

Agenda Item A6	Committee Date 16 th November 2015	Application Number 15/01172/OUT
Application Site Land North East Of Briar Lea Road Briar Lea Road Nether Kellet Lancashire		Proposal Outline application for the erection of 10 dwellings
Name of Applicant The Late James Cottam (Senior) Will Trust		Name of Agent Miss Lucy Tindall
Decision Target Date 23 December 2015		Reason For Delay None
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The application site is located within Nether Kellet, on land that is currently used for grazing livestock and occupies approximately 0.43 hectares. There are no existing buildings on the site, and the land is bound by hedgerow to the north east, with a post and wire fence with third-party gardens located on the southern aspect; a post and wire fence is located on the western boundary with properties beyond this. To the north the site is open and falls down to eventually join the M6 approximately 200 metres from the site.
- 1.2 The land slopes north to south, from 74m Above Ordnance Datum (AOD) to circa 67 Metre AOD in the bottom southern corner. The proposed development is bound by residential properties along Main Road to the south and by open fields to the north and east, properties along Briar Lea Road are situated to the west of the site. The access to the site would be afforded by Briar Lea Road. The site is relatively unconstrained, however the land is designated as 'Countryside Land' in the saved Local Plan and falls within a mineral consultation zone.

2.0 The Proposal

- 2.1 The scheme originally proposed to be outline with access, layout and scale being applied for. Following discussions, the scale and layout has been omitted and this will be subject of reserved matters, should the current application be approved. The proposal is now in outline, with only access now being sought approval off Briar Lea Road. The proposed development consists of 10 dwellings which are indicatively shown to consist of:

- 2 x 1 bed semi-detached (Affordable)
- 2 x 2 bed semi-detached (Affordable)
- 3 x 3 bed detached
- 3 x 4 bed detached

3.0 Site History

3.1 There is no relevant planning history applicable to the site.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No Objection , whilst recommending standard conditions, have also requested that the upgrading of public transport facilities to Lancashire County Council quality bus stop standards namely: laying of appropriate thermoplastic lining denoting the extent of the stops (Bus Stops 2500DCL2109 & 250015592 (Bridge Road) Kellet Lane).
Lead Local Flood Authority	No Objection , feels that the site can be drained in principle and recommends a condition.
United Utilities	No Objection , subject to the foul and surface water drainage being on separate systems and a surface water drainage scheme to be agreed.
Environmental Health	No observations received within the timescales
Conservation Section	No Objection in principle, however it is critical the design, scale, massing and materials of the built form are sympathetic to the character and appearance of the Conservation Area.
Natural England	No Objection
Strategic Housing Officer	No observations received within the timescales.
Nether Kellet Parish Council	No Objection in principle, providing that privacy is protected for properties along Main Road, traffic safety is addressed on and off Main Road and drainage is addressed.
Tree Protection Officer	Objection on the basis that no Arboricultural Implications Assessment has been submitted with the application.
Public Realm Officer	No Objection however recommends 166.6 m ² of amenity space is provided, together with an off-site contribution of £17,415 , comment is made about a safe crossing point to access the recreation facilities on Main Road.
Lancashire Fire and Rescue Service	No Objection
County Planning (Education)	No Observations received within the timescales.
County Planning (Minerals Safeguarding)	No observations received within the timescales

5.0 Neighbour Representations

5.1 11 pieces of correspondence has been received in relation to the application, 9 object, 1 is neutral and 1 in support. The reasons for the opposition include the following;

- Concerns regarding surface water drainage and foul water;
- Concerns over land ownership;
- In a Green Belt and/or Conservation Area (the site is not within the Green Belt);
- Traffic Issues along Briar Lea Road and Main Road;
- Privacy for occupiers of Main Road;
- A number of properties already on the market and therefore why are more homes needed;
- Should promote brownfield development as opposed to greenfield;
- Requests that committee visit the site prior to determination;
- Lack of facilities and services in the village;
- Detrimental impact to property prices along Main Road;
- Detrimental to the conservation area;
- Affordable Homes will decrease the value of existing properties;

- In-accuracies within the planning application, and lack of consideration for single story extension on one of the off-site properties.

The one piece of correspondence in support of the application is supportive of the development assuming the new homes do not detract from existing property prices.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal.

