

<b>Agenda Item</b>	A5
<b>Application Number</b>	20/00277/FUL
<b>Proposal</b>	Erection of 9 dwellings with associated infrastructure and landscaping
<b>Application site</b>	Land at Low Road, Halton, Lancashire
<b>Applicant</b>	Forge Weir View Limited, Wrenman Homes
<b>Agent</b>	N/A
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve

**(i) Procedural Matters**

This application has been reported back to the Planning Regulatory Committee following a deferral at last month's committee (5 January 2021) to allow officers to review the potential for noise emissions from the overhead powerlines on the amenity of the proposed dwellings and to review the planning (tilted) balance in light of the Council's 5 year housing land supply position, and the development proposal's lack of affordable housing provision and the lack of an education contribution.

**1.0 Application Site and Setting**

1.1 The application site relates to part of a former agricultural field located adjacent to the south eastern edge of the village of Halton behind the Forgewood residential estate. The field in question has recently been developed for housing by Wrenman Homes. The application site relates to part of the wider site (previously permitted for 5 dwellings) and includes more of the pastureland to the east (towards the pylon and overhead lines), totalling 1.2 acres. The site is currently being used as a site compound, comprising hard standings, stock piling of earth and the provision of welfare/office cabins.

1.2 The site is located within a housing allocation (policy H2) as identified by the Strategic Policies and Land Allocations DPD and is approximately 150m from the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site is approximately 550m from Halton's Conservation Area. The River Lune is located approximately 40m from the most southern part of the site and enjoys a biological heritage site (BHS) designation. This designated area extends up to the application site boundary. There are protected trees, covered by a single Tree Preservation Order (TPO 321(2001) located to the south of the site. The closest public right of way is situated along Mill Lane to the south of the site (but not adjacent or connected to it). The site sits between approximately 40m and 36m Above Ordnance Datum (AOD).

## 2.0 Proposal

- 2.1 The application site overlaps with the extant and implemented planning permission for 60 dwellings. The proposal seeks to substitute two plots (accommodating 2 detached 4 and 5 bedroom dwellings) on the approved scheme to provide a small extension to the approved development comprising 9 dwellings in total. The proposal results in a net gain of 7 additional dwellings, bringing the whole development to a total of 67 dwellings. The development has been amended from a scheme of 11 dwellings to 9 during the determination period to address design and amenity concerns.
- 2.2 The proposal includes the erection of 2 two-bedroom semi-detached dwellings, 4 three-bedroom semi-detached dwellings; 2 three-bedroom link detached dwellings and 1 4-bedroom detached dwelling arranged around a new cul-de-sac. Access is proposed off the main spine road within the new residential estate between plots 18 and 24. The proposed dwellings are all two-storey buildings, designed and finished to reflect the house types of the approved development. The dwellings shall be finished in a combination of render, natural stone and timber-effect cladding under slate roofs.
- 2.3 The development results in a larger ecology/landscape buffer at the southern tip of the site and additional landscaping to the north. A field access is proposed off the new cul-de-sac to provide suitable access to maintain and manage the proposal ecology buffer and landscaping along the eastern boundary.

## 3.0 Site History

- 3.1 The planning history relevant to this pending application relates to an outline planning permission and subsequent reserved matters consent. There have been several applications submitted to and determined by the local planning authority in relation to satisfying planning conditions and making non-material amendments to the development. These applications are not listed in the table below as they are not materially relevant. A screening opinion request and decision has been made in relation to a proposal for a further 65 dwellings to the east of the approved development. The Council determined that the proposal would not require an Environmental Statement under the Environmental Impact Assessment Regulations. There has for been no formal planning application made this proposal.

Application Number	Proposal	Decision
14/01344/OUT	Outline application for the development of 60 dwellings with associated access	Approved
17/01423/REM	Reserved matters application for the erection of 60 dwellings and associated infrastructure	Approved
18/01634/EIR	Screening Opinion for the erection of 65 dwellings on land to the east of the approved development.	Not EIA development

## 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>Neither objecting nor supporting</b> – comments that the scheme should deliver 40% affordable homes on the site given the low level provided on the main development. <i>No comments have been received in response to the amended plan consultation.</i>
Lancashire County Council Local Highway Authority (LHA)	<b>No objection</b> and confirms that the junction geometry is acceptable and the internal road is suitable to accommodate refuse vehicles.
Lancashire County Council School Planning Team	<b>No objection</b> subject to an Education Contribution towards 1 primary school place to the sum of £16,749.96 towards Caton Community Primary School and/or Nether Kellet Primary School. If the contribution is not secured, the County Council School

