

<b>Agenda Item</b> A5	<b>Committee Date</b> 24 July 2017	<b>Application Number</b> 17/00224/FUL
<b>Application Site</b> Land To The Rear Of Pointer Grove And Adjacent To High Road Halton Lancashire		<b>Proposal</b> Erection of 66 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works
<b>Name of Applicant</b> Russell Armer Ltd.		<b>Name of Agent</b> Mr Andrew Tait
<b>Decision Target Date</b> 9 June 2017		<b>Reason For Delay</b> Amended plans and re-consultation
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

**(i) Procedural Note**

A site visit was arranged for Committee Members to view this particular site prior to the Committee meeting. This was undertaken on 19 June 2017.

**1.0 The Site and its Surroundings**

- 1.1 The site is in the region of 4.3 hectares in area, and is 47.50 metres Above Ordnance Datum (AOD) at its lowest part of the site (south west corner) and rises to 76.50 AOD metres towards the north eastern corner. The average site gradient is approximately 1:10. The northern half of the site has a steeper gradient when compared to the southern part of the site. The site is located on the eastern periphery of the village in the region of 550 metres from St Wilfrid's Primary School and 240 metres from the parade of shops on High Road. There are agricultural fields beyond the site to the north west, north, east and south east. To the west and south west are residential properties on High Road and Pointer Grove. Kirkby Lonsdale Road / High Road runs along the southern boundary.
- 1.2 The site is currently used for agricultural purposes and there are no buildings located on the site. The site is bound by a mature hedgerow on all the aspects with some isolated trees on the boundaries of the site. There are two culverted watercourses that traverse the site converging to a single watercourse.
- 1.3 The site is not situated within any ecological designation or nationally protected landscape (although the Forest of Bowland AONB is 500 metres to the south east). Footpath number 11 is located 100 metres to the north west and Halton Conservation Area is located 440 metres to the south west of the site. Whilst not within the site, an Ash Tree in the control of 195 High Road is protected by a Tree Preservation Order 235 (1995).

**2.0 The Proposal**

- 2.1 The scheme proposes a total of 66 residential units and this is proposed to be made up of the following mix:

### Affordable (26 Units)

Four x 1 bedroom homes  
Eleven x 2 bedroom homes  
Nine x 3 bedroom homes  
Two x 4 bedroom homes

### Open Market (40 Units)

Twenty five x 3 bedroom  
Fifteen x 4 bedroom

2.2 The units will consist of detached, semi-detached, townhouses, terraced houses and apartments. Due to the levels across the site some of the units proposed are to be split level units. Materials include a mixture of natural stone, roughcast render and timber style boarding. Roofing materials are proposed to be slate. Boundary treatments predominately consist of 1.8m high fencing however there are hedgerows and stone walls also proposed. Given the change in levels across the site many of the gardens include retaining walls.

2.3 A new access is proposed onto High Road which includes a 5.5 metre wide access road with a 6m kerb radii and visibility splays of 2.4 x 120 metres are proposed in each direction. The scheme proposes a sustainable drainage system which would be a feature within the centre of the site with open space and landscaping across the site (incorporating a large woodland area to the north). A play area is proposed in the southern part of the site.

## **3.0 Site History**

3.1 The only relevant history is the pre-application advice that was offered to the applicants in 2015.

Application Number	Proposal	Decision
15/01050/PRETWO	Residential development including infrastructure and access	Advice provided

## **4.0 Consultation Responses**

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

Consultee	Response
<b>Halton Parish Council</b>	<p><b>Object</b> to the development for the following reasons:</p> <ul style="list-style-type: none"><li>• concerns raised with respect to surface water drainage;</li><li>• concerns in relation to the impact on the nature of Kirkby Lonsdale Road;</li><li>• inappropriate and unwanted extension to the village;</li><li>• the development is not in keeping with the local buildings which are predominately single storey;</li><li>• there should be consideration of the cumulative effects with other approved development within the village.</li></ul>
<b>County Highways</b>	<p>Initially objected to the development following concerns associated with the applicant's Transport Statement (with respect to Forge Lane / High Road / Church Brow priority junction with Low Road as well as a lack of detail with regards the impact of two way traffic flows and residual queuing adjacent 10 / 11 Church Brow.</p> <p>Following the receipt of amended plans and additional information and subject to the clarification on matters associated with surface water and adoption issues raises <b>no objection</b> and recommends conditions associated with the below;</p> <ul style="list-style-type: none"><li>• Protection of visibility splays;</li></ul>

