

<b>Agenda Item</b>	A10
<b>Application Number</b>	20/00676/VCN
<b>Proposal</b>	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping (pursuant to the variation of conditions 2, 7, and 8 on reserved matters application 18/01589/REM to amend the soft landscaping strategy and the removal of condition 3 to remove the requirement for the attenuation pond)
<b>Application site</b>	Site of former Warton Grange Farm, Farleton Close, Warton, Lancashire
<b>Applicant</b>	Bleasdale
<b>Agent</b>	HPA Chartered Architects
<b>Case Officer</b>	Mr David Forshaw
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

(i) **Procedural Matters**

This application relates to the development of the housing site at the former Warton Grange Farm which was originally approved by the Planning and Highways Regulatory Committee. This application seeks to vary conditions attached to Reserved Matters consent 18/01589/REM by amending the approved plans and documents and removing one condition completely. An application to amend drainage of a smaller part of the site is also included on this agenda (20/00609/VCN). An amendment to the bin stores relating to that same smaller part of the development is also included on this agenda (20/00350/VCN).

**1.0 Application Site and Setting**

1.1 The application relates to the residential development of the former Warton Grange farm, south of Main Street and south west of Farleton Close. The development has commenced to provide a total of 25 dwellings accessed from Farleton Close.

1.2 The trees on the site are subject to a Tree Preservation Order (TPO no.600) which was served in 2017 to protect trees around the periphery of the wider farm complex following the grant of outline planning permission for residential development (15/00847/OUT). The site falls within the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB); is designated as a Countryside Area; and lies within Flood Zones 2 and 3. Although it benefits from flood defences which exclude the site from Flood Zone 3b, it remains within Zone 3a. The site is also partially within the 1 in 30 year, 1 in 100 year, and 1 in 1000 year surface water flooding areas. There is a secondary river (surface level drain) extending south from the site.

1.3 The site is approximately 360m south of Warton Crag which is a designated Regionally Important Geological Site, and in part is a Biological Heritage Site, Nature Reserve, Ancient Woodland and a Site of Special Scientific Interest (SSSI). It is also subject to Limestone Pavement Orders. There is also a Scheduled Ancient Monument located on Warton Crag. Closer to the site is a Grade II listed

building at 5 Main Street. Morecambe Bay is located approximately 650m to the west and is designated as a SSSI; Special Protection Area (SPA); Special Area of Conservation (SAC); and, Ramsar Site.

## 2.0 Proposal

- 2.1 The applicant wishes to amend three of the conditions attached to the Reserved Matters consent 18/01589/REM and remove a further condition completely. The amendments relate to two issues: surface water drainage and raising of levels to create more usable garden space which will result in the loss of a number of protected trees.
- 2.2 Surface water drainage: The initial drainage strategy at outline stage was to drain the whole site to the north east with attenuation through a balancing pond prior to discharge into the existing watercourse. By the Reserved Matters stage the layout had altered and a revised drainage strategy was approved which discharges storm water to a watercourse to the south west of the site through below ground attenuation under the roads within the centre of the site. Therefore, the original attenuation pond is not needed and this application seeks to remove the condition requiring details of the pond to be submitted and approved.
- 2.3 Raising Garden Levels: Site levels have previously been agreed with the Environment Agency as part of the Flood Risk Assessment mitigation measures. The applicant considers that the raised floor levels of plots 16 to 21 requires a commensurate raising of overall ground levels in the gardens of these properties. However, in order to achieve sufficient level garden areas material will need to be tipped in the location of 14 protected trees. Therefore, this application seeks approval to substitute an amended landscaping strategy and arboricultural report to deal with removal of the trees, raising of levels and a replacement tree planting scheme.

## 3.0 Site History

- 3.1 A number of relevant applications relating to redevelopment of the former farm complex have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00937/VLA	Variation of legal agreement attached to planning permissions 15/00847/OUT and 18/01603/FUL to amend the affordable housing provision	Pending
20/00609/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 7 on planning permission 18/01603/FUL to amend the surface water drainage scheme)	See item on this agenda
20/00075/DIS	Discharge of conditions 7 and 15 on approved application 15/00847/OUT	Pending
20/00350/VCN	Erection of 4 dwellings with associated access and landscaping (Pursuant to the variation of condition 2 on planning permission 18/01603/FUL to amend the internal layout and provide for refuse stores)	See item on this agenda
18/01603/FUL	Erection of 4 dwellings with associated access and landscaping	Approved
18/01589/REM	Reserved matters application for the demolition of the existing farm buildings and the erection of 21 dwellings with associated access and landscaping	Approved
15/00847/OUT	Outline application for the demolition of the existing farm buildings and the erection of up to 23 dwellings with associated access and landscaping	Approved

## 4.0 Consultation Responses

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

Consultee	Response
GMEU	No objection
AONB Partnership	No objection providing the replacement planting will adequately screen the development
Environment Agency	No objection
Tree Officer	Trees should be retained unless change to the ground level is justified
LLFA	The changes have no flood risk implications.

