

Agenda Item A7	Committee Date 13 November 2017	Application Number 17/00736/OUT
Application Site Land North Of 17 Main Street Warton Lancashire	Proposal Outline application for the erection of nine dwellings and associated access	
Name of Applicant Strong Developments Ltd	Name of Agent Mr Ian Nicholson	
Decision Target Date 10 November 2017	Reason For Delay Committee Cycle	
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Approval	

1) Procedural Note

The application would normally be determined by delegated powers. However, Councillor Susan Sykes has requested that the planning application is determined by Planning Committee given the sensitivity of the landscape and concerns over the access arrangements.

1.0 The Site and its Surroundings

- 1.1 The proposed development is located on the western fringes of the village of Warton. The site is greenfield and amounts to 0.53 hectares which forms the southern part of a larger 4 hectare field that is currently used for sheep grazing. The application site comprises semi improved grassland, with residential properties located to the east, west and south. To the north of the site lies open fields, with Crag Road located 150m to the north. The site is bound by hedgerows to the west, with hedgerows located to the south. The boundary treatment to the east is predominately of garden fences associated with the properties of Church Hill Avenue. The access associated with the development is proposed to cut through the garden associated with 17 Main Street which consists of mature landscaping. At its lowest point along Main Street the site is approximately 16.5m Above Ordnance Datum (AOD) but it rises to approximately 29m AOD in the north east corner of the site.
- 1.2 The site is located within the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB); located 140m to the east of the Warton Conservation Area, and the closest Listed building is located 145m to the west of the site. The site lies within the District's Countryside Area and Warton Crag, a Site of Special Scientific Interest (SSSI) is located 160 metres to the north.

2.0 The Proposal

- 2.1 The application is made in outline form with only the means of access being applied for. The scheme proposes nine residential units, and an indicative plan has been submitted in support of the scheme outlining seven detached properties and a pair of semi-detached units.
- 2.2 A new access is proposed that would be located off Main Street being 5.5m in width, which would cut through the existing garden associated with 17 Main Street. To facilitate the access the removal

of some landscaping will be required namely in the form of a Silver Birch, Holly and a mixed shrub group consisting of Holly, Elder and Portuguese Laurel.

3.0 Site History

3.1 There is no relevant site history.

4.0 Consultation Responses

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

Consultee	Response
County Highways	Initially objected, though through dialogue with the applicant no objection is now raised subject to the required sight lines being achieved within the applicant's control of 2.4m x 43m in each direction. The County has since confirmed that the visibility splays are contained within the applicant's control and within adopted highway.
Arnside and Silverdale AONB	Object to the development for the following reasons: <ul style="list-style-type: none"> • The application should be providing 50% of the properties to be affordable housing and meeting a local need; • The development does not meet the mini-brief as set out in the draft AONB DPD; • The development in combination with the development of 13 Main Street (16/00221/OUT) is extending the development further onto the slopes of Warton Crag and the cumulative impact on the village and AONB is of concern; • The development would have a detrimental impact on the landscape character and special qualities of the AONB and will not be delivering affordable or locally needed homes; and, • The development is contrary to National and Local Planning Policy.
Natural England	Concerns in terms of the increase in recreational pressure on the Morecambe Bay SPA, RAMSAR, SAC and SSSI (over 1km away). However, through dialogue, assuming homeowner packs are provided to new residents NE raises no objection on the basis of recreational pressure on the Morecambe Bay Special Protection Area (SPA). With respect to landscape they wish for further consideration of the impacts on the protected landscape and they have concerns with respect to the height of the dwellings and also the landscape mitigation.
Warton Parish Council	Objection to the development: <ul style="list-style-type: none"> • Concerns that the stone wall that would be lost to facilitate the site access; • The development would border a sensitive boundary with Warton Crag; • The development is likely to increase the opportunities for flooding; • There is a need for smaller dwellings and therefore this development goes against the requirements of the AONB Housing provision survey.
Tree Protection Officer	Initially objected, but following the submission of further information raises no objection subject to a detailed landscaping scheme and the provision of a tree survey, constraints plan, protection plan and tree works schedule as part of any Reserved Matters application.
Planning Policy	The Council's housing needs analysis supports the development of smaller dwellings on this site, whilst the landscape policy cautions against the taller scale of building indicated on the applicant's drawings. Given that all matters have been reserved on this application within a protected landscape, there is not enough detail and certainty that the proposals will meet the high standards expected for design and housing in the AONB. Further information should be sought from the applicant to address these planning policy concerns.
United Utilities	No Objection provided that foul and surface water drainage is drained on separate systems and a surface water drainage scheme is developed within the SuDS hierarchy.
Environmental Health	No observations received within the statutory timescales.