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles
 Paragraph 32, 34 and 38 Access and Transport
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design
 Paragraphs 69,70, 72 and 73 – Promoting Healthy Communities
 Paragraph 103 – Flooding
 Paragraphs 109, 115,117,118 – Conserving the Natural Environment
 Paragraphs 128-134 – Conserving and Enhancing the Historic Environment
 Paragraphs 186, 187, 196, 197, 203-206 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC4 – Meeting the District’s Housing Requirements

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

E4 – Countryside Area

6.4 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 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
 DM32 – The Setting of Designated Heritage Assets
 DM35 – Key Design Principles
 DM38 – Development and Flood Risk
 DM39 – Surface Water Run-off and Sustainable Drainage
 DM41 – New Residential dwellings
 DM42 – Managing Rural Housing Growth

6.5 Other Material Considerations

- National Planning Practice Guidance
- Meeting Housing Needs Supplementary Planning Document
- Lancaster City Council 2015 Housing Land Supply Statement
- Lancashire Minerals and Waste Local Plan – Policy M2

7.0 Comment and Analysis

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

- Principle of Development;
- Layout and Amenity;
- Impact on Heritage;
- Drainage;
- Natural Environment;
- Highways;
- Landscape;
- Open Space;
- Mineral Safeguarding.

7.2 **Principle of Development**

7.2.1 The Core Strategy which makes up part of the development plan 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, shops, schools, health centres, recreation, leisure and community facilities (Policy SC1). Policy DM42 of the adopted Development Management DPD identifies a number of rural settlements that the Council considers sustainable villages and can support new housing development in principle. Nether Kellet is listed in this policy.

7.2.3 Policy DM42 does indicate that in all cases, proposals for new residential development on non-allocated sites such as this one must:

- Be well related to the existing built form of the settlement;
- Be proportionate to the existing scale and character of the settlement unless exceptional circumstances can be demonstrated;
- Be located where the environment and infrastructure can accommodate the impact of the development;
- Demonstrate good siting and design in order to conserve and where possible enhance the character and quality of the landscape.

7.2.4 The site has been assessed as part of the 2015 Strategic Housing Land Availability Assessment, as being suitable for potentially 13 dwellings (SHLAA Reference 554) and being deliverable within the 6-10 year phase. It has been raised as part of the consultation process that it would be premature to determine the scheme at this present time. There are no material reasons why the scheme cannot come forward in advance of this period of time. The site was allocated as deliverable within the 6-10 year phase on the basis that there was no certainty that the site would come forward in the 5 year timescale. Notwithstanding other technical issues, it is considered that the development is well related to the built form of Nether Kellet (being within the settlement) and the scheme is considered to be of a scale and character which is proportionate to the village. Given none of the infrastructure consultees have objected to the development, the opinion is that the environment and infrastructure can accommodate the proposed development and the site is of a size whereby a high quality scheme could be devised which is complimentary to the character and quality of the landscape and the Conservation Area. It is therefore concluded that the scheme conforms to the requirements of Policy DM42 of the DM DPD.

7.2.5 A key benefit of the scheme is the provision of affordable homes, of which the scheme proposes 4 out of the 10 units; therefore it is compliant with Policy DM41 of the DM DPD. The units as indicatively shown consist of two 1-bedroom and two 2-bedroom units. This would cater for a local need. The remaining units would consist of three 3-bedroom units and three 4-bedroom units. Whilst the Council does not have specific data for Nether Kellet in terms of the Meeting Housing Needs SPD, there is a demand for predominately detached dwellings, with some semi-detached properties of predominantly 4+ bedrooms and some 3 bedroom properties in rural villages. Therefore, it is considered the type of properties could be viewed favourably at reserved matters stage.

7.3 **Layout and Amenity**

7.3.1 The application is outline and therefore matters of layout, scale, landscaping and appearance will be determined at reserved matters stage. Policy DM35 requires new development to make a positive contribution to the surrounding landscape through good design having regard to local distinctiveness, siting, layout and scale. It requires development to promote diversity and a choice of a balanced mix of compatible buildings. In particular it requires development to be accessible and

to promote permeability by creating connections to existing services and to retain appropriate amounts of garden space.

7.3.2 The NPPF places great emphasis on the planning system facilitating social interaction, and creating healthy and inclusive communities. This can be achieved through the provision of an appropriate level of open space, amenity space and landscaping. The scheme is inward looking, and initially did not propose open space but amended plans do now provide for an area of open space albeit slightly smaller than recommended by the Public Realm Officer, however given layout is not being applied for this can be addressed at reserved matters stage.