	<ul style="list-style-type: none"> <li>• Scheme for off-site highway improvements (including footway along the site's frontage, review of street lighting, thermoplastic lining, gateway feature aimed at reducing vehicle speeds and restriction of parking between Rectory Farm House and 17 High Road;</li> <li>• Construction method statement; and</li> <li>• Scheme for the construction of the sites access.</li> </ul>
<b>Lancashire County (Education)</b>	<b>No objection</b> , subject to a financial contribution of <b>£199,042.34</b> towards the provision of 14 primary school places. No contribution is sought towards secondary education places.
<b>Environmental Health</b>	<b>No objection</b> but recommends conditions associated with contaminated land.
<b>United Utilities</b>	<b>No objection</b> recommends that the development is carried out in accordance with the FRA.
<b>Engineering Team</b>	No observations received within the statutory timescales
<b>Environment Agency</b>	<b>No objection.</b> No requirement to consult.
<b>Fire Safety Officer</b>	<b>No objection.</b>
<b>Lead Local Flood Authority</b>	<b>No objection</b> ; subject to conditions associated with a surface water drainage scheme to be submitted and associated management and maintenance plans. The LLFA maintains no objection following the third party response from CTC Infrastructure (commissioned by local residents).
<b>Natural England</b>	<b>No objection</b>
<b>RSPB</b>	No observations received within the statutory timescales.
<b>Shell</b>	<b>No objection</b>
<b>Forest of Bowland AONB Office</b>	<b>No objection.</b> Considers that the landscape and visual impacts on the AONB are limited.
<b>Greater Manchester Ecology Unit</b>	<b>No objection.</b> Conditions are recommended associated with replacement landscaping to compensate for the loss of the hedgerow to facilitate access, removal of hedgerows to be undertaken outside of bird breeding season and a details of biodiversity enhancement measures to be secured by means of planning condition.
<b>Public Realm Officer</b>	<b>No objection.</b> Recommends that 1253m <sup>2</sup> of amenity space is provided on the site, together with a children's play area. Recommends that a contribution of £132,225 would ordinarily be required, however, Halton has received considerable funding over recent years and therefore this contribution would be better spent on upgrading the proposed open spaces on the site.
<b>Lancashire Police</b>	<b>No objection</b> and recommends that security measures such as alarms and boundary treatments are proposed to prevent unwanted crime.
<b>Tree Protection Officer</b>	<b>Objection.</b> Recommends that the hedgerow that is proposed to be removed to facilitate the required visibility splays is pushed back as opposed to removed, concerns regarding the relationship of the new dwellings with T2 (large mature ash tree), and the need to ensure that the proposed woodland to the north is established sufficient distance from the proposed new dwellings to the east.
<b>Planning Policy / Strategic Housing Officer</b>	<b>Comments.</b> The site is located in a settlement where the Council would look to promote residential development. The scale of the development and its relationship with the existing settlement and landscape will be a key consideration in this assessment. The Strategic Housing Officer has no objections to the development proposals.

## **5.0 Neighbour Representations**

5.1 The application has generated **68 letters** of objection citing the following reasons:

- Housing Needs – Little demand for properties within the village;
- Out of character – Halton is predominately bungalows and therefore the scheme as presented would be out of keeping with the local vernacular;
- Drainage concerns – There is a need to upgrade drainage within the village; the field already floods and this will be made worse, there are concerns that the development footprint is too large for the drainage scheme that has been proposed and that more detailed calculations are required;

- Highway safety – Drivers disregard the speed limit on the local roads, the situation has been exacerbated since the Heysham-M6 link road was opened in 2016 and linkages to Halton on foot are poor;
- Local infrastructure – Cannot cope with increased capacity within the village notably the local school and drainage;
- Landscape concerns – The site is on the edge of the settlement and the landform does not lend itself to this form of development;
- Contrary to policy – The SHLAA stated that site had capacity for 35 dwellings which is significantly less than the applicant’s proposal.

With respect to the amended scheme for 66 units an additional **15 letters** of objection have been received, which raise the following concerns:

- In addition to the above comments, there has been concern raised regarding the contents of the Landscape and Visual Impact Assessment;
- Consider that the scheme does not conform to Policy DM42 of the Development Management DPD;
- Concerns that the highway rebuttal does not address fundamental concerns with respect to the speed of travelling of vehicles; and
- Concerns with respect to inadequate waste water drainage

5.2 St Wilfrid’s Church of England School governors object to the scheme based on insufficient capacity at the primary school.

5.3 The residents of Pointer Grove have commissioned JWPC (Planning), Rachel Atkinson Landscape Architect (Landscape) and CTC Infrastructure (Drainage and Highways) to provide a critique of the applicant’s submission and substantiates the concerns raised by local residents with respect to the issues contained above.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

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 186, 187, 196, 197, 203-206 – Decision-taking

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its’ Full Council, the local authority resolved to undertake public consultation on:

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

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that

the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### 6.3 Lancaster District Core Strategy (adopted July 2008)

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

### 6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E3 – Development within and adjacent to the AONB  
E4 – Countryside Area

### 6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM23 – Transport Efficiency and Travel Plans  
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  
DM30 – Development affecting listed buildings  
DM32 – The Setting of Designated Heritage Assets  
DM34 – Archaeology  
DM35 – Key Design Principles  
DM37 – Air Quality Management and Pollution  
DM38 – Development and Flood Risk  
DM39 – Surface Water Run-off and Sustainable Drainage  
DM41 – New Residential dwellings  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure  
DM49 – Local Services