4.2 An objection from one member of the public has been received stating:

- Object to the removal of the pond
- The pond was necessary to manage flood water and nothing has changed
- Building up the ground increases chances of flooding of neighbouring houses.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Whether removal of the need for the attenuation pond is acceptable in terms of drainage and ecology
- Whether sufficient justification exists for raising garden levels and removal of protected trees

5.2 Removal of the attenuation pond (DMDPD Policies DM33: Development and Flood Risk; DM34: Surface Water Run-off and Sustainable Drainage; DM44: Protection and enhancement of Biodiversity)

5.2.1 The revised drainage strategy has been subject to pre-application negotiations with United Utilities and the LLFA. United Utilities has confirmed that the revised strategy is acceptable (also reported in Committee report for 20/00609/VCN) and the LLFA confirms the pond is not required for flood risk mitigation. Therefore, the pond is not required as part of the overall drainage strategy for the site since the discharge point and rate and consequential attenuation has altered.

5.2.2 The pond was never intended to provide ecological mitigation. As the GMEU states the pond was “never a significant element of the ecological mitigation for the site as the habitats lost were primarily scrub, with no negative impacts on any waterbodies.”

5.2.3 Therefore, there is no longer any reason to require provision of the attenuation pond under condition 3 of 18/01589/REM.

5.3 Raising of Garden Levels (DMDPD Policies DM44: Protection and Enhancement of Biodiversity; DM46: Development and Landscape Impact; DM45: Trees, Hedgerows and Woodland)

5.3.1 The starting point for consideration is whether justification exists for development that will lead to loss of protected trees in the AONB. Having a level rear garden whilst desirable is not essential. There are many examples of gardens being terraced or having different angles of slopes to maximise usability, especially for families. The revised Arboricultural Impact Assessment (AIA) includes cross sections of the gardens showing as approved and as proposed. The biggest issue appears to be the step down between the dwellings and back gardens. The solution is to raise the level of the whole of each garden to provide an almost uniform slope for its length. In order to grade the land in such a way additional distance is needed which extends the raising into the location of the trees. It is considered that use of terracing could achieve flatter steps along the length of the approved gardens that would make the step up to the houses and retain usable gardens.

5.3.2 The submitted Soft Landscaping strategy states: ‘A woodland TPO does not stipulate that the owner or future owners are required to replant any loss of trees, instead relies on natural reseeded. Screening on this basis will take a long time to be established and provide any building cover, should any of the trees fail.’

The Tree Officer considers this is not totally accurate, as if a tree is removed because it is dead or

has become dangerous the landowner does have to replant. The only difference being that the tree does not have to be planted in the same place. The legislation states that:

*'In respect of trees in a woodland it shall be sufficient for the purposes of this section to replace the trees removed, uprooted or destroyed by planting the same number of trees—*

- (a) on or near the land on which the trees removed, uprooted or destroyed stood, or*
- (b) on such other land as may be agreed between the local planning authority and the owner of the land,*

*and in such places as may be designated by the local planning authority.'*

Therefore, the Tree Officer does not accept that this justifies removing the trees and re-planting, effectively starting again. The Tree Officer's opinion is that the protected trees should be retained unless justification exists for their removal.

5.3.3 The impact of the loss of the trees must be assessed. Plots 16 to 21 are situated at the southern boundary of the site with open fields behind leading to Millhead. The protected trees form a belt rear of these plots screening the development from the open fields and the wider AONB. Once felled and until replacements grow sufficiently there will undoubtedly be a period of time when the development will be much more visible and have a greater impact on the AONB. The AONB Partnership supports the tree replacement scheme and does not have any objection as long as the replacement planting will adequately screen the development.

5.3.4 The submitted AIA assesses the trees as semi mature with a small number of juveniles. The maximum height of the trees is 12 metres. Three have been found to be unsuitable for inclusion in a residential development. It is proposed to remove 14 trees and replace in an overall 4:1 ratio and heavy standard ratio of 2:1. The AIA states this will provide effective mitigation for the tree removals and an overall improvement in the on-site stock. It is accepted that the replacement trees are adequate for those to be lost.

5.3.5 Although the replacement planting scheme is suitable mitigation for loss of the 14 trees it is considered inadequate justification for the removal of otherwise healthy protected trees in the AONB.

#### 5.4 Planning conditions

5.4.1 An approval under Section 73 of the Act effectively results in the grant of a new stand-alone consent. Therefore, all the original planning conditions have been reviewed to ensure they remain necessary and relevant. Where such conditions continue to meet the tests for imposing conditions, they will be replicated. Following the grant of consent, the applicant has submitted a discharge of condition application to partially satisfy condition 4 (details of materials and lighting). This condition will be reworded as a result. Condition 1 (time limit to commence) is no longer relevant as the development has started and will not be replicated. Condition 3 will be removed if this application is approved. The other original conditions shall remain as originally drafted.

### **6.0 Conclusion and Planning Balance**

6.1 Removal of condition 3 relating to details for the attenuation pond is acceptable. It is neither required for drainage purposes nor ecological mitigation. Amendment of three conditions relating to details for raising of garden levels in plots 16 to 21 and removal of protected trees is not acceptable due to the lack of robust justification.

### **Recommendation**

That Reserved Matters consent **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Approved plans	Standard
2	Submission of details	Above Ground
3	Vehicular access	Prior to occupation

4	Provision of garage/parking	Prior to occupation
5	Approved soft landscaping	First planting season
6	Approved Tree Works, protection scheme	Ongoing
7	Removal of Permitted Development Rights	Control

**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**

None