7.3.3 The layout of the development as noted above is inward looking which is considered acceptable in this location. The scheme is designed around the new access road coming in off Briar Lea Road with a spur to serve 4 of the units on the southern aspect of the site. The overall layout is considered broadly acceptable, with generous gardens, however it is indicative, and the case officer believes that there can be some improvements made at reserved matters stage. There has been some concern with respect to plot 5 in terms of privacy issues associated with the nearest properties along Main Road given these properties are slightly lower than the site (circa 65 metres AOD). The applicant's agent has submitted indicative sections as part of the application. The local resident's concerns are noted, however the application is not seeking permission for layout, and subject to agreed finished floor levels, orientation of windows, boundary treatments and appropriate separation distances being employed, there would be no loss of amenity for either properties along Main Road, Briar Lea Road or for future users of the site itself. It has been raised during the consultation process whether a bungalow could be proposed on plot 5, which would further increase privacy for those residents along Main Road and this will be conveyed to the applicant's agent assuming the scheme is supported by committee as will be the need to account for the single storey extension on one of the properties on Main Road.

7.3.4 Overall it is considered that the development proposed is of a density appropriate to its surroundings and the applicant has provided sufficient information to state that 10 homes could be accommodated on the site. It is considered that at reserved matters stage a high quality scheme can be achieved in line with Policies DM41 and DM42 of the DM DPD.

7.4 Impact upon Heritage

7.4.1 The very southern aspect of the site falls within the Nether Kellet Conservation Area, and given the elevated nature of the site there will inevitably be views from the wider Conservation Area. Views of plots 6-10 are likely to be seen from more distant views from within the Conservation Area. On the basis of a high quality design, and appropriate materials (such as natural slate, fronting stone and appropriate render), it is considered that the development will preserve the appearance of the Conservation Area. Policy DM31 does state that outline applications will not be encouraged within Conservation Areas, however given only a small aspect of the site is within the Conservation Area (consisting of namely garden space) there is sufficient confidence with the indicative layout that a high quality scheme can be achieved. The Council's Conservation Officer has no objections subject to the use of high quality materials. Given this it is considered that the scheme complies with Policy DM31 of the DM DPD and that due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 and it is considered that the Conservation Area and nearby listed buildings would be preserved on the basis of a scheme to be assessed at reserved matters stage.

7.5 Drainage

7.5.1 The application constitutes a major application given it is proposing 10 or more homes and therefore Sustainable Urban Drainage Systems (SuDs) approval will be required from the Lead Local Flood Authority. At the time of writing the committee report the application does not contain a drainage strategy nor does it suggest how surface water drainage will be dealt with. Notwithstanding this the Lead Local Flood Authority raise no objection to the scheme, subject to conditions, however they do caveat that further information should be presented prior to determination.

7.5.2 Developments should be designed with drainage in mind, initially the application did seek permission for scale and layout but in the absence of any information on how the site could be drained the case officer felt it would be premature to determine the layout. For this reason it was not considered in the absence of knowing how the site could be drained that the layout as proposed could be

supported as this may well need to be modified to account for drainage (heightened by its sloping nature and lack of connection to a local watercourse). It is expected that prior to determination at the committee a drainage report will be submitted to give the confidence that the site can be drained in line with the SuDs hierarchy. Therefore from a surface water perspective it is considered given no objection from the statutory consultee then the scheme would accord with Policy DM39 of the DM DPD.

- 7.5.3 Local representations have raised concern with drainage in particular foul water and concern that drainage on Briar Lea Road is unadopted. United Utilities have raised no objection to the development on the proviso that conditions are attached regarding a separate system for foul and surface water drainage (details to be controlled via planning condition). United Utilities have made no reference to whether the existing drainage along Briar Lea Road is adopted and whilst concerns are noted, it is considered that in the absence of an objection from United Utilities that there is no justifiable reason to refuse the scheme on this basis.