5.0 Neighbour Representations

5.1 67 letters of **objection** have been received raising the following points:

- The application site is Green Belt (NB: the site is not located within the Green Belt);
- Landscape impacts – concerns with respect to the height of the proposed dwellings; dwellings on the site should be limited to single storey units;
- Land ownership concerns;
- Errors within the submission (notably the content of the planning application form);
- Ecological impacts – the development will impact on protected species notably bats;
- Highways – concern regarding how the visibility splays can be achieved; Main Street is busy and there are concerns regarding the interface between the two accesses. There are concerns that the necessary access road would not conform to the maximum gradient for estate roads;
- The development is considered to constitute major development (paragraph 116 of the Framework) and therefore by definition the applicant's proposal should be refused; and,
- The village requires smaller, more affordable property types, not the executive type dwellings this planning application proposes.

5.2 One letter of support has been received pleased that further housing will be built in the village, but wishes for the housing to be affordable.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 – Core planning principles

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

6.2 **Local Planning Policy Overview**

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. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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 Policies

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan Saved Policies

E3 – Development affecting Areas of Outstanding Natural Beauty
E4 – Development within the Countryside Area

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM25 – Green Infrastructure
DM27 – The Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM41 – New Residential Development
DM42 - Managing Rural Housing Growth

6.6 Draft Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) DPD

AS01 – Development Strategy
AS02 – Landscape
AS03 – General Requirements
AS04 – Housing Provision
AS09 – Design
AS13 – Water quality, sewerage and sustainable drainage
AS25 – W130 Land North of 17 Main Street

6.7 Other Material Considerations

- Arnside & Silverdale AONB Management Plan 2014-19;
- National Planning Practice Guidance;
- Meeting Housing Needs Supplementary Planning Document;
- Lancaster City Council 2015 Housing Land Supply Statement;
- Low Emissions and Air Quality (September 2017);
- Housing Needs Affordable Practice Note (September 2017);
- Provision of Electric Vehicle Charging Points – New Developments (February 2016).

7.0 Comment and Analysis

7.0.1 The main considerations arising from this planning application are:

- Principle of Development;
- Landscape Impacts;
- Layout;
- Drainage;
- Natural Environment; and
- Highways.

7.1 Principle of Development

7.1.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport to homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD sets out a list of villages within which new residential development

will be supported, of which Warton is one and the site is located adjacent to the built up area of the village. Saved Policy E3 of the Lancaster District Local Plan states that proposals within the AONB which would have a significant adverse effect upon their character or harm the landscape quality will not be permitted. The site is within the AONB and therefore paragraph 116 of the NPPF sets out that planning permission should be refused for major developments in these areas except in exceptional circumstances. Given the relatively small scale of the scheme and its relationship to the existing built form of the settlement, it is not considered that it should be treated as major development under the terms of Paragraph 116 of the Framework (a view shared by Planning Policy Officers). The site has been provisionally included within the Draft Arnsdale and Silverdale AONB DPD under Policy AS25-W130 for approximately 16 dwellings and support will be afforded to a scheme, assuming technical constraints such as ecology, drainage, access, landscape and layout are satisfactorily addressed. The local authority cannot demonstrate a deliverable five year housing land supply, and therefore the authority will seek to support sensitively designed sustainable housing schemes in sustainable villages such as Warton, which will make a small but valuable contribution to the district's housing land supply.

