

Agenda Item A7	Committee Date 16 November 2015	Application Number 15/00720/REM
Application Site Land Opposite Greendale Drive Mill Lane Warton Lancashire		Proposal Reserved Matters application for the erection of 21 residential dwellings with associated access
Name of Applicant L & W Wilson		Name of Agent HPA Architecture
Decision Target Date 20 November 2015		Reason For Delay Appraising the scheme's viability
Case Officer		Mr Philip Megson
Departure		Yes
Summary of Recommendation		Approve subject to the completion of a legal agreement to secure the provision of 6 affordable houses.

(i) Procedural Matters

This planning application was considered by the Committee at the September meeting. It was agreed to defer consideration of the planning application pending receipt of an independent viability assessment of the amount of affordable housing that could be provided.

1.0 The Site and its Surroundings

1.1 The site which forms the subject of this application is a 1.1 hectare agricultural field located on the eastern side of Mill Lane on the northern edge of the settlement of Millhead within the Parish of Warton. The site is currently used for silage production and grazing and slopes down (gradient approximately 1 in 9) towards the western boundary adjacent to the highway (Mill Lane). The western boundary of the site is made up of approximately 100m of high level natural stone wall from the most south western corner which then merges with a mature hedge line for the remaining western boundary. There is a small gated site access directly opposite the entrance with Greendale Drive. The eastern boundary consists of a low level post and wire fence.

1.2 The surrounding area is characterised as a mixture of residential and undulating rural agricultural greenfield. Adjacent to the southern boundary backing on to and stepping down with the land levels are 12 residential dwellings located on Grange View. These properties are a mixture of two storey semi and detached dwelling houses. Towards the south western corner of the site is the car park for the Nib Public House, which is a two storey building constructed of natural stone and forms the end building in a small terrace block. On the opposite (western) side of Mill Lane is the entrance to Greendale Drive which consists of a small estate of bungalows along with Kingdom Hall which has a large car park to the front. Adjacent to the northern boundary of the site is a large bungalow known as Stoneleigh (formerly Bradden). There is a regular hourly bus service (51) which passes the application site with a bus stop/shelter located opposite the Nib Public House on the western side of the highway.

1.3 The setting of the site is characterised by fields with boundaries of hedge and dry stone walls. These

fields form the transition zone between the heavily wooded limestone outcrops of Warton Crag and the more intensively developed residential areas of Carnforth.

- 1.4 The application site is within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) and the south western corner of the site is identified as an area susceptible to surface water flooding and the whole site is located within Flood zone 1. There are no other constraints or designations that affect the site.

2.0 The Proposal

- 2.1 Outline Planning Permission was granted subject conditions for 21 dwellings in August 2014 (14/00376/OUT). The Reserved Matters application is for 21 dwellings comprising six 2-storey, 2-bedroom houses; one detached and six semi-detached 2 storey 3-bedroom houses; two detached, 3-bedroom dormer bungalows; four semi-detached 2-bedroom bungalows; and two semi-detached, 3-bedroom dormer bungalows. Access to the site is proposed to be created from the western boundary of Mill Lane, directly opposite Greendale Drive, and includes the provision of a mini roundabout. Surface water drainage will use soakaways.

- 2.2 It is proposed to retain three trees and to create an area of Public Open Space in the north west corner of the site. Two trees will also be retained in the South-west corner of the site. It is proposed to include a landscape buffer, including tree planting, to screen the site from the east. Tree planting is also proposed on the other boundaries to the site. It is proposed to remove the existing hedgerow on the Mill Lane frontage to allow construction of the access and create visibility splays for egress to Mill Lane from the site. It is proposed to replant a hedgerow to the rear of the visibility splay.

