to the receipt of satisfactory information relating to ecological matters (*and if that information is not forthcoming, Officers seek authorisation for delegation back to the Chief Officer to resolve this matter – with powers to refuse also under delegation if satisfactory detail is not forthcoming*) - Outline Planning Permission **BE GRANTED** subject to the signing/completing of a s106 agreement to cover the following planning obligations:

- 40% provision of affordable housing (percentage, tenure, size, type, phasing to be agreed at Reserved

Matters stage based on local housing needs and viability)

- Open space provision and ongoing maintenance arrangements
- Education Contribution

and subject to the following planning conditions:

1. Standard outline condition with all matters reserved except access
2. Drawings illustrative only
3. Access details
4. Off-site highway works
5. Scheme for the disposal of foul and surface water
6. Maintenance plan for the proposed drainage network and soakaways for the lifetime of the development.
7. Submission of an external lighting scheme, designed to minimise impact on bats.
8. Scheme for compensation of habitat loss
9. Ecology mitigation measures (including need for updated species and habitat surveys on any subsequent full or reserved matters applications)
10. Arboricultural Method Statement
11. Submission of a tree protection plan
12. Finished floor and site levels
13. Construction Environmental Management Scheme – also including wheel cleaning, dust control, hours of construction
14. Contaminated land condition (suitably worded) as per Preliminary Risk assessment
15. Standard condition - Importation of soil, materials and hardcore

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

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

Lancaster City Council 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.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None