

Agenda Item	A10
Application Number	18/01422/FUL
Proposal	Erection of 65 dwellings with associated access, landscaping, open space, drainage, highway and parking arrangements and land re-profiling works
Application site	Land to the rear of Pointer Grove and adjacent to High Road, Halton, Lancashire
Applicant	Russell Armer Ltd
Agent	Mr Harry Tonge
Case Officer	Mr Mark Potts
Departure	No
Summary of Recommendation	Approval (Subject to the signing of a Section 106 Agreement)

(i) Procedural Matters

Lancaster City Council received the Report on the Examination of the Lancaster Local Plan Part One: Strategic Policies and Land Allocations Development Plan Document and Part Two: Review of the Development Management Development Plan Document (the "Lancaster Local Plan") from the Planning Inspectorate on 12 June 2020.

The Inspector concluded that the Lancaster Local Plan provides an appropriate basis for the planning of the district provided that a number of main modifications are made to it. The main modifications were subject to public consultation over an eight-week period between August and October 2019. With the incorporation of these modifications (and some the Inspector made) the Local Plan documents meet the criteria for soundness in the National Planning Policy Framework. Officers are recommending to Councillors that the 'Lancaster Local Plan' be adopted when the report is presented to Full Council on 29 July 2020.

The application was presented to the Planning Regulatory Committee in April 2020. However, given the change in the Development Plan (with emerging policies attracting substantial weight), and owing to the legal agreement not being signed, Officers are re-presenting the scheme to Councillors for consideration.

1.0 Application Site and Setting

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. 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 Proposal

- 2.1 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, and more detail can be found within the appended report.

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

3.0 Site History

- 3.1 The proposal was presented to, and resolved to be approved in April 2020 by, the Planning Regulatory Committee (the full report is appended).

It was proposed by Councillor Robert Redfern and seconded by Councillor Malcolm Thomas:

“That, subject to a Section 106 Agreement being entered into to secure the obligations contained in the recommendation of the Committee Report, planning permission be granted, subject to the conditions set out in the Committee Report with an additional condition relating to the hours of construction.”

Upon being put to the vote, 8 Councillors voted in favour of the proposition, 1 against and 3 abstained, whereupon the Chair declared the proposal to be carried.

That, subject to a Section 106 Agreement being entered into to secure the obligations contained in the recommendation of the Committee Report, planning permission be granted, subject to the following conditions:

Resolved;

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
27. Hours of construction (0800-1800 Mon to Fri and 0800-1400 Sat only)

4.0 Consultation Responses

4.1 As set out in the appended report.

5.0 Analysis

5.0.1 The key technical matters have been addressed within the Committee report of April 2020 (appended). However, given the Inspector's Report the main issue is:

- The change in direction of planning policy following the receipt of the Inspector's report dated 12 June 2020, giving substantial weight to policies of the emerging Local Plan, and the potential adoption by the Council on 29 July 2020.

5.1 The change in direction of Planning Policy following the receipt of the inspectors report dated 12 June 2020 and the potential adoption by the Council on 29 July 2020 (Policies SP2, SP3, SP6, SP8, H2.9, EN3, SC1 and T2 of the Strategic Policies and Land Allocations DPD (Adoption Edition July 2020) and Policies DM1, DM2, DM3, DM4 and DM55 of the Review of Development Management DPD (Adoption Edition July 2020).

5.1.1 Whilst a new suite of planning policies has evolved as part of the Strategic Policies and Land Allocations DPD (SPLA Adoption Edition July 2020), Halton is still identified as a sustainable rural settlement. Furthermore, the site is allocated under Policy H2.9 for 66 residential dwellings. Therefore, it is suggested that there is stronger policy support for the scheme than in April 2020. Policy SP2 is clear that subject to technical matters being addressed, sustainable housing schemes will be supported in selected villages. This follows the same ethos as Policy DM42 in the adopted Development Management DPD. Whilst new policies have been included within the SPLA, notably the development strategy, and how new homes will be delivered, overall it is considered that the proposal complies with the over-arching development strategy policies in the SPLA 2020.

5.1.2 The Development Management DPD has been revised as part of the plan making process. Of particular note to this planning application are Policies DM1 (new residential development and housing needs), DM2 (housing standards) and DM3 (affordable housing provision).

