

<b>Agenda Item</b> A5	<b>Committee Date</b> 6 April 2018	<b>Application Number</b> 17/00959/REM
<b>Application Site</b> Land Between Low Road And Forge Lane Halton Lancashire		<b>Proposal</b> Reserved matters application for the erection of 76 dwellings with associated landscaping
<b>Name of Applicant</b> Mr Martin Nugent		<b>Name of Agent</b> N/A
<b>Decision Target Date</b> 22 November 2017 Extension of time agreed until 13 <sup>th</sup> April 2018		<b>Reason For Delay</b> Negotiations on design and viability matters
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Approve, subject to the Council's Tree Protection Officer and GMEU being satisfied with the proposed planting proposals.

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to approximately 5 hectares of agricultural land divided into three fields situated within the settlement of Halton. The site is accessed off Low Road opposite the community centre and playing fields. The site is bound by Low Road to the north (with residential and community uses beyond); existing residential development (Forgewood Drive) to the north east; an agricultural field benefiting from an outline planning permission for 60 dwellings to the south east; the redeveloped Halton Mills site to the south (including Lancaster Cohousing); and Town End Farm (now a residential conversion complex with paddock) to the west. The surrounding land uses are predominately residential, though there are existing employment uses abutting the site to the south within the Halton Mills site (Wenning House, Riverside House, and Out of the Woods).
- 1.2 The site is located adjacent to the village Conservation Area which contains a number of listed buildings. Town End Farmhouse (and curtilage listed barns – all grade II listed) and the Grade II\* Manor House are the closest listed buildings to the site. The site is also relatively close to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The River Lune Biological Heritage Site and its associated recreational corridor is located to the south of the site, albeit separated by the Halton Mills development. The south-eastern corner of the proposed site abuts the Lancaster Cohousing site where public footpath FP01 runs from Mill Lane through the Cohousing site along the northern banks of the River Lune towards the Crook of Lune.
- 1.3 The topography of the site varies with the land positioned between Low Road and Forge Lane appearing relatively flat, though there is a very gradual incline from the western end of the site at circa 14m Above Ordnance Datum (AOD) to the eastern boundary at circa 25m AOD. The site then extends southwards and wraps around Wenning House and Riverside House where land rises steeply to 36m AOD at its highest point. A belt of protected trees are positioned on a steep escarpment (between 24-34m AOD) on this section of the site with land falling to the far southern part of the site towards Mill Lane to approximately 21m AOD. The existing boundary treatments

are made up of stone walls (to the north and west), mature hedgerows (to the eastern and far southern boundaries) with tree planting and fencing along the boundary with Forge Lane.

- 1.4 The site is allocated in the saved Local Plan as a Geological Heritage Site (GHS) with the majority of the site protected for minerals (mineral safeguarding land). There are a number of protected trees within the site with the most notable being those located on the elevated part of the site in the south-eastern corner and the single tree close to the western boundary. The site is predominately in flood zone 1, with a slither of land to the far south east being in flood zone 2 and 3 (within 25m of the River Lune).

## **2.0 The Proposal**

- 2.1 The applicant seeks reserved matters approval (layout, appearance, landscaping and scale) for the erection of 76 dwellings (reduced from 87 based on the original reserved matters submission). Details pertaining to the access were secured via the outline planning permission. The proposed position of the main vehicular access located off Low Road remains as previously approved and is consistent with the outline consent.

- 2.2 The residential development proposed is broken down as follows:

- 8 no. one-bedroom apartments;
- 4 no. two-bedroom dwellings;
- 17 no. three-bedroom dwellings;
- 38 no. four-bedroom dwellings; and
- 9 no. five-bedroom dwellings.

- 2.3 With the exception of two bungalows, the proposed dwellings and the apartments shall be constructed over two storeys. The proposal includes thirteen different house types to be finished mainly in render with some feature natural stone elevations to certain plots throughout the development. The roofs shall be finished in a natural slate across the entire scheme. A sub-station is proposed in the centre of the development.

- 2.4 The development shall be accessed off Low Road with an internal spine road running in a west-east direction through the site. Off this main spine road there are secondary roads, shared and private drives serving smaller cul-de-sacs of development. Footways are provided along the full length of the spine road forming pedestrian connections between the proposed footpath from Mill Lane, through the site to Low Road. The proposed layout accommodates a pedestrian connection to Forge Lane and to the adjacent development site (Wrenman Homes) to the east.