### 6.6 Strategic Policies and Land Allocations DPD (Consultation January 2017)

SC1 – Neighbourhood Planning Areas  
H3 – Housing Development in Rural Areas

### 6.7 Other Material Considerations

- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document (February 2013);
- Lancaster City Council March 2017 Housing Land Supply Statement;
- Planning Advice Note – Open Space Provision within New Residential Developments;
- Halton with Aughton Neighbourhood Plan.
- Planning Advice Note – Provision of Electric Vehicle Charging Points for New Development

## **7.0 Comment and Analysis**

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

- Principle of development;
- Drainage;
- Affordable Housing / Market Housing;
- Nature Conservation;
- Highways;
- Layout;
- House Types
- Landscape and Visual Impact
- Trees;
- Open Space;
- Education Provision;
- Other Matters

### Principle of development

- 7.1.1 The site is located on land outside of the main urban area and is identified as 'Countryside Area' in the adopted Local Plan. The Council, via the Spatial Strategy described in the District Core Strategy and continued in the emerging Land Allocations document, would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development.
- 7.1.2 Policy DM42 of the Development Management DPD seeks to promote wider opportunities for housing delivery within rural areas of the District, in accordance with the aims of national planning policy. Policy DM42 sets out a series of villages which the Council would, in principle, support proposals for new housing. Policy DM42 identifies Halton as a village where housing proposals would be supported in principle. Whilst the principle of housing development in Halton is accepted, there are a number of considerations which need to be given to any planning application before concluding that residential development in this location would represent sustainable development. In particular reference should be made to paragraph 20.22 of the Development Management DPD which states; *"The council will support proposals for new housing development that contain or have good access to an appropriate range of local services that contribute to the vitality of these settlements. These services are local shops, education, health facilities and access to public transport and other valued community facilities. Proposals should demonstrate that they will have clear benefits to the local community and, in particular, will meet rural housing needs according to robust evidence (such as the Lancaster District Housing Needs Survey or other local housing needs survey)"*.
- 7.1.3 Given the site is identified as Countryside Area, Saved Policy E4 of the adopted Local Plan is relevant to this planning application. This requires proposals in the Countryside Area to be in scale and keeping with the character and natural beauty of the landscape; appropriate to its surroundings in terms of siting, scale, materials, external appearance and landscaping; not result in an adverse effect on nature conservation or geological interests; and make satisfactory arrangements for access, servicing, cycle and car parking provision.
- 7.1.4 Notwithstanding the above, the Council is charged by Government (via national planning policy) with significantly boosting the supply of housing and this has been further supported by the Housing White Paper '*Fixing our broken housing market*' of February 2017. This is supported by Policy DM41 of the Development Management DPD which states that residential development will be supported where it represents sustainable development. In supporting residential development the Policy states that proposals for new residential development should ensure that available land is used effectively taking into account the characteristics of different locations; be located where the environment, services and infrastructure can or could be made to accommodate the impacts of expansion; and provide an appropriate mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need.
- 7.1.5 Lancaster City Council is currently unable to demonstrate a 5 year housing supply (having 3.9 years housing supply at present). A Supreme Court judgement in May 2017 (Suffolk Coast DC v Hopkins Homes and Richborough Estates v Cheshire East BC) has overturned a previous Court of Appeal ruling regarding the interpretation of "relevant policies for the supply of housing". The Supreme Court concluded that there was no reason *"...to treat the shortfall (of a 5-year housing land supply) in the particular (housing specific) policies as rendering out-of-date other parts of the Plan which serve a*

*different purpose*". In effect, the judgement re-emphasises the primacy of the Development Plan and the role of the decision-maker in assessing the weight to be attached to individual policies when considering the planning balance. The lack of a five-year housing supply triggers the operation of the second part of NPPF Paragraph 14, and decision-makers should weigh the consequences of an undersupply of housing against other policies in the development plan that may have the effect of restricting that supply.

7.1.6 Halton with Aughton Parish Council have made an application to designate the area as a Neighbourhood Plan area. Consultation on this area designation took place in 2015 and the designation was approved on 26 October 2015. The Neighbourhood Plan will seek to address the requirements for new housing in the village and securing appropriate locations to achieve such development. Recent case law would suggest that for a Neighbourhood Plan to be considered in the decision making process it must have made significant progress towards completion (being at the Referendum stage) before any real weight can be attached to it. Clearly the Neighbourhood Plan in Halton is at a very early stage, and so little weight can be afforded to the community's intention to prepare a Neighbourhood Plan, but nevertheless is still a material consideration. A number of the local residents have raised concern raised that in the 2015 Strategic Housing Land Availability Assessment this concluded that 35 dwellings could be accommodated on the site, whereas this scheme essentially is double that figure. The SHLAA does not allocate land, but it is a technical exercise to review land which may be suitable for development proposals. The local authority did consider that the site had development potential but this should be limited to the southern part of the site due to landscape concerns.