	Planning Team object to the proposal on the grounds the proposal would be unsustainable.
<b>Lead Local Flood Authority</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Construction Method Statement to manage surface water during construction</li> <li>• Detailed surface water scheme limiting the pass flow rates to the surface water system to that of the original approved scheme (for 60 dwellings)</li> <li>• Drainage maintenance and verification of implemented scheme</li> </ul>
<b>United Utilities</b>	<b>No objection</b> provided the whole surface water drainage strategy can accommodate the additional development. <i>NB: United Utilities have confirmed no objections to the development from a water supply perspective.</i>
<b>Environmental Health Service</b>	<b>No objection</b> subject to unforeseen land contamination condition and confirmation that noise from the overhead powerlines is unlikely to lead to adverse effects to affect the amenity of future occupants of the development.
<b>HSE</b>	HSE advises no interest in the development as it lies outside the consultation zones of the gas pipeline.
<b>Shell UK</b>	<b>No objection</b> – comments that the proposed works will not affect the Shell pipeline.
<b>Cadent Gas</b>	Referral to the Land and Development Asset Protection Team due to proximity to National Grid Transmission assets and National Gas Transmission Pipelines.
<b>National Grid Plant Protection Team</b>	Following consideration of additional information in relation to the proximity of the development to the overhead power lines, and amendments to the development, National Grid <b>no longer object</b> to the development.
<b>Lancashire Fire and Rescue Service</b>	<b>No objection</b> – standing advice in relation to Building Regulations.
<b>Planning Policy Team</b>	Comments submitted expressing concern over the level of affordable housing proposed and failure to comply with the Nationally Described Space Standards.
<b>Arboricultural Officer</b>	Following amendments to the planning schedule/landscaping, <b>no objection</b> subject to the following condition: <ul style="list-style-type: none"> <li>• Implementation of amended landscaping</li> </ul>
<b>Greater Manchester Ecology Unit (GMEU)</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Implementation of amended landscaping</li> <li>• Details of external lighting</li> <li>• Implementation of bird/bat habitat</li> </ul>
<b>Lancashire County Council Public Rights of Way Officer</b>	No comments received.
<b>Ramblers Association</b>	No comments received.
<b>Forest of Bowland AONB</b>	No comments to make on this application.
<b>Lancashire Constabulary</b>	<b>No objection</b> - developer should be encouraged to build the dwellings to achieve Secured by Design Gold certification.

#### 4.2 The following responses have been received from members of the public:

At the time of compiling this report 49 letters of objection have been received mainly from residents of the new development, including multiple responses from some objectors. Around 25 of these objection letters were received following the influx of support letters in early October 2020.

A summary of the mains planning reasons for opposition are: -

- **Highway** concerns including increased traffic congestion through the estate leading to increased risk of pedestrian safety (especially children playing and the elderly); unsuitable access/egress

off a side road originally designed for only 5 dwellings; poor visibility into the cul-de-sac and inadequate width for two vehicles to pass and speed limits should be reduced to 20mph.

- **Infrastructure** concerns including lack of school places, resulting in families having to travel additional distance to get children to school thus increasing their carbon footprint; the education contribution being incorrectly assessed; limited amenities/services for the growing level of cumulative development in the village and concerns over the increased demand on utilities already under pressure (poor internet unable to meet current demands, low water pressure at times and increasing strain on drainage system).
- **Amenity** concerns including continuous disruption from construction activities; increase in traffic noise, air and light pollution; loss of rural views, overbearing and cramped form of development that is radically different to the rest of the scheme; overlooking, loss of light and loss of privacy to adjacent dwellings; amenity and safety risks due to proximity to the High Voltage Transmission Overhead lines and loss of rural character to the estate.
- **Housing** comments received indicating that 33% of shared-ownership homes remain unsold despite advertising there is a need for this type of housing.
- **Other** concerns include the developer not abiding to planning controls; lack of consultation with existing residents ahead of the submission; concerns over the negative cumulative effects of this proposal with a proposal on the adjacent field for a further 60 dwellings (18/01634/EIR); supporting letters are orchestrated (some 7 months after the application was submitted), inaccurate and largely submitted by friends, family and employees of the applicant; employment benefits are temporary opposed to the permanent negative effects of the development on existing residents and ongoing uncertainly for existing residents due to the delay in the determination of the application.

Many of the representations received have opposed the development for reasons that are not considered material planning considerations, such as being mis-sold their properties, property values and personal dealings with the developer. Non-planning considerations have not been reported or considered in the planning recommendation.

4.3 From the first week in October 2020, the local planning authority received 31 representations in favour of the proposal. It is noted some of the support letters are from the applicants themselves and their employees.

A summary of the main planning reasons in support are: -

- **Design and Quality** - Wrenman Homes have delivered a unique, high quality development in a great rural position with good access to the strategic highway network; the development forms a good extension to the existing development.
- **Housing Opportunities** – delivery of much needed housing; smaller dwellings providing families in the area to purchase high quality dwellings at an affordable market value.
- **Economic benefits** – retain staff and support local employment/trades during the construction period (during uncertain times as a result of the pandemic) and more homes would support local services and amenities, such as the bus service.
- **Biodiversity gains** – additional planting and future management has seen a positive increase in biodiversity across the site.

4.4 At the time of compiling this report, the re-consultation on the amended proposals is still pending. To date, 21 letters of opposition have been received, together with a petition against the development (59 signatures from 29 households). The reasons for opposition remain largely the same as those summarised above. Additional comments include the following matters:

- Increased traffic and pressure on services due to home-working and more on-line shopping (Covid-related and future shopping culture).

- Development could exacerbate water-logged gardens and drainage systems adjacent to the development.
- Reference to inconsistencies of plot numbers between the plans and Wrenman Homes website.
- No consideration of privacy.
- Preparation work already undertaken assuming a forgone conclusion to the decision.
- Infrastructure and services unable to cope with the effects of this development and other development in the village (water supply and internet).
- Light intrusion to properties close to the junction.
- Questions the planning application process.

## 5.0 Analysis

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

1. Principle of development
2. Contribution to housing needs
3. Highway matters
4. Amenity and design matters
5. Landscape effects
6. Biodiversity
7. Flood risk and drainage

5.2 **Consideration 1: Principle of development:** (NPPF paragraph 7 – 12 (Achieving Sustainable Development) , 47 (Determining applications), Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, H2: Housing Delivery in Rural Areas of the District and EN3: The Open Countryside.

5.2.1 The principle of residential development in this location, and more generally in the village of Halton, is supported by local planning policy and the Development Plan. The District's settlement hierarchy recognises Halton as one of the districts most sustainable settlements, with policy H2 of the SPLA DPD allocating the site for housing.