7.1.2 Local residents have raised concern that only 20% of the dwellings on the site would be affordable homes (2 of the 9 units – equating to 22%), whereas the emerging policy is requiring that at least 50% of the dwellings should be affordable. The local community and the AONB Partnership note that the emerging policy looks to support development proposals where they deliver at least 50% affordable housing. Policy AS04 of the Arnsdale and Silverdale AONB has still to go through examination and therefore the weight attached to this is limited. The adopted position is 20% with delivery on the site, though National Planning Practice Guidance (NPPG) only requires a financial contribution. The applicant has stated that they are amenable to the units becoming Starter Homes or, failing this, shared ownership. The position on Starter Homes is that the national, secondary legislation has still to be passed to allow for the Authority to consider Starter Homes as appropriate means of affordable housing. The Authority would generally seek to see a 50/50 split between rented and shared ownership, but given the small scale nature of this site Officers consider that two of the units should be shared ownership. Confirmation has yet to be received from the applicant to confirm the acceptability of this. Significant weight is attached to the provision of the affordable units.

7.1.3 The scheme did initially propose 2.5 storey dwellings but this was reduced to two-storey dwelling houses during the application process following concerns raised by Officers. Many of those raising concern with the application do so on the premise that the house types as proposed do not conform to the AONB Housing Needs Survey (HNS) 2014. It is the case that the HNS showed evidence for smaller and more affordable properties. Whilst local concern is justified, this application does not seek planning permission for matters of scale and layout and therefore the type and scale of dwellings would need to be agreed at the Reserved Matters stage, based on factual evidence at that time which would include the emerging HNS, the results of which are expected imminently.

7.2 Landscape Impacts

7.2.1 The site lies within the Arnsdale and Silverdale AONB and therefore special consideration needs to be paid to protecting the special landscape qualities. A Landscape and Visual Impact Assessment (LVIA) accompanies the application concluding that the proposed scheme in terms of density, overall mass and location will be visually cohesive with the surrounding dwellings/village and will not have a significant adverse impact on the character of the surrounding AONB landscape types. The assessment does conclude that for dwellings in close proximity there will be certain aspects (i.e. from first floor windows) where there will be a major adverse impact on the current open aspects.

7.2.2 Due to the open rolling nature and rising topography of the site it forms a relatively minor part of the rural backdrop to the modern linear extension of Warton and the properties along Main Street assist in screening the site from motorists travelling into the village. The site does form a minor part of the important rural setting to the Warton Conservation Area to the east and is a noticeable element in views from the footpath at the western edge of the Conservation Area and from Warton Crag. It is important to consider the cumulative effects of this planning application, the outline consent for 5 units at land north of 13 Main Street for 5 dwellings (16/00221/OUT) and also the 23 units consented at Warton Grange Farm (15/00847/OUT).

7.2.3 Whilst Officers are mindful of the advice shared by Natural England and the AONB Partnership who raise significant concerns regarding the development of this site, Officers consider the site does have the capacity in landscape terms to accommodate nine residential units without resulting in a

significant adverse effect to the character and visual amenity of the AONB. The Council undertook a landscape assessment of the site to establish whether the principle of development on this site could be supported and whilst the assessment was generally positive, it did highlight that single storey dwellings would be a better fit for the landscape given the rising topography. Despite this application and the consented scheme for 5 dwellings north of 13 Main Street (16/00221/OUT), developing dwellings closer to Warton Crag there is still a substantial green buffer between these sites and Crag Road and therefore it is considered that this would be acceptable from a landscape and visual perspective. It is considered that for properties that border the site on Church Hill Avenue (numbers 44, 46 and 37) and those on Main Street (15, 17, 19 and 21), the views experienced from certain aspects of these properties (i.e. 1st floor windows) are likely to lead to a significant change in the occupiers' outlook. A right to a view is not a planning consideration, but a loss of outlook is. Given the separation distances as illustrated on the indicative plan it is considered that residential amenity would not be harmed to such a degree to warrant refusal of this application (albeit accepting that there would be an impact). This issue would be examined in detail as part of any reserved matters application.

7.2.4 The application initially proposed to include 2.5 storey dwellings but this was later amended to two storey dwellings. Following discussions with the applicant they have helpfully provided a schedule of maximum levels with 5 of the 9 properties exceeding the ridge height of 46 Church Hill Avenue, but only in the region of by 1.5 metres. Given the sloping nature of the site it is expected that a split level type property may need to be utilised and therefore when viewed from Main Street the properties would be seen as a two storey, but only 1.5 storey when viewed from Crag Road. Whilst the landscape advice advocated the use of single storey dwellings, and whilst a two storey dwelling may exceed the ridge heights of the adjacent properties on Church Hill Avenue, Officers consider that this could be made acceptable on the premise that high quality designs and materials are brought forward as part of any Reserved Matters application.