7.1.8 Policy DM42 of the Development Management DPD is especially relevant for this application and as noted above new development in Halton will be supported assuming the below criteria can be met:

- 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 can accommodate the impacts of the expansion;
- Demonstrate good siting and design in order to conserve and where possible enhance the quality of the landscape; and, consider all other relevant policies.

7.1.9 The development is adjacent to residential properties along High Road and Pointer Grove and therefore it is considered that the development has some form of geographical relationship to the existing built form of Halton. Matters must then turn to whether the development proposed is appropriate in terms of scale and character.

7.1.10 With respect to its relationship to the village in terms of scale and character, the proposed development is a modest extension to a village which has a population in the region of 2,220. Officers consider that an additional 66 dwellings can be seen to be proportionate to the scale and character of the settlement (even including the recently consented developments). Local infrastructure has to be able to cope with the proposed expansion of the village and this is discussed in more depth in paragraphs 7.2, 7.5 and 7.11 and issues of design and landscape is considered in depth at paragraphs 7.6 and 7.8. On balance Officers consider that the development conforms to Policy DM42 of the Development Management Development Plan Document.

## 7.2 Drainage

7.2.1 There has been a number of concerns raised with respect to surface water drainage within the village, and villagers are understandably concerned given some of the village suffered extensive flooding during Storm Desmond in December 2015. It should be stressed that the site lies within Flood Zone 1 and therefore the site is considered to be at low risk of flooding. Notwithstanding the above there is a culverted watercourse that drains the site and the upland catchment. It currently poses a high risk of surface water flooding. This flood event is predicted to the narrow corridor within the centre of the site. The existing topography and drainage features within the site are proposed to be utilised to provide a sustainable drainage feature. This will utilise a series of cascading detention basins, with the existing culvert opened to create a permanent watercourse running through the site. Plot drainage, driveways and parking bays will be served by geo-cellular crates located within the driveways of each of the dwellings. It is proposed that mini flow chambers will be discharged to an attenuated rate of 0.2l/s into a new surface water sewer, with discharge into the detention

basins/channels. With respect to highway drainage it is proposed that the highway network will incorporate a series of gullies and pipes which will convey the surface water flows into the cascading detention basins within the central belt of the site. Once the surface water has left the detention basin, surface water will be discharged into the existing 450mm diameter culvert within the site, connecting into the 750 mm diameter surface water sewer to the rear of no 9 Pointer Grove, which eventually enters the surface water drainage system on Arrow Lane. The applicant's drainage engineers have suggested that a Sustainable Operations and Maintenance Plan should be entered into. As part of the drainage scheme it is proposed to repair the existing culvert at 7 Pointer Grove.

7.2.2 With respect to foul water drainage, it is envisaged that the foul water will be discharged into the existing 225mm diameter combined sewer within High Road at the junction of High Road and Schoolhouse Lane. No objection has been received from United Utilities in this regard and therefore it has to be assumed that the site can be drained of foul water.

7.2.3 The Lead Local Flood Authority (LLFA) has raised no objection to the scheme on the provision that there are conditions attached to the consent in connection with the detailed design of the drainage and its associated long term management and maintenance. There had been concern raised by an independent drainage consultancy (CTC Infrastructure – commissioned by local residents) that the scheme has not provided the sufficient calculations to demonstrate that the quantum of development could be supported on this site and questions whether there is sufficient information has been submitted. The third party representation was shared with the LLFA for comment and whilst they agree that full calculations have yet to be submitted they consider that this issue can be addressed by means of planning condition. It is understood that there are issues with the capacity in the culvert system around the site but the LLFA comment that it is not within the remit of the LLFA to object to development on the basis that the development does not reduce the current risk of flooding off site and for this to occur the flows from the developed site would need to be attenuated to match the capacity of the existing 300mm diameter culvert, but as they stress it is not within their remit to request this.

7.2.4 There is currently an earth bund that has been created to protect the rear gardens of properties on Pointer Grove (which was undertaken by the applicant in June 2015 after acquiring the site), and this has proven effective and performed as designed during the Storm Desmond event in 2015. The temporary bund which was created to protect the existing houses on Pointer Grove is proposed to remain until the main drainage works are completed on the site. Following this the onsite surface water system and watercourse improvements will mitigate both on and off site flooding concerns. Local residents have raised concerns with the loss of this bund and via discussions with the LLFA they are confident that the bund would no longer be required following the main drainage works. Notwithstanding this following discussions with the applicant in July of this year it is now proposed to include a new 300mm high bund along the boundary of Pointer Grove and this can be incorporated into a planning condition.