5.2.2 The site forms a modest extension to an existing and recently new development. It results in a net gain of seven additional dwellings which is considered a proportionate extension to the larger development, particularly given its sensitive rural location on the edge of the village. The development will be accessed via the existing estate road. There is suitable, safe and improved provision for pedestrians between the development and the village to access local services and bus stops. The closest bus stop is located on Low Road by Forgewood Drive. In principle, the proposed site is considered a sustainable location for residential development (noting it falls within a housing allocation) and accords with the development strategy set out in the Development Plan. This is, of course, subject to the development according with the other key considerations set out at the head of this section of the report (paragraph 5.1).

5.3 **Consideration 2: Contribution to housing needs** (NPPF paragraph 7 – 12 (Achieving Sustainable Development) , Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP6 (Delivery of New Homes) and H2 (Housing in the Rural Areas of the District) and Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing standards), DM3 (Delivery of Affordable Housing) and DM4 (Residential Development Outside Main Urban Areas); Five Year Housing Land Supply Position (November 2020).

5.3.1 The proposed development will make a positive contribution to the District's supply of housing at a time when the local planning authority (LPA) are unable to evidence a 5 years' worth supply of deliverable housing. This weighs significantly in favour of the proposal. The latest position is set out in the Housing Supply Statement (November 2020), which reports delivery against the newly adopted housing requirement for the district (Policy SP6 of the SPLA DPD). Currently, the LPA can only demonstrate a 3 years' worth supply of deliverable housing sites against the adopted housing requirements. In these circumstances, the NPPF continues to make it clear that where a LPA is

unable to demonstrate a five year supply its policies in relation to the supply of housing cannot be viewed as up-to-date policies. Consequently, the presumption in favour of sustainable development applies (paragraph 11, NPPF) meaning 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 taken as a whole (the tilted balance).

- 5.3.2 Considering only 12 months ago the Council robustly evidenced that the Local Plan demonstrated a deliverable supply of housing sites sufficient to deliver a 6.9 years of supply, the latest housing land supply position is naturally disappointing. However, the sites identified through the Local Plan examination still exist and form part of the Council's overall housing land supply. Regrettably, it is the anticipated delivery rates that has affected the housing supply position, with many sites no longer anticipating delivery within the five-year period. The current pandemic is a contributing factor to the deliverability of housing in the district.
- 5.3.3 It is not just about providing housing, it is vitally important that planning (through policy and decision-making) ensures the housing needs of different groups of the community are also met by providing the right type of housing in the right areas. This is necessary to secure inclusive, mixed and sustainable communities. Unlike many other new residential developments, the proposal offers a greater proportion of smaller housing units for market sale, which accords well with the housing mix approach advocated in the Strategic Housing Market Assessment and set out in policy DM1 of the DM DPD. These smaller units will complement the housing mix (generally larger units) on the approved and implemented development. This also weighs in favour of the development.
- 5.3.4 Policy DM2 requires all new dwellings to meet the Nationally Described Space Standards. The scheme has been amended to comply with this requirement. The scheme is now under ten dwellings therefore the requirement to provide 20% of new dwellings to meet Building Regulations M4(2) is not required. However, the applicant has confirmed that House Type B (plots 66/67) does conform to the requirements of M4(2), save for the depth of the door canopy.
- 5.3.5 Policy DM3 of the DM DPD sets out affordable housing thresholds for development comprising 10 or more dwellings. The thresholds vary by location, type, and scale of development. Halton falls within Rural East location (defined by policy DM3), which specifies for 10 or more dwellings on greenfield sites, the affordable housing threshold is 40%. Policy DM3 does not address the issue of piecemeal development or the circumstances by which it will consider two or more developments to be aggregate. Policy DM3 provides flexibility to the level of affordable housing provision based on development viability.
- 5.3.6 At the pre-application stage, it was determined any additional dwellings to the wider, approved scheme should contribute to affordable housing subject to development viability. This is slightly different to the usual stance of only major proposals (10 dwelling or more in the case of residential development outside of AONBs) having to contribute towards affordable housing. This position is based on the *Brandlford judgement (R (Westminster City Council) v First Secretary of State and Brandlford Limited [2003] J.P.L 1066)*, which established three criteria to determine and assess the piecemeal development of sites or/and aggregation of sites for the purposes of applying an affordable housing policy threshold. The three criteria include:
- a. the ownership of the site;
  - b. whether the land could be considered to be a single site for planning purposes;
  - c. whether the development should be treated as a single development.
- The proposed development is owned by the same developer as the wider site; it can only be accessed via and through the wider development site; and could not be developed in isolation from the remainder of the site. On this basis, it is considered an aggregate site meaning any additional dwellings should be considered in the context of policy DM3 and the affordable housing thresholds. The applicant has not disputed the need to provide affordable housing but (from the pre-application stage) has presented a viability argument to justify the lack of affordable housing provision.
- 5.3.7 The applicant's original proposal was for 11 dwellings, which included the provision of one affordable dwelling. This was offered despite the viability evidence indicating the development cannot viably support this level of provision. The amended scheme results in a development of 9 dwellings and a net gain of 7 dwellings overall, which has not helped the viability outcomes in this case.