## **3.0 Site History**

- 3.1 The site has a relatively simple planning history with an outline planning permission for up to 90 dwellings granted earlier last year. The outline planning permission was subject to a number of conditions, including limiting the developable area to the land essentially between Low Road and Forge Lane, and a legal agreement securing the following:

- an education contribution;
- an open space contribution towards an upgrade to the village football playing pitch;
- public open space management scheme; and
- agreement of an affordable housing scheme to provide for up to 40%, subject to viability.

- 3.2 For reference purposes, the relevant planning history associated with land to the east of the site is included in the table below also.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>17/00165/OUT</b>	Outline application for the erection of up to 90 dwellings with associated new access.	Approved 17 July 2017
<b>14/01344/OUT</b>	Outline application for the development of 60 dwellings with associated access	Approved on 21 September 2015

<b>17/00959/REM</b>	Reserved matters application for the erection of 60 dwellings and associated infrastructure	Reported to Planning Committee last month. (resolved to be approved subject to delegation back to the Planning Manager)
<b>17/00186/DIS</b>	Application to agree details reserved by conditions 5 and 9 on approved application 17/00165/OUT	Partial Approval
<b>18/00033/DIS</b>	Application to agree details reserved by conditions 4, 6, 7, 8, 15, 16, 18 and 20 on approved application 17/00165/OUT	Pending Consideration

#### **4.0 Consultation Responses**

4.1 The following responses (in summary) have been received from statutory and non-statutory consultees:

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections</b> to the principle of development but comments that the development should adhere to the Council's parking policy and questions the size of the garages; states that limited consideration has been given to traffic calming measures internally within the site; contrasting range of external materials needed to the carriageway to define pedestrian/vehicular priorities; the layout should adhere to County's adoptable standards and comments indicating that the proposed highway drainage could affect prospects of adoption.
<b>Parish Council</b>	<b>No objections</b> - the Parish Council is pleased to see the reduction in total numbers to increase the open space provision and support the proposed connections between the site and its surroundings.
<b>Natural England</b>	<b>No objections</b>
<b>Tree Protection Officer</b>	<b>Objections</b> to the proposal layout around a single protected tree within the western section of the site.
<b>Environmental Health Service</b>	No comments received within the statutory time period or at the time of drafting this report. If comments are provided in advance of committee a verbal update will be provided.
<b>Conservation Officer</b>	Following amendments to the scheme, the Conservation Officer has no objections subject to conditions securing precise specifications and detailing of external materials and finishes.
<b>United Utilities</b>	Comments that the site should be drained on separate systems with foul connecting to the surface water sewer and surface water draining in a sustainable way. UU advises that a drainage easement crosses the site and that the layout may need to be modified or a diversion of the affected sewer considered.
<b>Lead Local Flood Authority</b>	No comments received within the statutory time period or at the time of drafting this report. If comments are provided in advance of committee a verbal update will be provided.
<b>Environment Agency</b>	<b>No objections</b>
<b>Lancashire Archaeology Advisory Service</b>	Initially did not recommend that the reserved matters application is determined until the outcome of the trial trenching for archaeological investigation is understood. LAAS have later confirmed that the findings of the trial trenching will not affect the layout of the development.
<b>Lancashire County Council (Schools Planning Team)</b>	In accordance with the terms of the legal agreement, a contribution of £312,780.82 is sought towards the full pupil yield of this development (22 primary school places). This assessment is being reviewed following a further reduction in dwelling numbers. A verbal update will be provided.
<b>Public Realm Officer</b>	No comments received within the statutory time period or at the time of drafting this report. If comments are provided in advance of committee a verbal update will be provided.

<b>PROW Officer</b>	No comments received within the statutory time period or at the time of drafting this report. If comments are provided in advance of committee a verbal update will be provided.
<b>Ramblers Association</b>	No comments received within the statutory time period or at the time of drafting this report. If comments are provided in advance of committee a verbal update will be provided.
<b>Lancashire Fire and Rescue Service</b>	Advisory comments in relation to compliance with Document B, Part 5 of the Building Regulations.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report 11 letters of objection have been received in response to the original scheme and an amended scheme of 77 dwellings.

A summary of the main areas of concern are set out below:

Flooding and Drainage matters, including incorrect plotting of the existing sewer location which will affect the proposed layout; objections to building too close to the sewer; questioning whether the existing sewers cannot deal with the impacts of expansion; objections to the FRA and the interpretation of the requirements for a sequential/exception test; concerns that the development site itself will flood (from exceedance flows) and that it will increase flooding off site (reference to the November 2017 flood event) where flooding had occurred on site and on neighbouring land; lack of a convincing drainage strategy and details to confirm the basin is of sufficient size; there should be a requirement for over-specifications for surface water management given the increasing frequency of intensive rainfall events and where downstream development has insufficient drainage capacity there should be a requirement to cater for this on upstream sites.

