

| Agenda Item | Committee Date | Application Number |
|-------------|----------------|--------------------|
| A5          | 27 April 2020  | 18/01422/FUL       |

| Application Site   | Proposal   |
|--|--|
| Land to The Rear of Pointer Grove And<br>Adjacent to High Road<br>Halton<br>Lancashire | Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works |

| Name of Applicant | Name of Agent  |
|-------------------|----------------|
| Russell Armer Ltd | Mr Harry Tonge |

| Decision Target Date | Reason for Delay   |
|----------------------|--|
| 11 February 2019     | Drainage negotiations, viability discussions and officer workload. |

|                           |               |
|---------------------------|---------------|
| Case Officer              | Mr Mark Potts |
| Departure                 | No            |
| Summary of Recommendation | Approval      |

#### i) Procedural Note

The application was reported to the Planning Regulatory Committee on 30 March, but was deferred to allow the observations of County Highways and Natural England to be received. The observations of County Highways as the Highway Authority, and Natural England have now been received.

#### 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 A very similar proposal was approved in 2018 (under Planning Permission 17/00224/FUL). The layout has subsequently received some very minor changes, namely the removal of one unit given the original consent provided for 66 dwellings. The reason the application has been submitted is as a result of the applicant wanting to provide a lower quantum of affordable housing compared to the approved scheme.

2.2 The scheme proposes a total of 65 residential units, together with a new vehicular access off Kirkby Lonsdale Road. The scheme proposes a mixture of dwellings, ranging from 1-bedroom apartments to 4-bedroom detached dwellings. The overall breakdown is noted below:

- 2 x 1-bedroom apartments
- 12 x 2-bedroom houses
- 35 x 3-bedroom homes
- 16 x 4-bedroom homes

Eight (12%) of the units are proposed as affordable homes (affordable rent tenure consisting of 2 x 2 semi-detached and 2 x 4 bedroom semi-detached, and shared ownership consists of 2 x 1 bedroom and 2 x 3 bedroom properties), with the remaining 57 houses to be for open market sale.

2.3 The units will consist of detached and semi-detached bungalows, 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 though there are hedgerows and stone walls that are proposed on key viewpoints into the site. Given the change in levels across the site many of the gardens include retaining walls.

2.4 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 relevant planning history is noted below:

| Application Number | Proposal   | Decision        |
|--------------------|--|-----------------|
| 17/00224/FUL       | Erection of 66 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works | Approved        |
| 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> | <b>Object</b> to the proposal for the following reasons: <ul style="list-style-type: none"><li>• The scheme should provide the full 40% affordable which was approved as part of application 17/00224/FUL</li><li>• No development should be approved until such time the LLFA's flood study report is complete.</li></ul> |
| <b>County Highways</b>       | Previously raised an objection to the amended driveway of plot number 1, and raised some concern regarding surface water management and internal layout. Since the   |

|  |  |
|--|--|
|  | <p>Committee meeting on 30 March, the applicant has been working proactively with the County Council, and it is considered that the issues they raise namely in relation to the provision of additional internal footway in lieu of service verge, swept path analysis on turning heads, and plot 1 driveway arrangements can be addressed by means of planning condition. The County is satisfied that these matters can be addressed at the detailed design stage.</p> <p><b>No objection</b> to the proposal subject to conditions.</p>   |
| <b>Lancashire County Education</b>     | <b>No objection</b> but requests a financial contribution of <b>£192,606.48</b> towards 12 primary school places at Caton Community Primary School.  |
| <b>Environmental Health</b>            | <b>No objection</b> , however have recommended a condition limiting construction activities between 0800-1800 Mon to Fri and 0800-1400 Sat.  |
| <b>United Utilities</b>                | <b>No objection.</b>   |
| <b>Engineering Team</b>                | No observations received within the statutory timescales.  |
| <b>Environment Agency</b>              | <b>No comment</b>  |
| <b>Fire Safety Officer</b>             | <b>No objection.</b>   |
| <b>Lead Local Flood Authority</b>      | Initially raised some concerns with the proposed drainage layout, but following amended proposals the LLFA raise <b>no objection</b> on the basis of conditions being secured to any grant of planning consent.  |
| <b>Natural England</b>                 | Initially raised no objection to the development, but since the application has been submitted the SSSI impact risk zones have been updated, and now the application triggers the Cheshire to Lancashire Coast recreational disturbance bespoke Impact Risk Zone. The Local Authority therefore needed to undertake an Appropriate Assessment. The applicant's ecologist has undertaken this assessment and the LPA would seek to adopt this. Natural England has reviewed the document, and are happy to support the scheme on the understanding a condition is imposed regarding the provision of homeowner packs. |
| <b>Shell</b>                           | No objection.  |
| <b>Greater Manchester Ecology Unit</b> | Originally raised no objection to the development subject to conditions controlling landscaping, reasonable avoidance techniques on the local great crested newt populations and biodiversity enhancement, but have echoed the views of Natural England above that there is a need to undertake an Appropriate Assessment.   |
| <b>Public Realm Department</b>         | No observations received within the statutory timescales.  |
| <b>Lancashire Police</b>               | No objection though the scheme should be designed to Secured by Design standards.  |
| <b>Tree Officer</b>                    | No observations received within the statutory timescales.  |
| <b>Waste Management Officer</b>        | Raises some concerns with layout and collection points for waste and recycling collections.  |
| <b>Halton Flood Action Group</b>       | This approval should not be granted until and unless the downstream High Road flooding and drainage issues (confirmed by the November 2017 flooding), which it will contribute to and are currently being studied by the LLFA, have been resolved. The site is in the worst place in the village for adding to drainage problems and flood risk, as it is at the top end of the natural flow paths through the village, down High Road and out to the River Lune.  |