7.2.5 Officers are sympathetic to the concerns of residents and some of the photographs submitted in support of resident concerns show quite a significant volume of surface water being channelled through the site. The applicants did engage with the LLFA at pre-application stage and have held on-site meetings with them to discuss a suitable strategy with respect to handling surface water. Whilst there have been a number of concerns raised in respect of this issue it is considered that subject to appropriate conditions being imposed that the scheme can be found acceptable from a surface water perspective.

### 7.3 Affordable Housing / Market Housing

7.3.1 This is a full application, and therefore unlike an outline application where the quantum of affordable housing would be determined at the reserved matters stage, this is decided as part of this planning application. Policy DM41 requires that up to 40% of the properties on a scheme of 10 or more in a rural area should be affordable housing. The applicant is providing 39.3% of the units to be affordable (equating to 26 units) and have proposed 50% of these to be affordable rent and 50% of them to be intermediate in the form of shared ownership. The unit types range from 1 to 4 bedrooms and therefore the provision here is fully supported by the Planning and Strategic Housing Officers. This is afforded considerable weight in the planning balance. The provision of such can be secured by means of legal agreement of which the applicant is amenable to.



7.3.2 The most recent Housing Needs Survey (Meeting Housing Needs SPD February 2013) suggested that the main market housing need in Halton was for 2-bedroom properties and some 4 plus bedroom properties including bungalows. Therefore, the scheme proposed does not entirely align to the data that was previously captured. A significant concern amongst the local community is that the house types proposed do not conform to the properties that currently exist in Halton which is predominately bungalows. Whilst it is accepted that there are a number of bungalows within Halton there is no objection from the Council's Strategic Housing Officer in terms of the applicant's proposals and Officers consider that the mix and type as proposed is considered acceptable.

#### 7.4 Nature Conservation

7.4.1 The application is supported by an ecological appraisal which states that the site is an improved agricultural field and that the main ecological interests of the site are the trees and hedgerows that the site contains. The Council's ecological advisor, Greater Manchester Ecology Unit (GMEU) would have wished to see the large mature ash tree remain (to be lost to facilitate the access arrangements), and consider that any loss of biodiversity, such as the loss of hedgerow, shall be transplanted or replaced. GMEU recommends conditions associated with landscaping, and protection of nesting birds with no removal or works to hedgerows, trees or shrubs occurring between 1 March and 31 August.

7.4.2 Following a concern raised by a local resident regarding Great Crested Newts, the applicant undertook additional surveys and utilised eDNA testing on a local garden pond (10 Pointer Grove). This confirmed that there had been Great Crested Newt activity in 2016. However, following night time surveys of the pond in 2017 this did not reveal any confirmed presence of Great Crested Newts. It is therefore considered that there would not be any harm to the protected species though the hedgerow to the rear of 10 Pointer Grove should be retained and protected during the development of the site. The amphibian report has been shared with GMEU and comments will be verbally presented to Planning Committee. The blue-green corridor provides an opportunity to provide habitat as does the planting associated with the scheme especially to the north of the site. On balance it is considered that the development is acceptable from a nature conservation perspective.

#### 7.5 Highways

7.5.1 The application is supported by a comprehensive Transport Assessment, which concludes that the 85<sup>th</sup> percentile speed indicated is 42 mph north east bound and 39mph south west bound. These figures have been used to inform the visibility splays required to facilitate the development are 2.4m by 120m in either direction (which have been provided). The County Council as highways authority considered that insufficient information was initially submitted to allow for a decision to be made, predominantly centring around the need for further traffic flows at the Church Brow/High Road mini-roundabout and analysis of queue lengths taking account of increased traffic flows through Halton following the opening of the Bay Gateway in October 2016. The County also requested the extension of the footway from the site to Arrow Lane (currently a grassed verge which has a number of driveways crossing it), so that it is possible to walk to local amenities without having to cross High Road.

7.5.2 Additional information was received from the applicant in respect of the capacity assessment of the mini-roundabout, and this concluded that there would be significant spare capacity available. An amended plan showing the extension of the footway as requested by County, and also amending the access junction to 6 metre kerb radii have all both been received. County responded to the applicants amended plans advising that from a capacity perspective the Church Brow/High Road mini-roundabout does operate within capacity and the County raises no objection on highway capacity grounds.

7.5.3 County has expressed concern with the surface water management arrangements with respect to their adoption and have asked for additional information in this regard. Officers consider that it is important to note that this is not a planning consideration, and the adoption process would be handled under Section 38 of the Highways Act 1980. Notwithstanding this point a management company can be secured by means of legal agreement. It is important to note that the LLFA raises no objection to the applicant's surface water drainage solution. County has recommended that there is a review of existing street lighting together with gateway features. Street lighting is acceptable but Officers are liaising with the County as there already seems to be gateway features aimed at reducing vehicle speeds in place, so this latter request appears to be unreasonable and unnecessary.