Visual Amenity matters, including whilst the reduction in numbers is welcomed, the development is not considered sympathetic to the village and existing properties and a lower density development would be preferred; the land should be protected as greenspace; a greater mix of material should be used to dwellings in the south east corner of the site to add interest.

Residential Amenity matters, including scale of development along Forgewood Drive (i.e. should be dormer bungalows); overlooking and loss of privacy to existing properties; loss of natural light; two-storey dwellings along boundary with Forgewood Drive should be replaced with bungalows to minimise impacts.

Impacts upon infrastructure, including lack of school places; lack of bus services from Low Road; Low Road cannot accommodate increased traffic (especially at the pinch point at the pub); the increased traffic near the community centre access is a concern; pressure on GP surgery.

There are nearby developments incomplete, derelict and unsold.

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

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

Paragraphs 7, 12 and 14 – Achieving Sustainable Development

Paragraph 17 – Core Principles

Paragraphs 35 and 39 – Promoting Sustainable Transport

Paragraphs 50 – Delivering wide choice of quality homes

Paragraphs 56, 57, 58, 60, 61, 64 – Requiring Good Design

Paragraphs 69, 70, 72, 73 and 75 – Promoting Healthy Communities

Paragraphs 100 to 104 – Flood Risk

Paragraph 109, 112, 118, 119, 120 and 121 – Conserving the Natural Environment

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

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,

(ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Housing Requirements  
SC5 – Achieving Quality in Design  
E1 – Environmental Capital

6.4 Lancaster District Local Plan – saved policies (adopted 2004)

E4 – Countryside Area  
E17 – Sites of County Conservation Importance

6.5 Development Management DPD

DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM25 and DM26 – Green Corridors and Open Space  
DM27 – Protection and Enhancement of Biodiversity  
DM28 – Development and Landscape Impact  
DM29 – Protection of Trees, Hedgerows and Woodland  
DM31 and DM32 – Development affecting Conservation Areas and setting of Designated Heritage Assets  
DM35 – Key Design Principles  
DM38 – Development and Flood Risk  
DM39 – Surface Water & Sustainable Drainage  
DM41 – New Residential Dwellings  
DM42 – Managing Rural Housing Growth  
DM48 – Community Infrastructure

6.6 Other Materials Considerations

National Planning Policy Guidance  
Meeting Housing Needs Supplementary Planning Document  
Halton Conservation Area Appraisal  
Halton with Aughton parish Plan (2013)  
Halton with Aughton Neighbourhood Plan Area Designation Consultation Report (May 2015)  
Open Space in New Residential Development Planning Advisory Note (PAN) (October 2015)  
Lancashire County Council Infrastructure and Planning Annex 2 Education (November 2017)  
Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

