

Agenda Item	A8
Application Number	21/00290/FUL
Proposal	Erection of 7 dwellings (C3) with associated access, parking and landscaping
Application site	Land East of Forest Heights, Halton, Lancashire
Applicant	Wrenman Lancaster Ltd
Agent	Mr Dan Ratcliffe
Case Officer	Mrs Jennifer Rehman
Departure	N/A
Summary of Recommendation	Refusal

(i) Procedural Matters

A proposal of this scale would ordinarily be determined under delegated powers. However, given it forms a further extension to the major development approved by outline planning permission 13/01433/OUT, the subsequent reserved matters approval 17/01423/REM, and the last extension to the scheme (20/00277/FUL) this application has been referred to the Planning Regulatory Committee for determination.

1.0 Application Site and Setting

1.1 The application site (herein referred to as 'the site') is approximately 0.23 hectares in area and relates to part of an existing larger development site (herein referred to as 'the whole site') being built out by Wrenman Homes (the applicant). The whole site is located adjacent to the south eastern edge of Halton village, behind the Forgewood residential estate, and forms part of a housing allocation in the Lancaster District Local Plan. The site relates to part of the whole site and was originally approved for landscaping. A temporary sales building (now demolished) and parking area currently occupy the site.

1.2 The northern boundary of the site comprises a native Hawthorn hedgerow and a group of mature Sycamore trees that are protected by a Tree Preservation Order (TPO 321 (2001)). The western boundary abuts the newly constructed highway (Forest Heights), which serves the whole site, with open landscaping and a surface water attenuation pond beyond. This landscaping area separates the proposed site from the existing built-up area of the Forgewood estate. The south-eastern boundary also comprises a native Hawthorn hedgerow. The site gently rises from the northern boundary (approximately 29m Above Ordnance Datum (AOD)) to 33.4m AOD at the far southern boundary.

1.3 The site is located outside the village Conservation Area (c680m due west) and falls a significant distance from other designated heritage assets (listed buildings). The western edge of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) lies approximately 130m (from the centre of the site) east of the application site with the River Lune Biological Heritage Site (BHS) (to the

south) and Lambclose Wood and Gutterflat Wood BHS (to the east) - both more than 200m from the site. The site is situated in floodzone 1 and is not affected by surface water flooding (for the 1 in 30 and 1 in 100yr events).

1.4 The main constraints include the site's proximity to a high-pressure gas pipeline and overhead transmission power lines (both to the east) and the presence of protected trees along Low Road. A mineral safeguarding designation sweeps across the proposed site. However, this is not a constraint to development given the site falls within an existing housing allocation and formed part of the development approved under the outline planning permission.

2.0 Proposal

2.1 The applicant seeks full planning permission for the erection of seven two-storey dwellings with associated access, parking, and landscaping. The accommodation breakdown is as follows:

- 4 no. three-bedroom semi-detached dwellings
- 3 no. two-bedroom (3 person) terraced dwellings

2.2 The development comprises three different housetype designs finished in natural stone, white through-render under slate roofs. The scale, design and appearance of the proposed dwellings replicate the dwellings approved on the whole site. All new dwellings shall be constructed to meet the national described space standards.

2.3 An access to serve the development is taken off the main spine road (Forest Heights) around 30m south of the junction with Low Road. This leads to a private drive and parking court to the rear of the development accommodating twelve vehicle spaces and a turning area. The private drive has a carriageway width of 4.2 metres with no footways and is situated between proposed plots 2 and 3. Two additional parking bays are proposed to the south of plot 7.

3.0 Site History

3.1 The proposed site falls within land that already benefits from planning permission for residential development and falls within an existing housing allocation. The relevant planning history is set out in the table below:

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
18/00672/FUL	Siting of temporary sales cabin with associated parking	Approved
20/00277/FUL	Erection of 9 dwellings with associated infrastructure and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Requests no further homes be built on this site until the issue of water supply is rectified in consultation with United Utilities.
Lancashire County Council Local Highway Authority (LHA)	No objection , subject to the following conditions: <ul style="list-style-type: none"> • Scheme to prevent parking along site frontage • Implementation of CMS • Future management and maintenance of estate road • Full engineering, drainage, street lighting and construction details of estate road and access