7.2.5 There is some regret that to access the site this would necessitate the removal of vegetation within the garden space of 17 Main Street as this would open up views for users of Main Street. The Parish Council refers to the potential loss of the attractive stone wall that forms part of the boundary treatment to 17 Main Street, but the applicant's plans show that this wall will be rebuilt to provide the necessary visibility splays. This can be controlled by condition.

7.3 Layout

7.3.1 In terms of layout, some amendments would be required to the layout to ensure appropriate garden sizes can be accommodated, but there is no reason to suggest that a high quality scheme cannot be delivered here. It is considered that appropriate separation distances can be achieved to ensure the protection of existing residents on Main Street and also Church Hill Avenue. 17 Main Street is within the control of the applicant and is in region of 15 metres in distance from the side elevation of the nearest proposed dwelling on the indicative layout, albeit there is a difference in land levels between the properties of approximately 2.5 metres. However, this is considered acceptable to protect residential amenity. Given levels Officers recommend a condition requiring finished floor and site levels, which shall include garden spaces so the relationship with the off-site properties can be appropriately considered when full details are known. The northern boundary of the site is a sensitive one. A combination of suitable boundary treatments, whether that is a living fence in combination with a stone wall, with some landscaping will be required and this will require some thought as part of any Reserved Matters application. The rear elevations are also considered important and will need to be considered sensitively as part of any future Reserved Matters application (assuming Members support the recommendation).

7.4 Drainage

7.4.1 Warton historically has had problems associated with surface water flooding during extreme rainfall events and this forms a common theme among many of those raising objections to this planning application. The site lies within Flood Zone 1, and therefore at the lowest risk of surface water flooding. During the application process the applicant supplied additional information with respect to some trial pits that were undertaken to establish the suitability of the site for soakaways. Whilst only three trial pits have been undertaken it would appear that the geology of the site is likely to be compatible with a traditional sustainable urban drainage (SuDS) infiltration system for surface water drainage as set out in the outline drainage strategy. A planning condition is recommended that provides for how surface water will be managed on the site, including the access. With respect to

foul water, no objection has been received by United Utilities and it is expected that foul sewage will be collected on a separate system prior to discharge to the public sewer running along Main Street and therefore it is considered that the site can be adequately drained of foul water. However, for completeness a condition is recommended requiring the details of such to be agreed.

7.5 Highways

7.5.1 The scheme proposes the creation of a new access via the garden space of 17 Main Street utilising a standard 5.5 metre estate road with a footway to the east taking users down to Main Street. The access road into the site continues northwards for 55 metres until the main developable area of the site is reached. The gradient of the new access would be in the region of 1:9 which is slightly steeper than that generally accepted by the Highway Authority for adoption. However, it is considered that the access road would not be eligible for adoption and therefore privately maintained. The Highway Authority initially had some concerns as they considered that vehicular speed counts should have been undertaken to establish the necessary visibility splays. The applicant then demonstrated on plan that visibility splays in the order of 2.4 metres x 43 metres are possible in each direction, and with this the Highway Authority removed their objection. There was concern that the visibility splays were not within the control of the applicant, but the Highway Authority has since confirmed that they are contained within land under the control of the applicant or within the adopted highway.

7.5.2 The Highway Authority has stipulated a number of planning conditions associated with street lighting and thermoplastic lining to influence vehicle speeds through the village. It is essential that street lighting around the site access is put in place but it is not proportionate for a scheme of 9 dwellings to contribute towards the provision of a further upgrade in street lighting or to provide for details for reducing vehicle speeds through the village.

7.5.3 In light of this, there is no objection from the Highway Authority, and Officers are confident that the required visibility splays can be delivered and protected and that approval of this scheme will not compromise highway safety. It is considered that the scheme is acceptable in highway terms.