- 7.5.4 County has also suggested a Traffic Regulation Order to restrict parking between Rectory Barn Farm and 17 High Road. This is in the region of 880 metres to the west of the application site and it is considered that the proposals would create roughly 1 extra vehicle every 4 minutes in the morning peak hour and 1 vehicle every 2 minutes in the evening peak passing this location. Given the County considers that the junction is operating within capacity, and that parking for these residents who live within these properties would be compromised, whilst there are potential merits in having a no waiting restriction (given buses use this route) it is considered unreasonable to impose such a condition. It is something that should be considered by the County Council as a separate matter.
- 7.5.5 The village amenities, such as local shops, doctor's surgery and primary school, are located to the west of the application site. Rather than having to cross Kirkby Lonsdale Road and back again to get to the local shops, the applicants have proposed (in line with the County recommendation) a link footway to Arrow Lane of 2 metres in width. Whilst the verge is adopted highway there are five driveways that benefit from their right of access across the verge. There is a concern that due to the gradients involved that a deliverable solution may not exist. County and the applicant have been requested to provide additional clarification on whether this can be delivered without impairing the present residents' abilities to access their drives. A verbal update will be presented to Members.
- 7.5.6 It is noted that there has been significant concern among local residents that since the opening of the Bay Gateway in October 2016, there has been a significant increase in traffic through the village, together with an increase in vehicle speeds approaching and exiting the village. It was noted during site visits that on occasions vehicles were travelling at a speeds greater than the speed limit. None of the above issues are in doubt, and the views of the local community are noted here, but given there is no objection from the statutory consultee on highway safety and capacity it has to be concluded that the development can be found acceptable from a highway's perspective.

## 7.6 Layout and House Types

- 7.6.1 The scheme is essentially split into two distinct areas which are proposed to be separated by the applicant's surface water drainage solution. The southern element of the site contains a mixture of terraced, semi-detached and detached units and the northern part of the site containing mostly detached houses. Plot levels vary across the site with the site sloping to the south west where at the lowest site levels would be in the region of 48 metres AOD and towards the south east part of the site levels are in the region of 68 metres AOD. The site is split by the blue-green corridor which is in the region of 0.43 hectares.

### 7.6.2 Southern Layout

Officers initially had concerns with the relationship of the built form with Kirkby Lonsdale Road/High Road and the applicant has responded to the concerns via an amendment to the layout which provides for four less units compared to the initial scheme; the re-positioning of a number of the dwellings; and also the provision of a play area (to the north of units 20-24). Whilst the scheme does still feel quite suburban, Officers consider that there is a substantial improvement compared to the originally submitted scheme. In general design terms, garden sizes and privacy between dwellings is considered acceptable. As part of the amendments to the scheme plots 4 and 5 have been pulled back from 10 and 11 Pointer Grove, and there is now 24 metres between the conservatory of 11 Pointer Grove and the nearest habitable window of Plot 5.

- 7.6.3 Whilst there are still urban parking courts present, which are not entirely characteristic of the village, it is considered that the amendments that have been incorporated into the scheme have been beneficial to the development. A boundary treatment plan has been submitted in support of the scheme. The proposed boundary treatment for the majority of the southern half of the site is close boarded timber fencing, though through discussions with the agent, hedgerows and some stone walling has now been included (which is considered a little more sympathetic to Halton). No landscaping scheme has been included within the submission but this can be controlled by planning condition. There has been concern raised regarding plot 25 given the elevation that is proposed to face Kirkby Lonsdale Road is a rather blank gable with no defining features. The case officer has requested that this elevation be stone facing as opposed to render, and the applicant is amenable to this change. Whilst the southern area still feels suburban the amendments that have been sought are considered sufficient to enable Officers to recommend to Members that the layout can be supported.

### 7.6.3 Northern Element

The northern element of the site consists of predominately detached units with some semi-detached properties, and two 1-bed apartments. To the far north consists an area that is proposed to be woodland planting varying between 30-40 metres in depth and 180 metres in length. This is a challenging site to develop, and during the pre-application process the extent of the development on this northern part of the site has reduced, separation distances between properties increased and the provision of a landscaped embankment within the centre of the site to safeguard amenity has all occurred. On the whole (and given the challenging nature of the gradients) it is considered that the scheme has been well designed in this location by the utilisation of split level units and the landscaping area that is proposed to exist between properties on the terrace of units 25-45 and units 46-56. Between plots 40 and 50 there is c6.5 metres incline between the properties and to account for this they have provided a separation of 31.8 metres. Given the presence of the landscaping area between the units it is considered that on balance privacy can be maintained.

7.6.4 Developing on sloping sites requires special consideration and the use of retaining walls feature heavily in the scheme, which mainly consist of timber sleepers. However, render walls and the like will be utilised. It is considered that this element is acceptable subject to a condition being attached for finished floor levels and site levels to be agreed.