3.0 Site History

- 3.1 Details of the most relevant planning history is set out below:

Application Number	Proposal	Decision
98/01253/OUT	Outline application for residential development	Refused
99/00035/OUT	Outline application for residential development including nature conservation and new access	Refused and appeal dismissed
99/00438/OUT	Outline application for residential development including nature conservation area and new access	Refused and appeal dismissed
07/00012/REF	Erection of 16 affordable houses	Refused and appeal dismissed
14/00376/OUT	Outline Application for the development of 21 residential dwellings with associated access	Approved subject to conditions and S106 agreement

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	The EA has no comments to make on this reserved matters application.
Lancashire Fire & Rescue Service	The Fire Authority will make a detailed report on fire precautions at building regulation application stage when formally consulted by the Building Control/Approved inspector
Natural England	In terms of statutory nature conservation sites - no objection. They advise to apply standing advice in relation to protected species; and they do not offer comment on protected landscape matters. They believe that the scheme offers opportunities for biodiversity enhancements.
Warton Parish Council	Objection - the cost of the installation of a mini roundabout is so great the element of affordable housing in the development should be removed. The Parish Council view was that the development would help to meet the affordable housing need highlighted in the AONB housing needs survey. Members also request that the proposed footway

	<p>provision extends for the full length of the site rather than from the mini roundabout only as a safety measure.</p>
<p>Tree Protection Officer</p>	<p>The application contains no detailed arboriculture assessment. There are two mature trees and a mature mixed species hedgerow established to the south-western boundary of the site. These positively contribute to the character and appearance of the site and wider locality and offer ecology opportunities. The two trees are proposed to be retained. Approximately 75% of the mature hedgerow is proposed for removal to accommodate the new access, visibility splays and a new public footway. A short section of hedgerow is to be retained to the north west of the site, close to the proposed public open space. The hedgerow is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash. The hedgerow could be considered for retention and incorporation into the overall design if it was “pushed” back into the site, retaining the soil around the root system. In this scenario, so much more of this valuable wildlife resource and existing amenity value could be realistically retained. This would allow the visibility splays and footpath to be delivered. There would only be a requirement for the removal of a section of hedgerow to provide the new access point. Landscape buffer zones are proposed on three sides of the site, new planting must include a range of native and non-native species to ensure a tree stock resilient to a changing climate.</p>
<p>Arnside & Silverdale Area of Outstanding Natural Beauty Partnership</p>	<p>Strongly objects to a greenfield site within the AONB being used solely for market housing. Objective 10 of the AONB Management Plan 2014-19 prioritises housing development that meets local affordable housing need. The Partnership is concerned that this could set a precedent for other greenfield sites as the arguments put forward as to why it is unviable i.e. sloping ground, providing a new mini-roundabout, do not appear to represent any exceptional circumstances. The needs identified within the AONB Housing Needs survey for Warton - one to three bedroomed housing - should be addressed through development of this site. The current submission does not propose any one bedroomed properties - inclusion of a number of smaller, one bedroomed properties would help meet local need and could improve viability.</p> <p>With regard to design and access, the AONB Partnership previously commented that the view up to Warton Crag should not be compromised. This could be achieved by keeping the most westerly portion of the site more open, locating the bungalows appropriately and by including some one and a half storey properties (dormer bungalows) to increase the number of dwellings that present low vertical profiles within the view. Redesign of the properties to front Mill Lane would deliver layout benefits too. They appreciate this would mean removal or partial removal of the existing hedgerow but this could be compensated for elsewhere on the site and a new hedge could be planted to form the front boundary of each property that faces the main road. Comments regarding sustainable design and use of materials are also provided.</p>
<p>County Highways</p>	<p>No highway objection. Condition requested regarding construction of new internal pedestrian/vehicular access road. Comments that other than a schematic drawing outlining the prospective location of the mini roundabout, little information would appear to have been submitted with regards vehicle swept path analysis, view line arrangements and likely extent of land take requirement's such as to allow for the inclusion of all elements of highway furniture necessary for the construction of a roundabout and point of access into the development. Detailed design of the feature will dictate the overall layout of the scheme and will undoubtedly have a bearing on the exact position of individual residential units within the development. That aside, I have no highway objection to the applicant's reserved matters proposal. Should your council be mindful of granting planning approval, I would ask that the following condition be appended to any associated reserve matters approval:</p>
<p>Housing & Planning Policy Team</p>	<p>The Report appears to be sufficiently robust to satisfy us that the proposed scheme can deliver 6 x affordable housing units (3 x social rented and 3 x intermediate rented) which will be provided in the form of two bedroom houses.</p> <p>Given the conclusions drawn from the report, if the applicant is now willing to provide an affordable housing scheme in the manner recommended in the report, I am satisfied that there is sufficient justification for supporting a scheme that will deliver a lower percentage of affordable housing than could normally be expected.</p>