7.6 Natural Environment

7.6.1 The proposal is in the region of 1km away from the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar site. Natural England has raised concern that the development of this site is likely to result in increased recreational pressure on the foreshore of the bay. This is a small development of dwellings and whilst within walking distance of the bay it is considered that in the interests of protecting the special qualities of the bay all properties would need to have welcome packs made available setting out the special qualities of the bay and the impact dog walking and the like has on wading birds. With this Natural England raises no objection on the basis of ecology to the planning application.

7.6.2 Concern has been raised by the local community with regards to bats utilising the site. The applicant has submitted an ecological appraisal in support of this submission which has involved a site visit by a competent ecologist. The conclusions of their study is that there are over 500 records of seven species of bat within 2km of the site but no records for the site, and whilst there are high quality habitats close to the site where bats are recorded the site is not considered to offer high quality habitat to bats. There are no structures on the site that could offer roosting habitat to bats and 17 Main Street was inspected externally and deemed to offer low level opportunities for use by bats, although no evidence of use by bats was recorded. Furthermore, none of the trees on the site were considered to offer roosting potential for bats. Whilst concerns have been raised by members of the community regarding how the assessment of bats was carried out, the methodology the applicant's ecologist utilised followed guidance from the Bat Conservation Trust. Officers are content that the assessment process is thorough. The ecological assessment contains mitigation/recommendations for this development which includes bat boxes, new planting and restricting light pollution and this can be controlled by planning condition.

7.6.3 The application is accompanied by a tree survey and whilst the Tree Officer objected to the development initially the applicant amended the alignment of the access road and moved plot 9 away from the sycamore tree. Whilst it would have been preferable to include the creation of a copse of woodland there is an improvement in the overall volume of trees to be planted. This will

have to be considered as part of any Reserved Matters application. The Tree Officer has no objection to the development subject to a landscaping scheme being submitted and also an up to date Arboriculture Implications Assessment being submitted with any Reserved Matters application.

7.7 Other material considerations

7.7.1 The site is greenfield and consists of semi-improved grassland. There is no evidence of contamination on the site or previous uses that would lead to this, and with this in mind it is considered reasonable to attach a planning condition associated with any unforeseen land contamination. It is also considered appropriate to attach conditions associated with the removal of permitted development rights given the sensitive location of the development together with the provision of electric vehicle charging points.

8.0 Planning Obligations

8.1 The applicant is amenable to securing the following requirements by way of legal agreement. These requirements are considered to meet the tests set out in paragraph 204 of the NPPF.

- The provision of two shared ownership affordable housing units; and
- Long term maintenance of non-adopted highways and associated, street lighting, drainage, landscaping, and open space.

9.0 Conclusions

9.1 Warton is a village whereby sensitive and sustainable housing schemes will be supported, and after careful consideration it is considered that the erection of 9 dwellings and the associated new access would not have a significant detrimental impact on the special qualities of the AONB. It is considered that the site can be accessed in a safe manner and given the results of the percolation tests it appears as though the site can be drained utilising infiltration methods. There will inevitably be a landscape impact associated with this proposal, but it is considered that given the surrounding built form, whilst there would be harm caused by the development it is considered on balance to be such that would not warrant refusal of this planning application, which would contribute a modest but welcome addition to the 5-year supply of housing. Should Members support this scheme high quality dwelling design and materials should be utilised. With the above in mind and subject to the applicant entering into a Section 106 agreement to provide for 2 affordable housing units and long term maintenance of the non-private spaces, the scheme is recommended for approval.

Recommendation

That subject to the applicant entering into a Section 106 Agreement to secure the obligations as set out in Paragraph 8.1 of this report Outline Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Restriction on dwelling height to be no more than 2 storeys in height
4. Access arrangements
5. Surface water drainage scheme based on sustainable drainage solutions
6. Maintenance plan for the surface water drainage scheme
7. Provision of a Tree Works Schedule, Arboricultural Method Statement, and Tree Protection Scheme
8. Development in accordance with ecological report mitigation measures
9. Foul water drainage arrangements
10. Unforeseen land contamination condition.
11. Removal of Permitted Development rights
12. Protection of visibility splays
13. Electric vehicle charging Points
14. Finished floor levels
15. Provision of homeowner packs

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

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

Background Papers

None