7.6.5 Representations from Pointer Grove and those properties along High Road that overlook the site have raised concern with respect to outlook and privacy. There will be a substantial change as part of the development proposal. The case officer has visited a property on Pointer Grove and fully appreciates that having a view of housing where currently there is none would be an undesirable outcome for the occupiers, and that the rolling nature of the fields from the rear elevations of Pointer Grove is an attractive landscape. However, it is considered that given separation distances this would not result in there being an oppressive outlook from the existing dwellings.

### 7.7 House Types

7.7.1 The applicant has sought to utilise 16 house types ranging from apartments to four bedroom detached units, and these are the applicant's standard house types. It should be noted that whilst standard, the applicant is based in Kendal in Cumbria and has developed sites across North Lancashire and Cumbria. It is considered that the properties are generally in keeping with the local vernacular. The scheme has benefitted from pre-application advice, and this has resulted in all roofs being of natural slate, a mix of render/stone and timber style boarding being utilised. The mixture of materials will add interest to the scheme and is to be fully supported, and rather than typical white uPVC windows the applicant has chosen to utilise slate grey.

### 7.8 Landscape and Visual Impact Assessment

7.8.1 The site lies within National Character Area 20 (Morecambe Bay Limestones) but is also in very close proximity to National Character Areas 31 (Morecambe Bay and Lune Estuary) and National Character Area 33 (Bowland Fringe and Pendle Hill). The landscape is rolling and undulating and is typical of the landscape character in this part of the District and beyond into Cumbria. At a local level the site falls within the Landscape Character Type 13c Drumlin Field – Docker-Kellet-Lancaster.

7.8.2 It is clear that the scheme would result in a complete change in the character of the site itself, and whilst there are urban influences to the west of the site, the site is predominately rural in nature. A key trait of Landscape Character type 13c is the need to conserve the distinctive rolling landform. The scheme as proposed would go against the grain of this requirement. However, it is recognised that this is a fairly extensive character area, so a loss to a small part of it could be deemed acceptable.

7.8.3 There has been some disagreement from a third party landscape architect to the applicant's proposals. Rachel Atkinson Landscape Architect (who is a resident of Pointer Grove) has provided a response to the application and considers that the scheme as proposed would have a significant detrimental impact on the local landscape character, and considered that the assessment by the applicant of the landscape character was poor. There has been concern that the LVIA does not accurately illustrate the complex nature of the site's topography and the LVIA fails to use existing baseline information as a point of reference. There has also been criticism raised regarding methodology being inconsistently applied and a lack of consideration regarding the impact that the development has on residential amenity and that the development is inappropriate. The applicant

has responded to the criticisms by supplying a further rebuttal. Given the change from field and hedgerows to an urban form it is inevitable that the resulting effect would be significant in selected viewpoints. From a visual perspective it is considered that for properties on Pointer Grove (that back onto the site) and those that overlook the site on High Road that there would be an adverse impact associated with the development.

- 7.8.4 The Forest of Bowland AONB boundary is 500 metres from the application site and given the elevated nature of the development it is inevitable that when viewed from within certain viewpoints within the AONB the scheme would be seen. Given the proximity to the boundary of the AONB the views of the Forest of Bowland have been sought. They raise no objection to the proposals and comment that from within the AONB the proposed development would show a slight extension towards it.
- 7.8.5 Landscape impact is a subjective issue and engenders different reactions from different professionals. There is no doubt that the scheme will have impacts upon the landscape character and also visual amenity of residents that cannot be easily mitigated. Notwithstanding this, Officers consider (with the exception of the viewpoints from High Road and Pointer Grove) that the overall impact is moderate. Furthermore, the Local Planning Authority cannot demonstrate a deliverable 5 year housing land supply and therefore schemes have to be considered in the content of the presumption in favour of sustainable development. Whilst it is considered that there would be impacts on the landscape it is deemed that these would not demonstrably outweigh the benefits attributed to providing market and affordable housing in Halton which is a sustainable location.

## 7.9 Trees

- 7.9.1 A total of five individual trees (T2, T4, T6, T8 & T9) and four hedges (H1, H3, H5 & H7) have been identified in relation to the proposed development. Species include, ash, hawthorn, elder and holly. By and large the proposals allow for the retention of the majority of existing trees and hedges. However, trees T8, a mature ash, T9, a mature hawthorn and a large section of hedge, H7 (comprised of mainly hawthorn and elder) are proposed for removal in order to accommodate the proposed new access and to meet the required highway visibility splays. The Tree Protection Officer has no objection to the loss of T8 as this is showing signs of decline and the proposed loss of T9 is unlikely to have any significant impact upon the character of the site.
- 7.9.2 Concerns have been raised with respect to the loss of the hedgerow to facilitate the access and necessary sightlines (circa 80 metres of hedgerow is proposed to be lost). The Tree Protection Officers favoured approach would be to push the existing hedgerow back into the required position. Whilst this would be preferable, the applicant, is proposing compensation for this along the site's frontage and also introducing significant planting within the site. Concern has been raised with respect to the development's impact on T2 which is a large ash tree and Plot 1 (the closest dwelling to this tree being in the region of 4 metres from the tree canopy). The applicant provided a rebuttal to the recommendations of the Tree Protection officer but comments have yet to be received from the Tree Protection Officer. The observations of the Tree Protection Officer to the amended AIA information will be reported to Members.