## **7.0 Comment and Analysis**

- 7.1 As this is an application for reserved matters approval pursuant to the outline consent, the principal planning considerations relate to the following:
- Housing mix;
  - Heritage, design and landscape considerations;
  - Residential amenity;
  - Access, parking and connectivity; and
  - Compliance with the outline consent.
- 7.2 An application for reserved matters approval is not an application for planning permission. Reserved matters are those aspects of the proposed development which an applicant can choose not to submit details of at the outline stage, and are details reserved for subsequent approval. Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines reserved matters as access, appearance, landscaping, layout and scale. In this case, access was applied for and considered as part of the outline planning permission.
- 7.3 The applicant has chosen to submit all the remaining reserved matters (appearance, layout, scale and landscaping) relating to the outline permission at once. This application has also been made in compliance with condition 1 of the outline application (and therefore section 92 of the Town and Country Planning Act 1990) in relation to the time limit within which an application for reserved matters approval can be made pursuant to the outline permission.
- 7.4 The local planning authority can only assess the details submitted relating to the 'reserved matters'. Matters relating to the principle of the development, such as the need for housing, traffic impacts, flood risk, loss of agricultural land, impacts on geodiversity and ecology are matters previously considered and accepted conditionally as part of the approval of outline planning permission. This does not mean that some aspects covered by the outline permission, such as landscape/townscape considerations, will not be assessed as part of the consideration of reserved matters, but such will relate only to whether the proposed reserved matters enables or prejudices compliance with the outline permission. In short, consideration of the reserved matters is not an opportunity to re-examine the principle of the redevelopment of the site for residential development. This has been accepted by the grant of outline planning permission in summer 2017.
- 7.5 **Housing Mix**  
The proposed housing mix clearly favours larger houses, but overall still provides an adequate provision of smaller family sized units, together with a number of one-bedroom apartments. The requirement for one-bedroom properties was a requirement of our Strategic Housing Officer during the consideration of the outline proposal. Officers are encouraged that the developer has committed to provide this as part of the overall mix. The scheme is weak when it comes to the provision of 2-bedroom units but based on current policy, and on balance, officers do not feel that this alone would be something that would substantiate a refusal of this application for reserved matters. As part of the proposed mix, all the one and two-bedroom properties are intended to be allocated as the affordable homes - a matter that will be addressed later in this report.
- 7.6 **Heritage, Landscape and Design Considerations**  
In accordance with the outline permission (condition 2), the proposed development is limited to the area between Low Road and Forge Lane. This condition was imposed in the interests of protecting the character and appearance of the area and to ensure future development appropriately responds to the existing built form of the settlement. Whilst limiting the developable area to the land between Low Road and Forge Lane (circa 2.9ha of the wider site) a number of key landscape and townscape features within and surrounding the developable area have influenced the layout, scale, landscaping and appearance of the development. These include the protected trees within the site, the boundary hedgerows and stone walls and the views into, out and across the Conservation Area together with the setting of the listed Town End Farm complex in particular. The initial submission proposed 87 residential units. This has now dropped to 76 residential units in order to appropriately respond to the above considerations.
- 7.7 The area of land to the far western part of the site is the area where the most significant amendments have been made to the scheme. This is where a large protected Sycamore tree forms a very important landscape feature. The original scheme proposed a number of dwellings in this area which was judged to adversely affect the setting of the nearby designated heritage assets, to

adversely affect the protected tree, to compromise the standard of residential amenity of the dwellings proposed and to compromise the ability for the developer to secure an adequate drainage strategy (a requirement of the outline). This area is now free from any dwelling houses and will form part of the site's public open space (as amenity land). It will also accommodate any necessary surface water drainage features, which will eventually be considered as part of the determination of the pending discharge of condition application.

- 7.8 In accordance with earlier conservation advice the frontage of the development to Low Road has also been set back from the stone boundary wall to secure important views towards the designated heritage assets (Listed buildings and the Conservation Area) to preserve their setting. The substantial set back is also consistent with the townscape character along Low Road, where low Low Road/Forgewood estate is also set back from the principal carriageway.
- 7.9 Existing boundary treatments will largely be retained. This includes the stone wall to the north and western parts of the site (except for the breaking through of the permitted access) and the hedgerow to the eastern boundary with Forgewood Drive. The trees and hedgerows to the southern boundary along Forge Lane shall be retained and protected as these lie outside the application site. To secure adequate residential amenity for future and existing residents – like most housing schemes – additional fencing is proposed around the perimeter of the site where dwellings flank or back onto Forgewood Drive and Forge Lane.
- 7.10 The large belt of protected trees within the far south-eastern part of the site (outside the developable area) shall be protected and are free from development, with the exception of the gravel path, in accordance with the outline permission which limits the development to the land between Low Road and Forge Lane. This land will be retained as open space with a simple gravel track forming a connection between Mill Lane and Low Road.
- 7.11 To complement the existing landscape features within the site, the applicants have submitted detailed planting plans. This comprises a new native hedgerow (100m in length), modest new tree planting along the site frontage and in the western open space area, mixed grasses, bulb planting, semi-native and ornamental shrub/hedge planting throughout the development.
- 7.12 The scale of the development is limited to two-storey properties with the exception of two bungalows positioned along the boundary with Forgewood Drive. The proposed housetypes are varied in design and scale with a number of the units, such as the Warwick and Taunton housetypes, appearing part 2/part 1.5 storey units with the use of large roofs and dormer windows. The different scales, heights and roof forms of the individual housetypes adds interest to the development and enables the scheme to respond to the varied building forms surrounding the site.
- 7.13 The proposed dwellings will be finished in render, with feature natural stone elevations to certain plots. The amended scheme proposes the use of natural slate roofs across the entire development. Whilst the stonework is limited to only 20 dwellings, the proposed palette of material is judged, on balance, to be acceptable in this location. The roofscape on this particular site has been given careful consideration as a consequence of the elevated views of the site from High Road and development to the north, and given the close proximity of the development to designated heritage assets. It is for these reasons officers have strongly pursued the use of a natural slate roof rather than securing additional stone work detailing to the dwellings within the site.
- 7.14 The proposed dwellings are standard housetypes offered by Story homes. Such have been accepted and developed out across a number of sites in our district, including within the grounds of the Listed Moor Hospital site in Lancaster and in Galgate. Generally, the fenestration detailing across all the proposed housetypes is simple and articulated relatively well through the use of window surrounds, heads, cills, stone quoin detailing and lean-to style roof canopies/porches. This detailing offers some commonality with the local vernacular of the village and the district generally. The precise stonework detailing, render texture and colours (together with samples of the materials) will need to be agreed by condition to ensure such reflects and complements surrounding development.
- 7.15 The overall scale and layout of the development has been heavily influenced by the relatively linear nature of the permitted 'developable area', the vehicular access location, layout requirements to preserve the setting of nearby designated heritage assets (discussed above), protecting existing trees and the drainage easement through the centre of the site. This has led to a reduction in the