## 5.0 Neighbour Representations

5.1 The application has generated **36 letters of objection** based on the following concerns:

- Drainage – The field already floods, and therefore approval of the scheme would exacerbate the situation for residents of Pointer Grove, Arrow Lane and the village of Halton; Halton flooded badly during Storm Desmond and also the November 2017 flooding, and this scheme is likely to increase pressure on the already constrained drainage network.
- Landscape and Visual Amenity – The development will be visually prominent on a steep sided hill that is in close proximity to the Forest of Bowland AONB. The scheme would be out of character as Halton is predominantly bungalows, and therefore the scheme as presented is out of keeping with the local vernacular.
- Highways Safety – Drivers disregard the speed limit on the local roads with the situation being exacerbated since the Heysham – M6 Link Road was opened in 2016; the hill falls steeply when approaching the village and this is when speeds are at their highest.
- Local Infrastructure – Cannot cope with increased capacity within the village notably the local school and drainage.
- Housing needs – The applicant should be providing the full quantum of affordable housing and there are a number of houses already for sale including new build housing on Halton Grange and Forge Weir View.

5.2 St Wilfred's Church of England School - **Objects** to the proposal on the basis that the local school is at capacity, highway safety concerns, and the sewerage system is inadequate for the development that is coming forward.

5.3 David Morris MP – **Objects** to the development given concerns on flood risk and lack of affordable housing proposed as part of the planning application.

5.4 Councillor Kevin Frea – **Objects** to the proposal given flooding issues, concerns over the loss of affordable housing and consider that this greenfield site is not suitable for development.

## 6.0 Principal National and Development Plan Policies

### 6.1 National Planning Policy Framework

Section 2 – Achieving Sustainable Development

Section 3 – Plan Making

Section 4 – Decision Making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making efficient use of land

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

### 6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and, (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

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.

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.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

### 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

## 7.0 Comment and Analysis

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

- Principle of Development
- Affordable Housing
- Drainage
- Nature Conservation
- Highways
- Layout
- House Types
- Landscape and Visual Impact

- Trees
- Open Space
- Education Provision
- Other Matters.

## 7.1 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. It is important for Councillors to note that planning consent already exists for 66 dwellings on the site granted in 2018 under planning permission 17/00224/FUL. The application is nearly identical with the exception of the removal of one dwelling house. However, the main change with the application is a reduction in affordable housing provision and an increased volume of storage for surface water.
- 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 (this is consistent with the emerging plan also). 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. 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 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 on both this application, and the one approved in 2017, stated that in the 2015 Strategic Housing Land Availability Assessment this concluded that only 35 dwellings could be accommodated on the site, whereas this scheme is essentially double

that figure. The SHEELA from May 2018 (on the back of the approval) suggests the site is deliverable on the basis of 66 dwellings. The SHEELA does not allocate land, but it is a technical exercise to review land which *may be* (our emphasis) suitable for development proposals.

7.1.6 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.

7.1.7 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.

7.1.8 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 65 dwellings can be seen to be proportionate to the scale and character of the settlement (even including the schemes being built out at Halton Grange and Forgeweir View). Local infrastructure has to be able to cope with the proposed expansion of the village and this is discussed in more depth in paragraphs 7.3, 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 general principles of Policy DM42 of the Development Management Development Plan Document.

## 7.2 Affordable Housing

7.2.1 The extant consent provided for 40% affordable housing allowance, though since the approval of application 17/00224/FUL the applicant has concluded that in order to develop the site a reduction in the level of affordable provision is required to enable the development to be deliverable. The main reason for the deviation in affordable housing is as a result of the high costs associated with drainage infrastructure across the site and the lower than normal density rates owing to land levels.