## 7.10 Open Space

- 7.10.1 A scheme based on the number of units proposed would be looking to provide in the region of 1252m<sup>2</sup> of amenity space on the site. The large open space copse area that is proposed to the north of the development alone comprises 9847m<sup>2</sup>. The scheme also proposes the blue green corridor which equates to 4253 m<sup>2</sup>, and the large verge area to the east of plots 49 and 50, and 760m<sup>2</sup> associated with the central planted area. Combined this amounts to 1.67 hectares which is significant given the site is 4.3 hectares in area.
- 7.10.2 The scheme initially did not propose a play area. However, following discussions with the agent, one has now been provided to the north of plots 20-24. No details of play equipment has been provided but following discussions between Officers and the applicant this will feature 5 pieces of equipment and will be secured by means of planning condition. The Public Realm Development Manager has no objections to the proposal though recommended that a financial contribution of £133,225 could be asked for assuming there is an identified need. Halton is, however, well equipped with community facilities and therefore it is considered that rather than an off-site contribution it would be more beneficial to have a high quality open space on the site. It would have been beneficial to include an area of land that could be used as a kick about area but land levels do not accommodate this.

## 7.11 Education Provision

7.11.1 The County Council has requested that a financial contribution towards primary school provision is required in support of the scheme which amounts to £199,042.34. This is to contribute to 14 primary school places. It is acknowledged that St Wilfrid's Church of England School is over-subscribed at present so this contribution to improve and expand its facilities is therefore required. The Governing Body of St Wilfrid's Church of England Primary have objected to the scheme on the basis that the village school is already over-subscribed and that given the number of recent planning approvals within the village that the school does not have the capacity to meet an identified need for school places. Notwithstanding the issues raised by the board of governors, the applicant is amenable to providing the financial contribution and coupled with no objection from the Education Authority it has to be assumed that there is local capacity.

## 7.12 Other Matters

7.12.1 The scheme is removed from any Listed buildings and the Conservation Area in Halton, and it is considered that given the intervening built form between the Conservation Area and listed buildings (380 metres away) that there would not be any harm to the setting of the Conservation Area and also Listed building settings. Whilst conditions have been recommended by the contaminated land officer associated with contaminated land, it is considered that an unforeseen contaminated land condition would suffice. To protect the amenity of the area it is considered that Permitted Development rights should be removed and a condition requiring electric vehicle charging points is also recommended.

## **8.0 Planning Obligations**

8.1 The applicant is amenable to the following being secured by legal agreement;

- Provision of 26 units to be affordable (Four 1 bedroom apartments, eleven 2 bedroom houses, nine 3 bedroom houses and two 4 bedroom houses);
- Contribution of **£199,042.34** towards primary school education at St Wilfrid's Church of England School;
- Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

## **9.0 Conclusions**

9.1 The Local Planning Authority is unable to demonstrate a five year housing land supply and Paragraph 14 of the NPPF states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. The development would make a contribution towards meeting the need for market and affordable homes, and the significant landscaping that is proposed would have environmental benefits and this is attributed modest weight. Whilst there are concerns regarding highway and drainage impacts the relevant statutory consultees raise no objection to the development and therefore this neither weighs in support or against the scheme.

9.2 There will be a harmful effect on the character and appearance of the area as there will be a change from open farmland to housing development - the overall impact being moderate though in close views that would increase to significant. As part of the planning balance Officers conclude that the delivery of affordable and market homes outweighs the negatives associated with the landscape impact. It is considered that the proposal does represent a sustainable form of development, and for the reasons given above, and taking other matters into consideration it is recommended that Members support the scheme subject to the conditions and obligations listed.

## **Recommendation**

That subject to the applicant signing and completing a legal agreement to secure the obligations as contained within Paragraph 8.1, Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans (to be listed)

3. Working programme
4. Hours of works (0800-1800 Mon to Fri and 0800-1400 Sat only)
5. Detailed plans of site access
6. Off-site Highway Works
7. Protection of visibility splays 2.4m x 120m
8. Car parking to be provided
9. Garages for use of motor vehicles only
10. Details of cycle parking and refuse provision (dwellings without garages)
11. Development in accordance with the submitted AIA
12. Submission of a Tree Works Schedule
13. Provision of landscaping scheme
14. Scheme of enhancement for ecology
15. Development in accordance with the FRA
16. Surface water drainage scheme
17. Finished floor and site levels
18. Open space – including provision of 5 pieces of play equipment, maintenance, timetable for implementation
19. Material samples
20. Details of retaining walls and boundary treatments, including finishes
21. Unforeseen contaminated land assessment
22. Removal of the PD rights
23. Vehicle charging points

### **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 decision 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 decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None.