5.0 Neighbour Representations

5.1 At the time of writing 13 representations have been made by members of the public. 11 of the representations raise objection to the proposed development. The main grounds for objection are summarised overleaf:

- Loss of agricultural land;
- Traditional field pattern would be destroyed;
- Visual impact of the development on the AONB;
- Loss of greenfield site/priority should be given to brownfield sites;
- Potential to exacerbate use of narrow Mill Lane with a detrimental impact on highway safety. The proposed footway would stop at the development boundary and would be a danger for pedestrians crossing the road;
- Lack of capacity of sewers to cater for new development;
- Detrimental to residential amenity (noise, overlooking);
- No clear evidence of local need for affordable housing;
- No affordable housing proposed;
- Adverse impact on wildlife;
- Destruction of hedgerows;
- Increased risk of flooding through run-off;
- Proposed public open space is small and close to a busy road;
- Highway impacts off-site - e.g. congestion at Carnforth cross roads (A6 and B6254)
- Weakens separation of Warton and Carnforth.

5.2 The grounds set out in the representation in support are:

- Well laid out with useful variety of properties will be of benefit to the village;
- Site currently has no environmental merit; it will be improved with landscaping and gardens;
- There is no requirement for any more low cost housing in Millhead; low cost housing would be better built nearer the Carnforth town centre;
- The entrance using a mini roundabout would slow most of the traffic which would be welcome to all residents;
- Moving of the hedge on Mill Lane would help traffic.

5.3 One representation relates to matters not relating to the proposed development.

6.0 Principal National and Development Plan Policies

6.1 **Sustainable Development** – NPPF paragraphs 7 and 14; Core Strategy policy SC1 and SC3
Housing provision – NPPF paragraphs 47 - 50; Core Strategy policies SC1, SC3 and SC4, Local Plan H11 and H7
Accessibility and Highway - NPPF paragraphs 32, 34 and 35; Core Strategy policy E2; Local Plan policy H7 and T9
Open Space – NPPF paragraph 73; Core Strategy policy SC8
Flooding and Drainage – NPPF paragraph 103; Core Strategy policy SC1
Ecology – NPPF paragraph 118
Landscape and Areas of Outstanding Natural Beauty - NPPF paragraph 115-116 and Saved Local Plan policies E3 and E4
Housing Provision – DM41
Managing Rural Housing Growth – DM42
Green and Open Space – DM25 and DM26
Access and Highway Safety – DM20
Flooding and Drainage – DM38 and DM39
Ecology – DM27
Landscape – DM28

7.0 Comment and Analysis

7.1 As the principle of housing is accepted by virtue of outline planning permission 14/00376/OUT, the key material considerations arising from this application are:

- Access and highway safety considerations;
- Landscape impacts and impacts upon the AONB;
- Affordable housing; and
- Impacts on boundary trees and hedges.

In addition the following are other material considerations:

- Ecology;
- Residential amenity;
- Contaminated land; and
- Drainage

7.2 Access and Highway Considerations

In response to the Highway Authority's comments, including requirements for the mini roundabout and its impact on the point of access and the proposed layout of the development, the applicant has submitted a revised plan that provides detailed information to inform the construction of the mini roundabout and point of access into the development.

7.3 To ensure that a satisfactory access is provided to the site, the Highways Authority proposes a condition that requires the internal pedestrian/vehicular access road to be constructed in accordance with the Lancashire County Council document "Specification for Construction of Estate Roads (2011)" to at least base course before any development takes place within the site. In highway terms, there is no objection from the statutory highways consultee.