7.6 Natural Environment

- 7.6.1 No trees would be lost to facilitate the development, albeit there are hawthorn hedgerows and some trees located within the boundaries of the site and within adjacent gardens. The Council's Tree Protection Officer has objected on the basis that an Arboricultural Implications Assessment was not submitted. An Arboricultural Survey has now been submitted, the comments of the Tree Protection Officer will be reported to Committee. Notwithstanding this, it is clear from the submitted information that the site can be developed without any adverse impacts on existing vegetation, and given the layout is notionally shown at present, conditions can be imposed to ensure root protection zones are not compromised, and therefore the proposed development is compliant with Policy DM29 of the DM DPD and through appropriate landscaping at the reserved matters stage has the opportunity to enhance tree and hedgerow coverage.

- 7.6.2 Natural England raise no objection to the development, the site is not covered by any statutory designation and given the site is farmed and trees would remain as part of the scheme it is not considered there would be any detrimental impact on ecology. Through a high quality landscaping scheme to be secured at reserved matters stage there is the potential to offer an enhancement to biodiversity of the area and therefore considered that the scheme is compliant with Policy DM27 of the DM DPD.

7.7 Highways

- 7.7.1 Concern has been raised by local residents regarding access arrangements, along Briar Lea Road, and the increased the likelihood of accidents at its junction with Main Road. Whilst resident concerns are noted the County Council as highway authority has raised no objection subject to conditions. One of these conditions concerns the upgrade of bus stops, which given ten homes is seen as appropriate. Overall it is considered that in highway safety terms the development is acceptable.

7.8 Landscape

- 7.8.1 Policy DM28 and the NPPF seeks to attach great weight to the protection of nationally important designated landscapes. For the avoidance of doubt, it should be noted that the application site is not located within any such designation (e.g. AONB or National Park). Given this is an outline application, matters associated with siting, design, materials and external appearance of landscaping will be determined at the reserved matters stage should this outline application be supported.

- 7.8.2 The development is on land allocated as open countryside in the adopted local plan which, on the case officer's site visit, was being grazed with livestock. The site is elevated in nature and therefore from within the village the dwellings would be visible from within and around the periphery of the village. It is inevitable that the proposed development will lead to a landscape impact simply on the basis that the site will lose its previously recognised greenfield character. The views of residents who overlook the site are therefore well founded as there will be a landscape change, however a change from open land to a developed form is not necessarily harmful and it is considered that the benefits arising from the scheme in increasing the supply of new homes in the district outweighs the landscape impact.

7.9 Open Space

7.9.1 The Council's Public Realm Officer has no objections to the scheme on the provision that open space is provided on site, a contribution of **£17,415** and for a safe crossing point to be provided to access the recreational facilities across Main Road. Open space has indicatively been shown on the plans and as part of the reserved matters (dependent on number of homes and bedrooms) would need to be revisited. It is not considered that the crossing point for 10 homes would be entirely reasonable, especially given no objection from the County Council as highways authority and therefore in the circumstances cannot be supported. The applicant is amenable to the off-site contribution and therefore this can be secured by Section 106.

7.10 Mineral Safeguarding

7.10.1 Approximately 40% of the site is covered by a mineral safeguarding zone. The County Council as minerals and waste authority has not responded to the consultation request, however given the location (in close proximity to residential dwellings) it is highly unlikely that the site would be able to be commercially worked for mineral. Notwithstanding this, there may be the opportunity for a prior extraction exercise to take place; however given the constraints of the site this is unlikely to be feasible and in the absence of a response from the County it is not considered there would be any sterilisation of mineral resource by non-minerals development and therefore the scheme complies with Policy M2 of the Lancashire Minerals and Waste Local Plan.

8.0 Planning Obligations

8.1 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);
- Provision for long term drainage, open space and landscaping maintenance; and,
- Off-site contribution for open space of **£17,415**

With Committee's support, Officers seek delegation to ensure that the Section 106 Agreement is signed within the 13 week deadline (i.e. before 23rd December 2015).

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 landscape and will be served by an appropriate means of access.

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.

Recommendation

That Outline Planning Permission **BE GRANTED** subject to the following conditions:

:

1. Reserved Matters to be submitted (scale, layout, landscaping and appearance)
2. Development in accordance with plan
3. Construction details for the access
4. Offsite highway works – bus stop upgrade and white lining
5. Scheme for Foul Water to be submitted
6. Surface Water Drainage Scheme
7. SuDs management and maintenance plan
8. Construction Method Statement

9. AMS to be submitted
10. Finished Floor Levels and site levels to be submitted
11. Scheme for electric vehicle charging points
12. Landscaping Management Plan
13. Contaminated Land

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

In accordance with the above legislation, the City Council can confirm 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.