5.3.8 The approach and standard assumptions to be used in the viability appraisal were agreed as part of early pre-application discussions with the LPA. Most of the standard inputs used in the viability appraisal are largely based on the original assumptions agreed when the wider development was viability tested. Many of these assumptions also align to those set out in the Local Plan Viability Assessment. Despite testing numerous viability scenarios (adjusting build costs/increasing site values/removing % contingency, adjusting profit margins) it is clear in this case that the proposed development cannot support any affordable housing or other planning obligations. Whilst this is regretful, it is not wholly unexpected because of the level of affordable housing achieved on the wider site (16.7% and no education contribution), the high quality and bespoke nature of the development and its low density. Policy DM3 states that where there is compelling and detailed evidence that demonstrates the provision of affordable housing (and other obligations) has an unwarranted negative impact on the viability of the proposal, applicants may, in agreement with the LPA, provide fewer affordable dwellings than would ordinarily be expected. The lack of affordable housing has been justified by viability evidence and on this basis the proposal is not considered to conflict with this policy.

5.4 **Consideration 3- Highway Matters** (NPPF: Chapter 9 paragraphs 108-111 (Promoting Sustainable Transport) and Chapter 12 paragraph 127 (Achieving well-design places); Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision; Provision of Electric Charging Points for Vehicles in New Development Planning Advisory Note 5 (Oct 2020).

5.4.1 In relation to transport considerations, both national and local planning policy strive to ensure development is:

- Located in areas that are or could be made sustainable;
- Safe and accessible for all users;
- Promotes sustainable transport modes;
- Minimises the need to travel by private car by prioritising pedestrian and cycle movements;
- Ensure the highway safety and efficient of the highway network is maintained; and
- Create safe, accessible, well-connected and attractive places.

5.4.2 The proposed development results in a net gain of seven additional dwellings. This will result in a slight increase in traffic above what was anticipated from the original scheme of 60 dwellings. The existing priority-controlled junction off Low Road will safely and conveniently accommodate the increase in traffic without affecting the safety and efficient operation of the local highway network. The original scheme for 60 dwellings required a range of off-site highway improvements works. These works have been carried out and largely include gateway traffic calming measures and enhancements to pedestrian footways, crossing facilities and a new bus stop. The Highway Authority have raised no objection to the proposal on traffic, highway efficacy or safety grounds.

5.4.3 The internal road layout associated with the proposed development (and the wider development) has been designed to meet the Highway Authority's adoptable standards. Despite concerns to the contrary (from public representations), the geometry of the proposed junction off the main spine road with the cul-de-sac is acceptable to the Highway Authority. Suitable visibility splays, that accord with the County Council's design requirements for a 20mph speed limit, are provided with the radii of the junction capable of accommodating refuse/emergency vehicles.

5.4.4 The road layout within the cul-de-sac now includes a more formalised turning facility (rather than a courtyard as shown on the original approved scheme). There remains a courtyard area in front of the driveways to plots 19-21, which must remain unobstructed to provide suitable manoeuvring facilities for occupants of these plots. This is necessary in the interests of highway safety. The provision and use of the courtyard (for turning) and the formalised turning facility is a matter that can be controlled by planning condition.

5.4.5 The estate spine road and the road serving the proposed development includes adequate footways to ensure there is a safe walking environment for future residents. The footpath alongside the boundary of plot 18 (as approved) is narrow due to a pinch point and the alignment of the road. However, there is a 1.8m wide path to the other side of the carriageway and throughout the remainder of the development. This is acceptable to the County Highway Authority. Given the number of dwellings proposed in this location, the pinch point and narrow section of footpath does not make the proposal unacceptable from a highway safety perspective or from a sustainability point

of view. The proposal would provide safe pedestrian connectivity between the extended part of the development towards the village. The wider development has already provided direct connections to the Forewood Estate and Low Road. A further connection is available (once Story Homes complete their development) from this development to the open space secured as part of the Story Homes development. The proposed development will benefit from these connections.

5.4.6 The proposed parking provision is based on the Council's car parking standards (Policy DM62) with a minimum of 2 parking spaces for 3-bedroom properties and 3 for the larger 4-bedroom dwelling. The parking provision is based on a combination of dedicated off-street parking and garages. The provision and retention of parking spaces shall be controlled by planning condition. Cycle storage provision and electric vehicle charging points are proposed for all new dwellings to encourage more sustainable modes of travel. The provision of such can be secured by planning condition.

5.4.7 In summary, the proposed development would not lead to any severe impacts to the efficient operation of the local highway network; the proposed development can be safely accessed for all users and makes adequate provision for walking, cycling and the promotion of electric vehicles. The Highway Authority has raised no objections to the development (based on 11 dwellings). The reduction to the scheme will not affect their position. Overall, the development fully accords with the Development Plan and the relevant sections of the NPPF in relation to transport and highway matters.

5.5 **Consideration 4 - Amenity and Design Matters (NPPF: Chapter 8 paragraph 91 (Promoting Healthy and Safe Communities), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places), and paragraphs 178 – 183 (Ground Conditions and Pollution); Development Management (DM) DPD policies DM2 (Housing standards), DM27 (Open Space, Sports and Recreational Facilities), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution) and DM32 (Contaminated Land); National Grid Design guidelines for development near pylons and high voltage overhead power lines.**

5.5.1 **Residential Amenity**

Planning policy requires development to provide an acceptable standard of amenity for all. Policy DM29, and to a lesser extent the design and well-being chapters of the NPPF, require new residential development to have no significant detrimental impacts to the amenity of existing and future residents by way of overlooking, visual amenity, privacy, outlook and pollution. The proposed development forms a small extension to a previously approved scheme, which is practically completed and largely occupied. There are existing dwellings to all but the eastern boundary of the proposed site. The initial scheme for 11 dwellings was judged unacceptable due to design and amenity concerns primarily in relation to the proximity of some of the proposed dwellings to existing dwellings, the provision of suitable garden areas and the overall density and character of the development.