7.4 Landscape Matters and Impacts upon the AONB

The site already benefits from outline permission, although most matters, including design and layout, were reserved for future consideration at this Reserved Matters stage. The outline Committee Report acknowledged the site characteristics, but concluded that any impacts upon the natural beauty and character of the AONB would be somewhat mitigated by the existing built form of Greendale Drive and Grange View. For those reasons, it was considered that there would not be a significant adverse impact upon the character and appearance of the AONB.

7.5 The detailed layout and elevational plans indicate a mix of house types as described in paragraph 2.1 of the current report. Now that house types are being proposed, it allows further assessment of the landscape impacts associated with the development.

7.6 The site itself is predominantly sloping. It slopes from the North to the South with an easing in gradient leading to more level ground towards Mill Lane. This depression serves to considerably reduce the visibility of the lower section of the site from all but immediate viewing points. The ground to the north east of the site rises to an elevated area of field typical of the landscape character. The site topography assists with a reduction in distant visual significance but does not reduce the visibility of the development from adjacent residential dwellings.

7.7 Having regard to an earlier appeal decision, (06/01574/FUL– Appeal Ref: App/ A2335/A/07/2039641) which proposed 16 dwellings and was dismissed at appeal stage, dormer-style bungalows are proposed on the more elevated parts of the development to reduce the distant visibility of the development from other surrounding parts of the AONB. This leads officers to conclude that the landscape impacts upon the landscape will be acceptable.

7.8 The applicant is proposing to remove the existing hedgerow forming the boundary with Mill Lane in order to facilitate the development including construction of pedestrian pavements along Mill Lane and the planting of a replacement hedgerow, which would be set back behind the proposed pavement. The Tree Protection Officer considers that the hedgerow, which is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash, has a natural diversity and maturity that presents a range of opportunities for wildlife. It also provides important greening and screening if retained within the context of the development. The hedgerow could be considered for retention and incorporation into the overall design if it was "pushed" back into the site, retaining the soil around the root system. In this scenario, so much more of this valuable wildlife resource and existing amenity value could be realistically retained.

- 7.9 The Applicant's landscape consultants considered that the proposed development would have major adverse impacts during the construction phase when viewed from the existing bus stop on Mill Lane, Greendale Drive, Kingdom Hall and Grange View. This assessment was based in removing the existing hedgerow fronting Mill Lane and replanting behind the footway. These construction phase impacts would be mitigated in part by pushing back the existing hedge back into the site. At 15 years the proposed development, due to the maturing of screen planting, would have moderate adverse impacts on Mill Lane, Greendale Drive and Grange View, with minor adverse impacts on Kingdom Hall.
- 7.10 Proposed materials for all house types are natural stone to part of the key elevations and other materials prevalent in the AONB (rendered walls and roof tiles). This is consistent with the palette of materials used at Stoneleigh to the north, which is also in the AONB. Details would be conditioned. To protect the AONB it is appropriate to remove permitted development rights from the proposed dwellings.
- 7.11 Affordable Housing
- As the site is greenfield and over 15 units are proposed, the provision of up to 40% affordable housing is required by Policy DM41. Where compelling and detailed evidence demonstrates that the provision of up to 40% affordable housing would have a disproportionate and unwarranted negative impact on the viability of a proposed development, applicants may seek to provide fewer affordable dwellings than would ordinarily be acceptable.
- 7.12 The outline planning application proposed 21 houses including the provision of 6 affordable houses (29% of the 21 houses proposed). As this is below the maximum policy requirement, the applicant submitted an Affordable Housing and Housing Needs Statement which, based on a Financial Viability Report prepared by Donald Lomax and Partners RICS Surveyors, concluded *that "the site would not be viable if any affordable housing was provided on the site"*. This was due to:
- Low house prices in the north Carnforth area (evidence of sales prices from nearby houses were provided).
 - Low density development which leads to higher build costs, due to the need to use bungalows in certain areas of the site due to visual impact issues (in order to address previous planning appeal guidance), and in reaction to the site's location in the Arnside and Silverdale AONB.
 - High off-site costs associated with the provision of the mini-roundabout to Mill Lane.
 - High groundworks costs associated with work on a sloping site.
- 7.13 A Section 106 Agreement was signed by the landowner and the Council, which recognised that the Council required up to 40% affordable housing on the site, but contained a clause permitting further negotiation with the Council at Reserved Matters Stage on the level of affordable provision on the site, if a detailed Financial Viability Report was presented to the Council.
- 7.14 A Financial Viability Appraisal undertaken by Bushell Raven Quantity Surveyors, submitted with the current reserved matters application, concluded that the site is not viable if affordable housing is provided. Based on this financial appraisal the applicant initially offered no affordable housing but, following early negotiations, agreed to provide four affordable houses. This represented a 19% affordable housing contribution, about half of the local planning policy requirement. Officers considered that this provision was inadequate.
- 7.15 The Applicant and the Council agreed to commission an independent Financial Viability Appraisal, and Keppie Massie was appointed to undertake this work. The Appraisal concluded that the development can provide 6 affordable units on the basis of an equal split between social and intermediate housing. This represents a 29% affordable housing contribution. The Applicant and Officers agreed that the outcome of the Appraisal would be binding on both parties, and this now forms the basis of the affordable housing offer.
- 7.16 Cumbria Rural Housing Trust's Housing Needs Survey Report in the Arnside/Silverdale AONB (2014) identified a need in Warton for a total of six 1 or 2 bedroom houses/flats, five 3 or more bedroom houses and one 1 or 2 bedroom bungalow/flat. The contribution of proposed development would meet the need for 1 or 2 bedroom houses in Warton.