number of units anticipated by the outline permission (up to 90 dwellings) and from the number of units originally applied for under this reserved matters application (87) to the 76 units that now forms the assessment of this submission.

7.16 The provision of 76 dwellings provides a medium density development which does not feel out of character with the area given the high density development to the south on Halton Mills and slightly lower density developments to the north and east of the site. The design and layout of the development secures a strong frontage to Low Road, provides a gateway into the scheme (through the orientation of plots 75 to 77, is outward looking in locations where it is considered essential (facing the Conservation Area and facing the large area of public open space to the south) and internally creates its own sense of place with development fronting the main spine road. The weaker elements of the scheme relate to how the development responds to Forge Lane and the layout in the south-eastern corner around Wenning House.

7.17 The development does turn its back on Forge Lane with all the proposed dwellings in this location orientated with either their rear or site elevations (and gardens and boundaries) facing this street. Whilst it would have been desirable to create some frontage development in this location, there are a number of reasons why this is considered difficult:

- 1) limited space available between the proposed spine road (and drainage easement) and the boundary with Forge Lane;
- 2) the site is elevated above Forge Lane;
- 3) the existing tree/planting belt along Forge Lane is protected and is outside the applicant's control; and
- 4) Forge Lane is unadopted and privately maintained therefore the prospects of allowing access points onto Forge Lane (at this time of assessing the reserved matters) would potentially be difficult.

For these reasons and to ensure efficient and effective use of the land for housing, there is limited opportunity to vastly improve this relationship. Having said that, this boundary is not going to have a particularly 'hard' boundary with Forge Lane as existing and proposed landscaping in this location will soften the appearance of any domestic garden fencing proposed and the development itself.

7.18 The south-eastern corner of the site represents slightly denser development due to a cluster of smaller units in this location, more on-street parking (forward of the building lines) and less space for landscaping. However, the layout still secures a frontage to the open space and a mix of house types to add interest to the street scene. The amended scheme has tried to improve this with alterations to the boundary treatments in this location and some additional planting between the proposed development and Wenning House.

7.19 On balance, the scale, layout, landscaping and appearance of the development (herein the reserved matters), is considered acceptable and compliant with the thrust of design, landscape and heritage related planning policy, which seeks to promote high quality development that reinforces local distinctiveness, establishes a strong sense of place and is visually attractive, protects and enhances existing landscape features and suitably integrates with the existing built and historic environment.

#### 7.20 **Residential Amenity**

Planning policy (paragraph 17 of the NPPF and DM35 of the DM DPD) requires planning policies and decisions to secure a good standard of amenity for all existing and future residents. In this case, residential property along Forgewood Drive and Town End Way (backing Forge Lane) are the most affected by the development. Concerns raised relate to overlooking and loss of privacy due to the position and scale and proposed development.

7.21 Plots 55 to 59 of the proposed development either back or side onto Forge Lane behind Nos. 8 to 21 Town End Way. The level difference between the proposed site and the property on Town End Way in this area is between circa 1.3m and 2m with the proposed development elevated above Forge Lane. The proposed interface distances between the rear of the proposed dwellings and the rears of property on Town End Way are between 23m and 31m. The interface distances increase as the elevation of the site increases. This level of separation, together with the presence of the existing landscaping in this location and existing and proposed boundary treatments, would not lead to a significant detrimental impact to the amenity of existing or future residents and therefore would not conflict with the requirements of paragraph 17 of the NPPF and policy DM35.