5.1.3 Policy DM1 follows a similar train of thought to the existing adopted policies, whereby schemes that meet an identified housing need, ensure land is used effectively, and the environment (both natural and manmade) can accommodate growth, will be looked upon favourably. Policy DM2 concerning internal housing standards is a new policy requirement, whereby all new dwellings (market and affordable) must meet the Nationally Described Space Standards, and at least 20% of the new affordable and market housing should meet Building Regulations Requirement M4(2) Category. This is to ensure dwellings are accessible and adaptable. This planning application was submitted in 2018, and the reason for the delay in determination was primarily down to delays in the responses of key consultees. The scheme as a whole provides for space standards that are above the minimum, apart from the one unit being the Milnthorpe at 79m² as opposed to the required 84m². Given when the application was submitted, it is not justified to ask for the change here. Whilst no M4(2) (accessible and adaptable) compliant units have been provided for, this would be detrimental to the viability of the scheme, and on this occasion, given when the application was submitted (18 months ago), it is not justified to ask for the change. Future

applications would however be expected in line with the policy position, so this *will not* (our emphasis) be the default position going forward.

5.1.4 Policy DM3 relates to the delivery of affordable dwellings within the district. Councillors may recall historically the figure officers sought to secure was 40% affordable provision. Viability has been considered in the context of the plan, in ensuring that developments that come forward are deliverable, the plan still requires 40% in Rural East which this site sits within. That said, the scheme was independently assessed and could only deliver 20% affordable housing and councillors supported this in April 2020.

5.1.5 Whilst there has been variations to other policies within the Local Plan, given the location of the site, and those planning conditions previously recommended, no new issues are highlighted that require additional consideration, or are matters that have not been addressed by means of planning condition.

6.0 Conclusion and Planning Balance

6.1 The scheme was presented to the Planning Regulatory Committee in April 2020. The weight of the policies under the emerging plan has now changed to substantial, and the potential adoption of these by Full Council on 29 July 2020 would alter it again to full weight. The scheme is only capable of providing 20% affordable housing provision whereas DM3 still requires this to be 40%. This was independently assessed as being the maximum quantum the council could seek to ensure a deliverable scheme. The major other change relates to the provision of internal space standards across the development, and ensuring the provision of 20% of the units are M4(2) compliant. On the whole, the houses are of a size that conform to the standards, though none of the units comply with the M4(2) standard. As mentioned in this report, given the application was submitted in 2018, Officers feel it would be un-justified to ask for this change now. With the above in mind, the development as a whole is considered sustainable, and the recommendation is to support the scheme subject to conditions and the provision of a legal agreement.

Recommendation

That Planning Permission **BE GRANTED** subject to signing of the Section 106 Agreement to secure the following obligations:

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

and the following conditions:

Condition no.	Description	Type
1	Two-year permission	Control
2	Development in accordance with approved plans (to be listed)	Control
3	Detailed plans of site access (including internal adoptable standard roads)	Pre-commencement
4	Finished floor and site levels	Pre-commencement
5	Employment and Skill Plan	Pre-commencement
6	Arboricultural Method Statement to be submitted	Pre-commencement
7	Submission of a drainage scheme to account to being phased across the site	Pre-commencement
8	Reasonable avoidance methods for Great Crested Newts and Biodiversity enhancement (including home owner packs)	Pre-commencement
9	Submission of surface water drainage management and maintenance	Development above ground

10	Offsite highway works	Development above ground
11	Electric vehicle charging points	Development above ground
12	Material samples	Development above ground
13	Details of retaining walls and boundary treatments, including finishes.	Development above ground
14	Provision of landscaping scheme	Development above ground
15	Landscaping management plan	Development above ground
16	Open Space – provision of 5 pieces of play equipment, maintenance, timetable for implementation	Development above ground
17	Covered cycle parking and refuse provision	Development above ground
18	Car Parking provided	Pre-occupation
19	Unforeseen land contamination	Compliance
20	Protection of visibility splays	Compliance
21	AIA	Compliance
22	Removal of Permitted Development rights	Compliance
23	Garage use restriction	Compliance
24	Development in accordance with the Flood Risk Assessment	Compliance
25	Development in accordance with the submitted surface water drainage proposals	Compliance
26	Vegetation removal outside of bird breeding season	Compliance
27	Construction Hours of Work (0800-1800 Mon to Fri and 0800-1400 Sat only)	Compliance

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

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

18/01422/FUL – April 2020 Committee Report