5.5.2 The amendments to the scheme have resulted in the loss of two plots within the site. This has enabled the development to be pulled away from the overhead lines, increased interface distances between plots 66 and approved plots 28/29, increased garden sizes to some of the proposed plots and reduced the dominance of parking within the street scene leading to an increase in landscaping within the built development. This provides both amenity and design improvements to the development.

5.5.3 The existing dwellings affected by the proposal are the approved plots 7-10 (apartment block), 18, 21, 25, 24, 28, 29 and 30. The proposed development has been designed (and amended) to improve the amenity standards set out in policy DM29, insofar as it relates to garden sizes, interface distances (privacy), outlook and parking provision (also covered by policy DM62). There are some plots where the interface distances fall marginally below of the recommended requirements. However, this would not render the development overbearing and unacceptable. Plots 24/25 as part of the approved scheme will, as a consequence of the proposal, experience a different outlook and one that is considered marginally worse than the approved scheme (a single detached dwelling was proposed to the rear of these plots). This is due to the mass and building form of development (two dwellings opposed to one) and the orientation of the proposed plots 66/67. However, the interface distance is acceptable and akin to the separation distances of the approved scheme.



Despite a change to the outlook for plots 24/25, the development would not result in significant adverse effects on the amenity of these dwellings. The effects of the development are more notable on plots 29 (of the approved scheme). The proposed development will bring the built form much closer to their property than the approved development and as a result will feel more overbearing. However, the interface distance between the blank gable wall of plot 66 and the rear elevation (containing habitable windows) of plot 29 is 12.5 metres and therefore policy compliant. A refusal on the grounds of residential amenity would be difficult to substantiate in these circumstances. The separation distance between plots 22/23 to the approved apartment block is approximately 17m rather than 21 metres. However, with the approved plots 19-21 being closer to the apartment block than the proposed development, the relationship here is considered acceptable and would not lead to significant adverse effects on amenity. Plot 30 (on the approved scheme) is also affected by the development. A new house (plot 65) is proposed to the north of this dwelling. Plot 30 based on the approved development would have been surrounded by open gardens and countryside to the north and east. The proposed plot 65 sits immediately alongside the northern boundary, with a single storey element extending 10 metres along the party boundary wall. This likely to affect some light to the property, however, due to the extended garden area to plot 30 (as a consequence of the development) and the fact the proposed dwelling is to the north and it is only single storey alongside the boundary, the effects are not likely to be significantly adverse. All other interface distances within the proposed development are acceptable and accord with the requirements of the development plan.

- 5.5.4 The proposed dwellings all have sufficient access to private garden space, which are proportionate to the size of the dwellings. Where the depths of the gardens are below the recommended 10 metres, the overall area far exceeds the minimum 50 square metres. Overall, whilst some existing residents will experience a different outlook, the development will not result in significant adverse effects on residential amenity. In this regard the scheme complies with planning policy.
- 5.5.5 All the proposed dwellings will be provided with suitable electric vehicle charging points, cycle storage provision and will be built to achieve 10% above the minimum requirements of Part L of Building Regulations (at the time of construction). These are matters that can be controlled by condition to enable compliance with policy DM30 of the DM DPD.
- 5.5.6 The applicant has evidenced that ground contamination would not pose a risk to future occupants of the development and that the previous site investigation for the wider site would remain relevant. The Council's Contaminated Land Officer has raised no objection to the development, subject to the imposition of an unforeseen contaminated land condition.
- 5.5.7 The development does extend closer to the powerlines than the approved scheme with plots 62-65 most affected. National Grid guidance clearly indicates that whilst research continues to improve our understanding of the effects of electric and magnetic fields (EMFs), the balance of current international scientific evidence is against EMFs from high voltage power lines causing ill health. No causal link has been established between cancer (or any other disease) and EMFs and there is no established mechanism by which these fields could cause or promote disease. Consequently, neither the UK Government nor the National Radiological Protection Board (NRPB) have recommended any special precautions for the development of homes near power lines on EMF grounds.
- 5.5.8 There are, nevertheless, good operational and amenity reasons for not siting built development directly beneath overhead power lines. In this case, the development lies adjacent to the powerlines rather than directly underneath them. There are no operational constraints associated with the development lying close to the overhead powerlines. The applicant has adequately demonstrated to the satisfaction of National Grid that the development would not impinge the safety clearance distances to the powerlines.
- 5.5.9 In terms of the effects on residential amenity, the development is located to the south west of the existing pylon located approximately 22m from the development (plot 61/62). The visual impact of the pylon will be most notable from plots 23/61/62. The amended scheme has sought to mitigate the visual impacts slightly by pulling the development away from the pylon and the overhead lines together with the provision of a landscaping buffer immediately to the north of the gardens to plots

61/62. The revised positioning of the affected plots slightly off-sets the direct line of sight of the pylon to minimise the visual impacts. This accords with the design guidance set out by National Grid.