	<ul style="list-style-type: none"> • Protection of access sightlines • Estate road to be constructed to base course level before occupation • Provision of parking, cycle provision and EV charging facilities.
Lancashire County Council School Planning Team	No objection , subject to a contribution towards one primary school place amounting to £16,749.96. Failure to secure the contribution would result in an objection from the County Council's School Planning Team.
Lead Local Flood Authority	No objection
United Utilities	No objection , subject to the following conditions: <ul style="list-style-type: none"> • Submission of detailed surface water drainage scheme • Foul and surface water to be drained on separate systems United Utilities have provided further comments in relation to concerns raised locally about the impacts of the development of water supply. UU have confirmed they do not object to the development (on water supply grounds) and recommend the applicant engages with UU in respect of the timing of the development.
Environmental Health Service	No objection , subject to the following conditions: <ul style="list-style-type: none"> • Provision of electric vehicle charging points (rates at a minimum of 7.2kW) to be provided for each dwelling before occupation. • Implementation of submitted Construction Method Statement
HSE	Do not advice against the granting of Planning Permission on safety grounds.
Shell UK	No objection , stating the proposed works will not affect the Shell North Western Ethylene Pipeline.
Cadent Gas	Advises that the development lies within proximity to National Transmission assets. Referral to the Plant Protection team.
National Grid Plant Protection Team	No objection
Electricity North West	At the time of drafting this report, no comments received. A verbal update shall be provided.
Lancashire Fire and Rescue Service	Standing Advice received relating to Building Regulations Document B, Part B5 (Access and facilities for the Fire Service).
Planning Policy Team (strategic Housing)	At the time of drafting this report, no comments received.
Arboricultural Officer	No objection
Waste and Recycling Team (LCC)	At the time of drafting this report, no comments received.
Forest of Bowland AONB	At the time of drafting this report, no comments received.
Lancashire Constabulary	Below the development threshold for a Crime Impact Assessment consultation. Standing advice received in relation to Secure by Design accreditation.

4.2 At the time of writing this report, the following responses have been received from members of the public:

32 letters of objection. A summary of the main planning reasons for opposition are as follows:

- **Principle matters and housing need** concerns including loss of countryside by extending the village eastwards, lack of affordable housing, inappropriate piecemeal development of the wider site, too many new homes for the village and any housing need benefit should not outweigh local objections to the impacts of this development.
- **Environment and amenity** concerns including excessive light and air pollution (from development and traffic), proximity to the adjacent powerlines, construction noise and disruption, loss of land for landscaping and open space secured by the approval of reserved matters (17/01423/REM), disruption to wildlife and livestock on adjacent fields, impact on trees, adverse impact on landscape character and increased risk of flooding.

- **Design** concerns including the car park on the edge of the village is not in keeping with the natural beauty of the area, the dwellings bear no resemblance to the scale and design of the built form of the village, lack of sustainable design measures, these dwellings are poorly designed and don't reflect the "luxury and quality" homes of the rest of the development, the development is isolated from the rest of the development and looks like an afterthought and represents poor planning.
- **Insufficient facilities and infrastructure** to cope with additional development, in particular poor water supply and inadequate drainage infrastructure, poor internet on the site, water-logged gardens, soakaways not functioning correctly, little open space on site and poor maintenance of on-site landscaping, insufficient school places and concern over the lack of contributions by Wrenman Homes towards school places.
- **Traffic and highway** concerns including increased traffic and an additional access close to a busy road where traffic is in excess of the 30mph limit would be dangerous, increased risk in road safety incidents, increase in air pollution, highway safety issues and traffic distribution compounded by construction vehicles/traffic, existing roads not to standard, insufficient footways will increase risk to pedestrians particularly those with disabilities and children, risk of car parking on spine road affecting access viability and safe operation of the main access junction to Low Road.
- **Procedural/Consultation** concerns including a lack of pre-planning public consultation by the developer and concerns over public planning consultation process, the proposal conflicts with the planning permission and associated conditions for the temporary sales building and the reserved matters approval, developer already in breach of its planning permission/conditions, lack of detail/information in the submission, concerns that public objections and representations have been ignored by planning officers, concerns and lack of trust in the decision-making process given the voting (on two occupations) for the previous planning application, criticism over publicity (site notice not noticeable).

1 letter neither objecting or supporting the proposal. A summary of the comments are as follows:

- Proximity of the development to the overhead pylons and associated safety risks

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. Traffic and highway matters
4. Landscape and design
5. Biodiversity
6. Amenity and Pollution
7. Flood risk and Drainage
8. Open Space
9. Education Infrastructure
10. Reducing Carbon Emissions

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, H2: Housing Delivery in Rural Areas of the District; Development Management DPD policy DM4 (Residential Development outside Main Urban Areas).