7.2.2 For the benefit of Councillors, the other three large scale schemes that are being developed out in Halton are noted below. All the schemes have been assessed by the same viability consultant, and Forgeweir View and Land to the Rear of Pointer Grove share synergies with respect to being located on a sloping site. It is disappointing that the scheme has offered a reduced offering, but whilst the figure is low, Officers have sought to secure a mix of affordable homes, including 3 and 4-bedroom properties. Whilst a higher quantum of affordable units could have been secured using 1-bedroom units as the predominate size, it was not considered appropriate. Given a number of 1-bedroom units being secured on the other larger schemes (notably the Story Homes scheme) it was elected to opt for larger units (in the form of the two 4- bed units which are for affordable rent). The provision of a greater quantum of on-site affordable housing in lieu of an education contribution is still under negotiation with the applicant.

| Site  | Education Payment | Affordable housing allowance |
|---|-------------------|------------------------------|
| Forgeweir View (Wrenman Homes – 60 houses)    | £0                | 10 units (16%)               |
| Halton (Story Homes – 76 houses)              | £312,780.32       | 17 units (22%)               |
| Land to the rear of Pointer Grove (65 houses) | £0                | 13 Units (20%)               |

## 7.3 Drainage

7.3.1 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, and the floods in November 2017. 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.

- 7.3.2 The Lead Local Flood Authority (LLFA) raised no objection to the 2017 scheme, but following review of the scheme again, they had some concerns regarding the pre-development run-off rates and in particular the detention basin volumetric storage improvements and the detailed hydraulic modelling. Over the course of the last 18 months there has been ongoing discussions between parties over quite detailed matters. This has resulted in an amended proposal but the proposal has been amended to account for an increased volume of storage within the blue-green corridor which is now proposed to be 1630m<sup>3</sup> which has increased by 495m<sup>3</sup> since the original application.
- 7.3.3 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 during the 2017 application raised concerns with the loss of the bund but the applicant is still proposing to incorporate a 300mm high raised bund to protect boundary of the properties on Pointer Grove.
- 7.3.4 Officers are sympathetic to the concerns of residents, and some of the photographs submitted in support of residents' concerns show quite a significant volume of surface water being channelled through the site. The applicant 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. The application before Committee has been heavily scrutinised by the LLFA. Whilst there have been a number of concerns raised in respect of this issue, the applicant has submitted detailed design plans with Officers. These have been reviewed at length, and the position is that there is no objection from the LLFA. Whilst it is accepted that this development will not solve the pre-existing problems in Halton, there is some betterment in this scheme as opposed to the extant scheme. A condition is recommended approving the Flood Risk Assessment, the detailed surface water drainage drawings submitted in support of the scheme and also the need for a maintenance plan. Whilst not requested by the LLFA, a condition is recommended to understand how the drainage will be phased across the site (given it is expected that the developer will be on the site for the region of 3 years).

#### 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, protection methods for amphibians and protection of nesting birds with no removal or works to hedgerows, trees or shrubs occurring between 1 March and 31 August. These matters can be controlled via the use of planning condition. Natural England raised some concern with recreational pressure namely along the Morecambe Bay Coast. The applicant has produced a Habitat Regulation Assessment, which has been shared with Natural England (NE). They raise no objection to the conclusion, subject to a planning condition associated with the



provision of homeowner packs. This is considered acceptable, and proposed planning condition 18 would cover this.

7.4.2 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 and in time there will be net gain from a biodiversity perspective. The blue green corridor has the potential to be an exemplar of a sustainable drainage scheme in the District that not only promotes effective water management but creates biodiversity gain.

## 7.5 Highways

7.5.1 There was no objection to the application in 2017 from County Highways on the basis that planning conditions were imposed on any consent. 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).

7.5.2 County has recommended that there is a review of existing street lighting together with gateway features, together with an upgrade of a bus stop and signage for 20mph along High Road. They had suggested to Officers that the proposed layout, whilst emulating the consented scheme, would not be suitable for adoption and therefore did raise this as a concern. A series of amendments have been made including the provision of an additional footway within the scheme, and amendments to the driveway for plot 1. There is still a need for some swept path analysis of the turning heads, but it is considered appropriate, and reasonable, to impose a condition to cater for the detail of this. Whilst the applicant and County have stressed this could be resolved at the Section 38 stage (which is the detailed design stage of when a scheme is put forward for highways adoption), there is no formal requirement for roads to be adopted. With this in mind a condition is a necessity here to secure the correct highway layout which the applicant is amenable to.

7.5.3 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 consented scheme provided for a 2-metre footway to tie in with a footway to Arrow Lane of 2 metres in width. The same has been asked for by the County this time around.