- 5.5.10 In addition to the visual effects of the pylon, consideration of potential noise effects (largely from the overhead lines) has also been considered. National Grid's design guidance states that high voltage overhead lines can generate noise. The level of noise depends on the voltage of the overhead power lines and weather conditions. Sometimes a 'crackling' sound accompanied by a low frequency hum can be heard. Higher noise levels are likely to occur during damp weather conditions. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking account the likely effects of pollution on health and living conditions. Policy DM29 equally requires there to be no significant detrimental impacts to amenity in relation to pollution.
- 5.5.11 The development lies within in an allocated housing site, therefore, a site considered suitable for residential development. This housing allocation follows the alignment of the overhead lines and is based on the approved development for 60 dwellings. The outline and subsequent reserved matters approval did not require the submission of a noise assessment nor were there any concerns raised by National Grid or the Environmental Health Service in relation to noise effects from the overhead lines. The approved scheme has dwellings at the closest point around 8m from the overhead lines extending to circa 20+ metres. The proposed dwellings are located between 8m (centre point of side facing gable at plot 62) and 20m from the alignment of the overhead lines. The proposed development does result in more dwellings closer to the overhead lines but in some cases shares a similar relationship to the permitted scheme. Like the original outline and reserved matter applications, National Grid and the Council's Environmental Health Service (EHS) have not objected to the development on the grounds of noise impacts. Following last month's Planning Regulatory Committee, the Council's Environmental Health Service has advised the Case Officer that they have not received any complaints from residents of the estate about adverse impacts concerning noise from the overhead power lines. Furthermore, they have advised that there are no recorded complaints relating to this type of noise on their information systems historically. This strongly suggests that the effects of noise from the overhead lines is not likely to result in significant adverse effects and certainly not from within the dwellings themselves. Noise from the powerlines will be greatest, albeit unlikely to be harmful, when it is raining. Inside the dwellings the noise is unlikely to be adverse, if at all audible. Externally, the noise would be audible but during wet conditions the external space will not be heavily used to result in significant adverse effects to the enjoyment of this space. The Council's EHS is of the opinion that the development would not be adversely affected by noise and that there is little justification to request further noise information to assess and determine the application or resist the application on the grounds of noise.
- 5.5.12 Overall, the proposed development would provide an acceptable standard of amenity for future residents and has been designed and amended to ensure the amenity of existing residents is not significantly adversely affected in accordance with local and national planning policy.
- 5.5.13 Design  
Planning policy places significant emphasis on delivery of well-planned and high-quality designed development. The proposed dwellings have been designed to match and complement the contemporary design, appearance and use of materials to the dwellings of the approved scheme. For this reason, the development appropriately responds to local distinctiveness and reflects the surrounding built form. The initial proposal for 11 smaller dwellings did not positively respond to the character of the approved scheme. It felt cramped and did not benefit from the spacious and green character of the wider development.
- 5.5.14 The amount, layout and appearance of the development has been amended twice during the assessment period of the application. The first set of amendments reduced the quantum of development from 11 dwellings to 9 dwellings. The second set of amendments relate to minor changes to the housetypes following the Committee meeting last month. The changes are subtle, cost-saving adaptations, which on balance do not compromise the overall design or appearance of the dwellings or wider development. These changes include, for example, changes to the rainwater goods, rear aluminium bi-fold doors replaced with uPVC, cladding removed from side elevations, and the rear bay window and balcony and dormer removed from the rear of plot 65.

- 5.5.15 In terms of the layout of the development, while some parts of the development will be car dominant, the changes have enabled the streetscenes (and parking areas) to be softened with additional landscaping which is more reflective of the streets within the wider development. The edges of development will also be softened with landscaping, which will further compliment and enhance the landscaping of the wider scheme. Whilst the development results in a larger cul-de-sac (when compared to others on the wider development), the development will not significantly adversely affect the character and appearance of the area or the design of the wider project and therefore accords with national and local design planning policy.
- 5.5.16 Due to the scale of the development there are no additional requirements to provide on-site or off-site contributions to public open space. The wider development provides a generous amount of amenity greenspace that future residents will be able to enjoy. Furthermore, play areas and provision for young people, including sports facilities, are also well catered for within the village with suitable walking connections provided between the site and these facilities. The proposal does not conflict with the development plan or national planning policy in relation to open space provision.
- 5.6 **Consideration 5 – Landscape (NPPF: Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact).**
- 5.6.1 The landscape and visual effects of the wider development were carefully assessed at the time the original outline planning application and the subsequent reserved matters application were considered. The application has been submitted with a further landscape and visual appraisal (LVA) to ensure that the development sensitively responds to the proximity of the AONB boundary and the countryside to the east as well as providing an appropriate settlement edge to the village.
- 5.6.2 The proposed development has an awkward alignment along the eastern boundary of the site. However, it must be noted that the eastern boundary to the wider development site is an artificial one and one largely determined by the position of the overhead lines. The additional encroachment of the countryside (currently the site compound under permitted development rights) to facilitate the development does not go beyond the line of the overhead powerlines. The proposal incorporates additional landscaping to the south and north of the site, as well as along the eastern boundary, to complement and enhance the approved landscaping buffer along this boundary. Finished floor levels and associated site levels are practically the same as the approved development (c38m AOD). The development will sit on the same development platform (plateau) as the approved scheme. Land levels to the east of the proposed site (outside of the development site) begin to fall to approximately 35-36m AOD towards the River Lune.
- 5.6.3 Visual receptors include residential receptors, transient (transport) receptors and recreational receptors. The submitted LVA considered the likely effects on receptors having regard to the proximity of the site to the Forest of Bowland AONB as well as public footpaths through the Lune Valley. Regard has also been given to views from the A683. In terms of views from the public rights of way, the closest public footpath is FP1-5-FP-1 which runs along the northern bank of the River Lune. This path is some 20m lower than the site. There is a steep vegetated bank which will largely screen the development and due to the steepness of the bank would not result in a strong visual connection between the footpath and the development. There will be some visibility of the development from the closest footpath along the southern bank of the River Lune. Viewpoints 1 to 3 in the submitted LVA are relevant here. In these views (relatively close to the site, albeit at a lower elevation) there will be partial and intermittent visibility of the development. The existing vegetation largely conceals the development but where glimpses of the development can be viewed it will be the upper floors and the roofs that will be most dominant. The development will be seen in the foreground to the approved development and in some viewpoints the background to the co-housing development on the riverbank. Nonetheless, the development will extend the built environment further into the countryside and so it is recognised that there are minor moderate visual effects arising from the development in these views. Recreational receptors further east of the site and into the AONB may catch glimpses of the roofs (possibly upper storeys), but at these distances (over 500m) and with the existing tree cover, the impacts are not judged to be substantial. The approved development can be viewed from the A683 (south of the River Lune and elevated above the valley). The proposed development will be viewed in the context of the approved housing despite

encroaching further into the countryside. The views here are at distance and transient (travelling in vehicles) resulting in lower receptor sensitivity. The submitted LVA concludes a negligible potential residual effect, which Officers regard a reasonable conclusion.