5.2.1 The District's settlement hierarchy (policy SP2 of the SPLA DPD) recognises Halton as one of the districts most sustainable settlements where the principle of housing can be supported. This policy recognises that Sustainable Rural Settlements offer a range of facilities and infrastructure to support additional growth, provided, in general, that the scale of housing growth is proportionate to the

existing scale and character of the settlement and availability of, or the opportunity to provide, infrastructure, services and facilities to serve the development can be accommodated in the local area. Policy H2 of the SPLA DPD allocates the whole site for housing (for 60 dwellings). This was based on an earlier approval of outline planning permission that the proposed site forms part of (as a single planning unit). Policy SP6 relates to housing delivery (a matter to be discussed further below) and clearly states that the figures set out in this policy represent minimum figures for new homes in the district. The policy goes on to state that opportunities for further growth will be supported where it represents sustainable development and is in accordance with relevant national and local planning policy. The principle of housing growth in Halton is acceptable in spatial planning terms. The key considerations (set out in paragraph 5.1 and discussed through this report) will assess whether the proposal constitutes sustainable development.

5.2.2 Following the grant of outline planning permission, the subsequent reserved matters approval purposefully (through negotiation) precluded development around the site access to provide amenity space, landscaping, biodiversity gains and space for necessary drainage infrastructure. That said, the land that is the subject of this application does not form part of the formal public open space (POS) (pursuant to the outline planning permission and associated legal agreement), nor does it comprise necessary ecological mitigation as part of the original development. Instead, it was designed to provide structural planting comprising a mix of native and ornamental trees, a native woodland and hedgerow mix to complement and enhance the rural edge to the settlement and provide a suitable gateway for the whole site. The loss of the approved landscaping in this area to accommodate the proposed development is disappointing and has design and townscape implications. However, it does not result in a direct conflict with essential and necessary requirements of the outline planning permission that would go to the heart of this early planning permission e.g. POS provision or ecology mitigation). On this basis, there are no overriding reasons why housing on the site could not be supported in principle (subject to all other material considerations).

5.2.3 The applicant secured planning permission for a temporary building to be used as a sales office with an associated car park (for 9 vehicles). Condition 1 of this planning permission requires the removal of the building and associated works on or before the 31st March 2021 or within 1 month of the sale of the last dwelling (based on the build programme provided with the application), whichever the earlier. The land was to be restored in accordance with a landscaping scheme first to be agreed in writing by, the local planning authority (LPA). The reserved matters approval requires the implementation of the approved landscaping scheme in this area in any case. The building and associated works no longer benefit from planning permission. The building has been removed with the car park remaining. The applicant has been made aware of the requirement to comply with the temporary consent and the reserved matters approval. Non-compliance with the earlier planning permission is a separate matter (for the LPA to investigate and monitor) and does not affect consideration of the pending planning application, other than the fall-back position (implementation of the approved landscaping pursuant to the reserved matters approval) which is a material consideration.

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 NPPF requires Councils to significantly boost the supply of new homes in their districts. The provision of new homes (and affordable homes) had been one of the main issues grappled with during the preparation and examination of the newly adopted Local Plan. The strategic and spatial objectives of the plan have had to carefully balance the district's housing and employment needs and growth aspirations against the need to rightly protect and enhance the district's natural and built environment. In accordance with national planning policy, the Council has established their full objectively assessed housing need (OAN) and the subsequent housing requirement having regard to available supply, deliverability and the constraints of the district. The Council has sufficiently and soundly evidenced that the Council cannot meet its full OAN. The Council's housing requirement is based on the delivery of 522 dwellings per annum. This is a significant uplift from the previous Core Strategy requirement. The Council recognises this is challenging with a plan reliant on the delivery

of several strategic sites and therefore policy SP6 sets out a stepped approach to housing delivery during the plan period. The supply of land for housing still exists, however, anticipated delivery rates of the allocated sites have been delayed and this is what is affecting the five-year housing land supply position.

5.3.2 The NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements set out in the adopted Local Plan. The most up to date housing land supply position for the Council remains that contained within the November 2020 Housing Land Supply Statement, which concludes that the Council is unable to identify a five-year land supply position. Currently, the Council can only demonstrate 3 years' worth of supply. In these circumstances, the NPPF continues to make it clear that where an 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 (§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 (§11d.ii). The proposed development will make a very small but positive contribution to the district's supply of housing which weighs significantly in favour of the proposal.