7.17 Impact upon Trees and Hedgerows

The main issue relates to the hedgerow on the western boundary of the site. Approximately 75% of the mature hedgerow is proposed for removal in order to accommodate the new access, highway visibility splays and the installation of a new public footway. A short section of hedgerow is to be retained to the north west of the site, close to the proposed public open space.

7.18 The hedgerow is comprised of elder, hawthorn, blackthorn, hazel, sycamore and ash. The natural diversity and maturity of this hedgerow represents a range of opportunities for wildlife. It also provides important greening and screening if retained within the context of the development.

7.19 The hedgerow should be retained and incorporated into the overall design “pushing” it back into the site, retaining the soil around the root system. Much more of this valuable wildlife resource and existing amenity value could be realistically retained. This would allow the required visibility splays to be met and installation of the new public footway. There would only be a requirement for the removal of a section of hedgerow to provide the new access point. Where “gaps” in the hedgerow exist, new infill planting should be planned and agreed in writing.

7.20 Ecological Impacts

The Lancashire Environment Record Network has no records of protected or notable species for the site. There are however records of protected or notable species within 1km. The nearest County Wildlife Site is 300m to the north west of the site being Warton Crag Nature Reserve. This is isolated from the site by a road and open, exposed pasture. The nearest statutory protected site is Morecambe Bay SSSI, SAC SPA, RAMSAR, 200m to the West. This is isolated from the site by housing and a major railway junction. Precautionary mitigation measures are set out in the ecological assessment dated 14 February 2014 submitted with the outline planning application (14/00376/OUT).

7.21 Residential Amenity

The applicant is proposing 4 bungalows and 4 dormer bungalows on the upper slopes of the site near the eastern boundary of the site to mitigate against the possible impact of 2- and 3-storey houses when viewed from the other side of the village (Borwick Lane and Well Lane area of the village).

7.22 The bungalows will also reduce overlooking of houses in the vicinity, particularly to the west of Mill Lane. The minimum distance between these bungalows and the nearest (Kingdom Hall) to the west side of Mill Lane is 21m. The 13 houses lower down the slope have views into the site. It is considered that overlooking does not have a significant impact on residential amenity.

7.23 Impacts arising during the construction phase would be regulated by a condition controlling hours of working and Construction and Traffic Method Statement to be submitted to and approved in writing by the Local Planning Authority prior to construction.