5.6.4 Policy DM46 and the NPPF seek to attach great weight to the protection of nationally important designated landscapes (the AONB). The site is not within the AONB and forms part of an allocated housing site. Nevertheless, policy DM46 requires the setting of designated landscapes to be carefully considered and proposals to contribute positively to the character and visual amenity of the designated landscape. This is largely achieved by good design. The proposed development forms a small extension to a previously approved scheme whose landscape and visual effects were fully understood. Nevertheless, the further encroachment of the development will have some minor to moderate visual effects. The development in most viewpoints will be concealed by existing vegetation and/or where intermittent glimpses of the development can be experienced, the development will be seen in the context of the existing village and the Forge Weir View development. The scheme provides enhanced landscaping to the southern landscape buffer and along the eastern boundary of the site, which provides additional mitigation which overtime will provide some landscape benefits. Consequently, the residual landscape and visual effects of the development would not lead to undue harm to substantiate a refusal of planning permission. The proposal does not, therefore, conflict with local or national landscape planning policy.

5.7 **Consideration 4 – Biodiversity (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**

5.7.1 Planning policy requires development to contribute to and enhance the natural and local environment. The site is currently used as a site compound with some stock piling of earth, which has formed temporary and common habitats while development has been ongoing on the wider site. The overall ecological value of habitats on site is considered low. Nevertheless, the proposal will result in additional land-take (former arable fields) to accommodate the development. This requires suitable mitigation to conserve and enhance local biodiversity. The proposed development does not involve any tree or hedgerow loss. All surrounding trees and hedgerows are capable of being retained and protected. To mitigate for the loss of arable land, significant landscaping is proposed along the southern and eastern boundaries of the site, together with a pocket of native planting to the north. In addition, whilst no breeding birds or bats were identified on the site, bird and bat boxes are proposed as part of the scheme to provide further biodiversity enhancements. The landscaping along the eastern and southern boundary also provides a suitable buffer to the River Lune Biological Heritage Site and shall comprise native hedgerow and tree/woodland planting. There are no objections from the Council's Arboricultural Officer or GMEU (the Council's ecology advisor) to the proposal development. Subject to the imposition of conditions to ensure the landscaping and ecology mitigation and enhancement measures are implemented, the development fully accords with the above referenced local and national planning policy.

5.8 **Consideration 7 – Flood Risk and Drainage (NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water).**

5.8.1 The proposed site is situated in flood zone 1 and is not, therefore, a location at risk of flooding. This accords with the general presumptions set out in the NPPF and policy DM33. The critical consideration here relates to site drainage and the appropriate management of surface water to avoid a flood risk on site or elsewhere. Policy DM34 requires development to manage surface water in a sustainable way utilising sustainable drainage systems in accordance with the surface water drainage hierarchy. The application had intended (in its original submission) to primarily drain by infiltration. However, the evidence submitted did not support the method of infiltration across the whole site, nor did it meet operational standards. This formed the basis of the original objection from the Lead Local Flood Authority. To address the concerns raised, the applicant has submitted a revised drainage strategy and detailed drainage scheme which now proposes a combination of infiltration methods and direct connections to the estate surface water drainage system and the infiltration basin. The connections from the development to the estate surface water drainage network and infiltration basin are designed to not exceed the pass flow rates of the original

development. Additional percolation tests have also been undertaken to assess the feasibility of soakaways (infiltration method) within the site. Due to low infiltration rates within some parts of the site only 5 of the 9 dwellings shall drain by infiltration. The LLFA require further percolation tests at the detailed design stage to be certain soakaways will be feasible given the nature and variation in ground conditions across the site. The concerns raised in connection with existing gardens poorly draining have been considered. It should be noted, however, that the garden areas are not positively drained (nor are they required to be) to the drainage system (i.e. connected to the sewer or the soakaway). Standing water in gardens can be a consequence of poor and potentially compacted ground underneath following the construction of the development. The developer has indicated all soakaways (where relevant) have been installed correctly and are working. Should problems persist and there is evidence the drainage system is not operating correctly, this is a matter to pursue under the original planning permission and would not deter prevent the determination of this application.

5.8.2 Overall, the general approach to the site drainage is not an unacceptable one. In fact, it follows the drainage strategy adopted across the wider development. United Utilities and Lead Local Flood Authority are now satisfied that the site is capable of draining without causing a flood risk, provided any surface water flows from the proposed development does not exceed the pass flow rates of the approved drainage strategy for the wider site. The precise details of the drainage system and infrastructure, including maintenance requirements, can be adequately controlled by planning condition to ensure the development complies with planning policy.

5.8.3 The developments foul drainage shall connect to the existing approved foul drainage system, which shall be adopted by United Utilities. United Utilities have raised no objection to the foul drainage proposals. In response to the concerns raised by existing residents about water supply, United Utilities have also confirmed that their Clean Water team (water supply) raise no objections to the development. Overall, the development accords with the requirements of both local and national flood risk, drainage and water infrastructure planning policy.