- 7.22 Plots 12, 14 to 17 and plot 21 are located alongside the eastern boundary of the site with either their side or rear elevations facing the rear of properties (and their gardens) on Forgewood Drive (2 to 12 Forgewood Drive). The properties on Forgewood Drive comprise a mix of bungalows and dormer bungalows. The proposed dwellings in this location are predominately two-storey with two bungalows located immediately behind nos. 4 to 8 Forgewood Drive. The proposed site levels vary along this eastern edge of the site and with the exception of some of the plots to the front of the site (e.g. plot 12 and 15), most of the proposed dwellings are set at a lower finished flood level (FFL) than the properties on Forgewood Drive. Along this boundary Forgewood Drive rises to approximately 27m above ordnance datum (AOD) (at No. 12). The proposed two-storey dwellings adjacent to No. 12 Forgewood Drive have proposed FFLs at 24.5m AOD (plot 17) and 25.1m AOD (plot 21). The interface distances between these proposed dwellings and No.12 Forgewood Drive are 25m and 21m respectively. The layout and orientation of the proposed properties close to number 12 Forgewood Drive will create a sense of enclosure and will alter their outlook (as it will for most of the existing dwellings on Forgewood Drive), but given the FFLs and the interface distance in this location, the impacts would not lead to significant adverse impacts on amenity. The interface distances between the proposed bungalows and the existing bungalows also meets the required separation distances and therefore secures a satisfactory standard of amenity for existing and future residents.
- 7.23 The layout, orientation and separation (in excess of 21m) of the two-storey dwellings adjacent to No. 2 Forgewood Drive (true bungalow) also enables a satisfactory standard of amenity for existing and future residents to be secured, despite the scale of the proposed properties being somewhat larger than this existing bungalow.
- 7.24 As noted earlier in the report, the eastern hedgerow boundary shall be retained as part of the landscaping of the development but the developer proposes high timber fencing to be erected alongside the hedgerow. This is intended to secure privacy for existing and future residents. Officers are negotiating a compromise whereby the hedgerow is exposed in the areas where private gardens are not proposed and will be seeking advice on this from our Tree Protection Officer. A verbal update will be provided.
- 7.25 The other existing property of note is the property known as The Forge off Mill Lane. This converted dwelling extends into the southern part of the site. The applicant proposes to plant native hedgerow planting around the curtilage of this property to ensure their amenity is protected from the people walking through the site along the new footpath. The new hedgerow would be within the applicant's control and would need to be maintained by the developer/management.
- 7.26 Internally the proposal has, by in large, been designed to meet the requirements of DM35 relating to amenity standards. There are some locations where interfaces distances are tight but given the orientation of the proposed properties, such would not lead to significant adverse impacts.
- 7.27 Access, parking and connectivity  
The site access was secured as part of the outline permission, together with a range of off-site highway works to support traffic movements along Low Road, in particular at the pinch point in the carriageway close to Town End Farm, and to provide safer facilities crossing Low Road (amongst other matters). The access shown on the proposed layout is in accordance with the outline permission.
- 7.28 The layout of the scheme demonstrates each dwelling unit will have sufficient parking provision to satisfactorily accord with the Council's parking standards set out in the DM DPD. The adopted standards are maximum standards. For the majority of the proposed house types, particularly the larger units, parking provision is provided at the maximum level but does include the garages as part of the parking allocation (not to all plots). The dimensions for the external garages slightly shy of the County's preference for 6m x 3m garages. Integral garages are slightly smaller but are capable of accommodating vehicles if needed. Cycle parking can be accommodated within garages for those plots with garages. For those plots without garages, cycle parking provision needs to be catered for. This will require some external structures within gardens or within communal areas around the affordable units (located along the eastern boundary). A condition will be imposed to address this matter.
- 7.29 Planning policy seeks to prioritise walking and cycling in the interests of minimising emissions from vehicle use but also in the interests of peoples' well-being and health. As part of the outline

permission there are conditions to secure off-site highway improvements to enable safer passage across Low Road to the village hall and the recreational facilities, a footpath between Low Road and the existing public right of way (PROW) on Mill Lane and in the event Forge Lane is adopted a connection to be provided here too. The proposed layout secures the above. The layout of the path through the open space and the locations of the proposed connections to Mill Lane and Forge Lane have been heavily influenced by the site topography and the external levels of the adjacent roads.