7.5.4 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 (assuming the issues around layout can be addressed).

7.5.5 On the basis that the applicant can satisfy the concerns of the County Council, and no objection is lodged in respect of highway safety, it is recommended that from a highway safety perspective the scheme will be safe.

## 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 blue-green corridor). 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.

### *Southern Layout*

7.6.2 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 five

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 19-23). 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 circa 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 proposed, 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. Whilst the southern area still feels suburban the amendments that have been sought are considered sufficient to enable Officers to recommend to Councillors that the layout can be supported.

#### *Northern Element*

- 7.6.4 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 34-44 and units 45-52. Between plots 40 and 49 there is circa 6.5 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.

- 7.6.5 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.

- 7.6.6 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 (most recently the Shielling development in Arkholme - which comprised 14 new build dwellings and across the border into Cumbria the applicant is developing out Oakfield Park in Kirkby Lonsdale). 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/ natural 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 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 Area of Outstanding Natural Beauty (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 in 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. No comments have been received in relation to this application but they raised no objection to the original 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.
- 7.9.2 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 Officer on the 2017 application had 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.
- 7.9.3 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 Officer's favoured approach in 2017 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), but these concerns were allayed by the applicant in the 2017 application.

## 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 44 and 45, 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 (39%).

7.10.2 Following discussions with the agent a small playground is proposed, and this has been located to the north of plots 19-23. 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. This is a large development, but Halton is 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 and in any event the pitches at the Halton Community Centre are less than a 10 minute walk away.

#### 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 £192,606.48. This is to contribute to 12 primary school places at Caton Community Primary school, not the St Wilfrid's Church of England School in Halton. It is acknowledged that St Wilfrid's Church of England School is over-subscribed at present with 246 children on the Roll and the future planned net capacity for January 2025 as being 240 whereas the projected pupils by January 2025 is 275. County has not elected to name St Wilfrid's School to receive the financial contribution but Caton Community. Officers did have some concern as the projected pupil projection at Caton Community Primary for January 2025 is 35 whereas the future planned net capacity is 70. The County has responded that Caton is the only school capable of expansion. However, the scheme has been viability tested and even with only 20% provision of on-site affordable housing the proposal cannot support any education contribution.

7.11.2 The Governing Body of St Wilfrid's Church of England Primary has 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. This ties in with the County Council's own projections.

#### 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) there would not be any harm to the setting of the Conservation Area or any Listed building. Whilst conditions have been recommended by the contaminated land officer, 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.

7.12.2 Given the scale of development an employment and skills plan should be the subject of a planning condition. Given the local authority cannot demonstrate a 5-year housing land supply and to boost its housing delivery rather than the typical 3-year commencement condition a 2-year condition is proposed. The Council's waste management officer has raised some concern on the layout, and these can be addressed by means of planning condition.

### 8.0 Planning Obligations

8.1 The following is to be secured by a legal agreement (please note this is still under consideration by the applicant as set out in paragraph 7.2.2):

- Provision thirteen (13) units to be affordable (7 units to be shared ownership and 6 units to be affordable rented).
- 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 valuable 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, there is no objection raised by the Highway Authority, or the Lead Local Flood Authority.
- 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 Councillors support the scheme subject to the conditions and obligations contained within this report.

## Recommendation

That Planning Permission **BE GRANTED** subject to signing and completing a legal agreement to include the following obligations:

1. Provision of thirteen (13) units to be affordable (7 units to be shared ownership and 6 units to be affordable rented); and
2. Long term maintenance of sustainable drainage systems, non-adopted highways, open space including on-site play provision and management company.

and the following conditions:

1. Two-year timescale for implementation
2. Development in accordance with approved plans (to be listed)
3. Detailed plans of site access (including internal adoptable standard roads)
4. Offsite highway works
5. Protection of visibility splays
6. Car parking to be provided
7. Electric vehicle charging points
8. Unforeseen land contamination
9. Development in accordance with the submitted Arboricultural Implications Assessment
10. Removal of Permitted Development rights
11. Garage use restriction
12. Provision of landscaping scheme
13. Landscaping management plan
14. Finished floor and site levels
15. Material samples
16. Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation
17. Details of retaining walls and boundary treatments, including finishes.
18. Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement (including home owner packs)
19. Development in accordance with the Flood Risk Assessment
20. Development in accordance with the submitted surface water drainage proposals
21. Covered cycle parking and refuse provision
22. Submission of a drainage scheme to account to being phased across the site.
23. Submission of surface water drainage management and maintenance
24. Vegetation removal outside of bird breeding season
25. Arboricultural Method Statement to be submitted
26. Employment and Skill Plan

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been 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