7.24 Contaminated Land

The applicant has submitted a Preliminary Risk Assessment (Desk Study), the findings of which are that the site is an undeveloped field with no use from which contamination would be expected. The site is bordered by housing, there have been no nearby land uses from which contamination is expected and no pollution incidents on or close to the site. The proposed development will be houses with gardens, potential pollutant linkages are considered to be very unlikely and only a very low risk from contamination is anticipated.

7.25 Drainage

As stated above, surface water drainage will be provided by way of soakaways. These are only sufficient if they are not built or paved over. It is therefore appropriate to remove permitted development rights to prevent such works and development that would render these essential drainage facilities from being effective.

8.0 Planning Obligations

8.1 The independent Financial Viability Assessment concludes that the provision of six affordable houses should be provided. A legal agreement is proposed to secure this provision. A Section 278 highway agreement is proposed for off-site highway works referred to in paragraph 7.2 of this report, and would be secured by way of conditions.

9.0 Conclusions

9.1 The applicant has demonstrated (Drawing No 1803-10 Rev C) that a workable access point and a mini-roundabout can be accommodated that meets the Highway Authority's requirements. Pedestrian safety on Mill Lane will be improved by the provision of a footway along the Mill Lane frontage to the site.

9.2 The site topography and the development of bungalows on the more elevated parts of the development assist with a reduction in distant visual significance but does not reduce the visibility of the development from adjacent residential dwellings. During the construction period there would be significant visual impacts along the frontage of Mill Lane in the vicinity of Greendale Drive, Kingdom Hall and Grange View. This is due to the movement of the existing hedgerow fronting Mill Lane and planting of a replacement hedgerow behind the footway. These impacts would be mitigated in part by pushing the existing hedge back into the site. At 15 years the proposed development, due to the maturing of screen planting, would have moderate adverse impacts on Mill Lane, Greendale Drive and Grange View, with minor adverse impacts on Kingdom Hall.

9.3 Retention of the hedgerow fronting Mill Lane is highly desirable. This could be achieved by pushing back the hedgerow, and on this basis a planning condition is proposed. Precautionary mitigation is proposed for dealing with ecological impacts arising from the proposed development. Impacts on residential amenity arising during the construction phase would be regulated by a condition controlling hours of working and the submission and approval of a Construction and Traffic Method Statement prior to commencement on site. No contamination of the site is expected.

9.4 The independent Financial Viability Assessment has concluded that the provision of six affordable houses is viable. In line with policy requirements would require 50% social rented and 50% intermediate units to be provided on site. Given this, approval can now be recommended.

Recommendation

That approval of reserved matters **BE APPROVED** subject to a legal agreement requiring the provision of 6 affordable houses on site and the following conditions:

1. Standard reserved matters timescale.
2. Development in accordance with approved plans (*in respect of layout, Drawing No 1803-10 Rev C; in respect of scale and appearance of the houses and bungalows, Drawings 1803-20 Rev A, 1803-21 Rev A, 1803-22 Rev A, 1803-23 Rev A, 1803-27 Rev A*).
3. Scheme of off-site highway works (to accord with Section 278 Agreement).
4. Construction of internal pedestrian/vehicular access road in accordance with "Specification for Construction of Estate Roads (2011)".
5. Proposals for retention of the hedge fronting Mill Lane (except for access) by "pushing" back into site, shall be submitted and approved prior to commencement of development.
6. Details and samples of materials and finishes to be submitted and approved prior to commencement of development.
7. Details of windows and doors to be submitted and approved prior to commencement of development.
8. Details of boundary treatments to be submitted and approved prior to commencement of development.
9. Details of finished floor levels to be submitted and approved prior to commencement of development.
10. Removal of PD rights (Parts 1, 2 and 14) and building/paving over soakaways

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 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 the development, and in particular too the relevant policies contained in the Development Plan, as presented in the full officer report, and to all relevant material planning considerations, including the National Planning Policy Framework and National Planning Practice 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.