- 7.30 With regards to the PROW link, the gravel track through the proposed open space will not enable suitable access for all users (i.e. not a level surface). Officers had requested a more useable surface but the applicant has declined on the basis that existing track on Mill Lane where the connection is to be secured is also a gravel track and that in bitmac surface would not be particularly sensitive to the landscape character of this part of the site. There is some validity in the points raised which would make it difficult for the authority to substitute a strong position otherwise. Within the site there are a network of footways leading to the main access to Low Road. Officers have not sought any additional pedestrian openings between the site along the Low Road frontage on the basis that the stone boundary wall forms a strong townscape feature which does not warrant unnecessary puncturing of openings.
- 7.31 The internal highway network includes a hierarchy of streets which will be treated in different surfacing materials with footway provision to the principal streets. A variation in external surfacing materials adds interests and visual articulation of the public realm within the scheme but also serves to define changes in pedestrian/vehicle environments. It is understood that the layout has been designed to be built to the County's adoptable standards. The layout also secures a pedestrian link to the adjoining development site (to the east) offering a greater level of legibility between the developments and the surrounding area. The details of such will be secured by condition, though it is understood that due to the level differences this link may be steeper than preferred and may not suit all users. Overall, the scheme satisfactorily promotes and enhances the walking environment/experience to the benefit of existing and future residents' health and well-being and the promotion of good inclusive design.
- 7.32 Compliance with outline permission  
The applicant has submitted two separate discharge of condition applications to address certain pre-commencement conditions. The first application sought the discharge of condition 9 (invasive species) and agreement of the written scheme for archaeological investigation for condition 5. Condition 9 has been discharged and Condition 5 agreed. Trial trenching has recently been taking place on site. Whilst no formal application has been made to report the findings of the trial trenching the applicant's archaeologist has been in communication with Lancashire Archaeology Advisory Service (LAAS). LAAS has confirmed that the findings do not warrant further field work or adaption of the housing layout. The second discharge of condition application has only recently been received. This covers details pertaining to the site drainage, external levels, ecology mitigation, noise mitigation and contamination.
- 7.33 There is no requirement (in statute) for the discharge of condition application to be dealt with, and matters agreed, at the same time or in advance of the decision relating to the reserved matters application. The conditions imposed on the outline permission stipulate the trigger by which details need to be agreed and, in this case, include a number of pre-commencement conditions. What is important at this stage is that proposed layout, scale, appearance and landscaping of the development (herein the reserved matters) should not prejudice the ability for the applicant to comply with the outline conditions. The critical conditions here relate to site drainage and ecology.
- 7.34 With regards site drainage, the vast majority of the public representations made to this application referred to the impacts of the development and flood risk. This is particularly understandable following the recent flood event of November 2017 where properties close to the application site suffered flooding and the site itself was affected by exceedance flow from upstream. It is the conditions imposed on the outline planning permission that govern the acceptability (or otherwise) of the proposed drainage strategy (not this application for reserved matters approval). However, the layout of the scheme still needs to be able to respond to the site wide drainage strategy (as submitted or amended). In accordance with the original FRA, the western part of the site (where the levels are lowest) will accommodate provision for surface water drainage attenuation. The layout and scale of the development has been amended to ensure the site can accommodate any such requirements. The drainage strategy suggests the individual plots will drain to soakaways and for the roads to drain

to an infiltration basin. The scheme involves the replacement of the existing sewer that runs through the site, which follows the line of the proposed new carriageway. The details of such will be set out in the drainage scheme but are also controlled under a s104 sewer adoption agreement with United Utilities (UU).

7.35 UU and the LLFA are yet to comment on the proposed drainage details under the condition application. Officers have already sought more details relating to the proposed drainage strategy, including exceedance flows (recognising concerns of residents downstream of the site). Given the changes to the layout and the subsequent reduction in the number of units, officers are satisfied that the proposed reserved matters would not prejudice the ability for the developer to comply with the drainage conditions.

7.36 With regards to ecology, the principal issue here relates to whether the proposed development sufficiently mitigates against the loss of greenfield land and hedgerow removal. The applicant has provided detailed planting proposals. As landscaping is a reserved matters consideration, officers are hoping that GMEU will provide some early advice on the acceptability, or otherwise, of the applicant's ecological mitigation plan and planting proposals. The Council's Tree Protection Officer is yet to comment on the planting proposals following recent amendments. A verbal update will be provided.

#### 7.37 Use of conditions

Because the site is sensitively located adjacent to the Conservation Area and due to the relationship of the proposed dwellings to one another and existing neighbouring dwellings, officers are of the opinion that there are exceptional reasons why the removal of certain permitted development rights (set out in the conditions list below) should be imposed by condition should Members support the proposal. The applicant has accepted this position and confirmed this would not be unreasonable. This would not remove the ability for future homeowners to apply for planning permission, but that the impacts of such permitted development would need to be carefully assessed due to the potential harm to visual and residential amenity. Conditions are also considered necessary to secure the high-quality finish to the scheme. This includes final agreement of materials and stonework detailing to the buildings, the external surfacing and details of the sub-station.