## 5.9 Other Matters

### 5.9.1 Infrastructure considerations

Paragraph 94 of the NPPF and policy DM58 recognises the need for development to support local infrastructure to cope with the impacts of expansion on local services, such as school provision. The NPPF requires local planning authorities to give great weight to the need to create, expand and alter schools through planning both in terms of policy making and decision taking. Local planning policy DM58 states that developments will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of development. This includes school place provision. In this case, the increase of 7 dwellings overall (2 dwellings have previously been accounted for in earlier education assessment as part of the wider scheme), has a pupil yield of 1. The County Council's Education Assessment indicates that there will be a shortfall of primary school places in 5 years' time across the local primary schools within the catchment of this site. On this basis, a contribution towards 1 primary school place has been requested towards Caton Community Primary School or/and Nether Kellet. Lancashire County Council state these schools are the closest primary schools to the development that have space to accommodate expansion.

5.9.2 Policy DM58 states that development viability is a material consideration. Development viability has evidenced that the development could not support any contributions, including affordable housing and education contributions. Following the concerns raised by the Planning Regulatory Committee at last month's meeting, the applicant has agreed to pay the education contribution despite the viability position evidenced as part of the application. The contribution is only forthcoming based on the cost savings arising from the amendments to the dwellings (discussed at paragraph 5.5.12). Securing the education contribution will remove the County Council's School Planning Team's objection previously reported last month and would remove concerns about the development being unsustainable.

### 5.9.3 Permitted Development Rights

In the interests of safeguarding the design and the standard of amenity for existing and neighbouring dwellings, the removal of permitted development rights is considered justified in this case. The removal of permitted development rights will be limited to extensions, outbuildings, gates, walls and enclosures which would be consistent with the wider development. A condition is also

recommended to prevent new window and door openings to the side facing elevation of plot 66 facing plot 29 and plot 22 at first floor level facing the garden of plot 21.

#### 5.9.4 Legal Agreement

A legal agreement is required to link the proposed development to the terms and requirements of the original s106 Agreement and to secure the education contribution.

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

6.1 Whilst the proposal encroaches further into the field to the east and would have some minor to moderate visual effects from nearby public footpaths, the visibility of the proposed development between existing and proposed landscaping is limited and in most viewpoints the development would be seen in the context of the wider proposal. The proposed landscaping in the long term also offers additional landscape benefits. Consequently, the development would not result in undue harm or lead to significant adverse visual or landscape effects or adversely affect the setting of the AONB. The development can be safely accessed without impacting the efficient and safe operation of the local highway network and provision to promote sustainable transport modes has been satisfactory addressed. The design and appearance of the development, despite some cost-saving amendments to provide the education contribution, maintains the high-quality nature of the wider scheme which is complemented by significant landscaping to provide a suitable edge to the village settlement and buffer with the surrounding countryside. This also provides for biodiversity enhancements across the site. The layout of the development and the amendments to the house types ensures future and existing residents will have (and retain) an acceptable standard of amenity and that the proximity of the development to the overhead lines is not a significant constraint to development. The applicant has sufficiently evidenced that the development can drain and using appropriate conditions would not pose a flood risk to the site itself or elsewhere. For viability reasons, the development cannot support contributions towards affordable housing. The Council's affordable housing policy allows for flexibility in respect of development viability. In this case, such has been justified meaning the proposal does not conflict with planning policy in this regard. The applicant has now agreed to pay the education contribution meaning the development will provide essential infrastructure to mitigate the impacts of development growth on school provision locally.

6.2 Overall, the proposal will have some minor to moderate landscape visual impacts and fails to contribute to affordable housing provision. However, for the reasons set out in the report, the development is considered to not conflict with these policies due to the viability case being sufficiently evidenced and the landscape effects considered, on balance, unharmed. Officers contend that a refusal of planning permission on these grounds could not be substantiated at appeal. The benefits of the proposal primarily include the provision of much needed housing at a time when the Council cannot demonstrate a 5-year supply. The proposed housing targets a different sector of the community (smaller dwellings) and will comply with national space standards. Over 20% of the proposed houses will meet the M4(2) criteria (save for one item). All dwellings will have provision for electric vehicle charging and will be constructed above Part L of the Building Regulations.

6.3 As set out earlier in the report, the presumption in favour of sustainable development applies which means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole. The minor to moderate landscape effects and the absence of affordable housing would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF taken as a whole. Subsequently, officers maintain their position and recommend that the development should be supported.

### **Recommendation**

Subject to the completion of a legal agreement to link the development to the original s106 terms and to secure the education contribution, Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Time limit	Control

2	Approved plans	Control
3	Submission of drainage scheme	Pre-commencement
4	Submission of drainage maintenance scheme	Pre-occupation
5	Submission of landscape management and maintenance scheme	Pre-occupation
6	All dwellings to achieve 10% greater than minimum requirement of Part L Building Regulations – verification to be provided	Pre-occupation
7	Implementation of landscaping scheme	Control
8	Implementation of ecology mitigation scheme (including construction method statement for working close to River Lune)	Control
9	Implementation of CMS (drainage)	Control
10	Limitation to works during bird nesting period	Control
11	Access and turning provision	Control
12	Garage use	Control
13	Implementation of cycle storage and EV charging facilities	Control
14	Implementation of boundary treatments and enclosures to each dwelling before occupation and such to be retained	Control
15	All dwellings to comply with NDSS standards and plots 66 and 67 (M4(2) – save for door canopy)	Control
16	Hours of construction	Control
17	Unforeseen contamination	Control
18	Removal of permitted development rights	Control
19	No windows/doors to side elevation of plot 26 and plot 22	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