### **8.0 Planning Obligations**

8.1 The outline planning permission was subject to a legal agreement securing the following:

- Up to 40% provision of affordable housing (percentage, tenure, size, type to be agreed at Reserved Matters stage subject to viability);
- Public open space land to be identified at the Reserved Matters Stage and secure by a management scheme;
- Education contribution – the figure to be calculated upon the preparation of reserved matters and to be paid based on the phasing set out in the obligation; and
- Playing pitch contribution

#### 8.2 Affordable Housing

The applicant had submitted a viability appraisal to the local planning authority under the terms of the outline permission (and associated obligation) setting out that the site's abnormal costs adversely affect development viability and initially offered no affordable dwellings. The Council appointed an independent consultant to review the applicant's appraisal. After lengthy negotiations, the agreed position is that the development can viably deliver 17 affordable housing units of the total dwellings proposed. Whilst this provision is lower than the policy expectations, on the advice of our consultant it is reasonable given the extent of abnormal costs. The layout accommodates this agreed level of provision with 8no. 1 bedroom rented units, 2no. 2 bedroom rented units, 2no. 2 bedroom shared ownership units and 5no. 3 bedroom shared ownership units.

#### 8.3 Education

The County Council's School's Planning Team have provided regular assessments as and when the proposal has been amended. In this case the s106 requires the education contribution to be calculated at the point of preparation of reserved matters approval. The latest position indicates that the Education Authority would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 22 places. Based on 77 units this equates to contribution of

£312,780.82. This has been factored into the viability discussions and is accepted by the developer. A further assessment is due following a further reduction to the total number of dwellings to 76 residential units. There will be a verbal update on this. The County Council have confirmed that the contribution would be towards Caton primary school and have confirmed that there are no other s106 contributions pooled against Caton Community Primary School to ensure compliance with the CIL Regulations.

8.4 The playing pitch contribution has also been factored into viability discussions. This application for reserved matters approval is not affected by this contribution.

#### 8.5 Open Space

The legal agreement requires the areas of open space, landscaping areas, unadopted roads and areas reserved for surface water drainage to be submitted at the reserved matters stage. The proposed layout complies with the outline permission limiting development to the identified developable area and reserving the land to the south as landscaped open space. The amended scheme secures small pockets of landscaping within the body of the development with a more formal area of amenity land to the western end of the proposed site. This exceeds the level of formal amenity space required by the Councils' open space planning advisory document. The locations of open space and landscaped areas is considered acceptable and contributes to the overall design of the development. The open space will provide for biodiversity benefits as well as supporting the health and well-being of existing and future residents. A Public Open Space Management Scheme (securing this space in perpetuity) is due to be submitted to comply with the requirements of the legal agreement.

### **9.0 Conclusions**

9.1 Subject to confirmation from our Tree Protection Officer and GMEU that the ecology mitigation and planting plans are acceptable, and following detailed negotiations concerning the design of the scheme and the housing mix (affordable housing), the proposed scale, layout, appearance and landscaping of the development (herein reserved matters) are considered acceptable and would not conflict with policies in the Development Plan or the Framework. On this basis, Members are recommended to support this reserved matters application.

### **Recommendation**

Subject to the Council's Tree Protection Officer and GMEU being satisfied with the proposed planting proposals, that Reserved Matters **BE APPROVED** subject to the following conditions:

1. Time limit for reserved matters
2. Development to be constructed in accordance with approved plans (list of drawings)  
**Details to be agreed before construction of the super structures**
3. Precise details of the pedestrian connection to the east of the site adjacent to plot 21, together with a timetable for implementation. The link shall be retained at all times thereafter.
4. Notwithstanding the details submitted, samples and specifications of all materials to the external face of the dwellings, including surfacing materials/stonework detailing, to be agreed with the LPA.
5. Details of the substation to be agreed.
6. Details of the location, size and finish of external cycle storage for plots without garages to be agreed and implemented before occupation of respective dwellings and retained at all times thereafter.  
**Control conditions**
7. Landscaping to be implemented and maintained.
8. Tree protection and implementation in accordance with amended Arboricultural Implications Assessment and Arboricultural Method Statement
9. Parking to be provided in accordance with the site layout plan and provided before occupation and thereafter retained with garages use limited to parking/storage.
10. Removal of PD (extensions, roof additions, outbuildings)
11. No insertion of new, altered windows/doors
12. Removal of PD relating to the formation of hardstanding adjacent to a highway
13. Removal of PD relating to fences, gates and means of enclosures adjacent to a highway

## **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