5.3.3 Policy DM3 of the DM DPD relates to the provision of affordable housing. For greenfield sites in rural east, schemes comprising more than ten residential units are required to provide 40% affordable housing. Schemes of less than ten residential units are not required to provide any affordable housing.

5.3.4 The Brandlord judgement (R (Westminster City Council) v First Secretary of State and Brandlord Limited [2003] J.P.L 1066), 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.

Subsequent to the Brandlord judgment, in the New Dawn Homes Ltd v SSCLG [2016] EWHC 3314 (Admin) case, the judge endorsed the approach adopted by Brandlord but held the three criteria were not determinative and that such should help inform decision-makers in forming a planning judgement as to whether development should be treated as aggregate development or not.

5.3.5 Having regard to the specific circumstances of this case, the LPA contend all three criteria are met and that based on the submission details, it is clear this smaller proposal on the site forms part and parcel of the whole development. Therefore, any additional dwellings should contribute to the provision of affordable housing and education facilities given the absence of policy compliant affordable housing associated with the original planning permission (14/01344/OUT). This was the same approach adopted and accepted by the applicant for the previous extension to the wider development (20/00277/FUL). The matter of aggregation has not been disputed by the applicant and, in accordance with policy DM3, a viability appraisal has been submitted to evidence the applicant's position that the development cannot support any affordable housing.

5.3.6 To provide some context, the outline planning permission was approved with a legal agreement securing (in summary) the following:

- A minimum of 24 affordable housing units (out of the 60) subject to viability at the reserved matters stage;
- The provision of an Education Contribution (to be calculated at reserved matters stage)
- The provision of on-site open space and landscaping (to be identified at reserved matters stage)

At the reserved matters stage, a viability case was presented and independently assessed concluding the development was only viable with an offer of 10 affordable housing units (16.67%). The re-assessment of the education contribution at reserved matter stage determined no requirement for additional school places. The applicant's first extension to the scheme (20/00277/FUL) delivered an education contribution only after presenting a viability argument evidencing the extended part of the site could not support any affordable housing. This viability assessment was based on the extended part on the site only.

- 5.3.7 Upon receipt of the pending application and following the LPA obtaining legal advice on the matter of aggregation and viability, the applicant's submitted financial viability appraisal (FVA) is now based on the whole site (based on 74 dwellings). The applicant's FVA concludes the whole development cannot accommodate any contributions other than those already committed to as part of the previous applications. Notwithstanding the applicant's position that the development is unviable, the applicant has indicated a willingness to provide the education contribution (consistent with the last extension to the development).
- 5.3.8 The applicant's FVA has been independently assessed to provide advice to the Council as to whether the proposed development can support affordable housing and/or s106 contributions. The conclusions of this independent assessment indicate the development would remain viable with affordable housing and an education contribution. The main area of disagreement between the applicant and the Council relates to the benchmark land value (BLV). This is the minimum price that a hypothetical landowner would accept in the prevalent market conditions to release land for development. The National Planning Practice Guidance (NPPG) states the BLV should be established based on the existing use value (EUV) of the land plus a premium for the landowner. The NPPG states clearly that EUV should disregard hope value and BLV should reflect the implications of abnormal costs, site specific infrastructure costs and professional site fees. The applicant's assumed BLV equates to £3,441,149 (£291,953 per net acre). This is based on an inappropriate and inflated EUV assumption (basing the land value expectations on the fact the site was allocated for housing). The Council's independent assessment of the FVA adopts an approach consistent with national policy and guidance (i.e. BLV based on EUV (agricultural land) plus a premium and regard to abnormal costs). In terms of premium uplift, the guidance (NPPG) does not provide any indication of what a reasonable return equates to. However, based on other evidence and recent appeal decisions the approach adopted in this case is to apply 15 times multiple to the EUV (that being £10,000 per acre). The LPAs consultant's assumed BLV is therefore £1,356,332 (£115,073 per acre). Adopting this BLV enables the development to be viable with all seven dwellings delivered as affordable homes plus the education contribution. This would result in a 22.97% provision of affordable housing across the whole site (still below policy expectations but clearly an improvement from the original position).
- 5.3.9 At the time of writing this recommendation, the applicant had confirmed they would be providing a rebuttal to the Council's viability position. This will be reviewed by the Council's viability consultant ahead of planning committee. Should the position change, a verbal update will be provided. Nevertheless, the applicant's current position (that the development cannot viability support and affordable housing) is not accepted and therefore fails to comply with the Council's affordable housing policy (DM3) and paragraph 58 and 63 of the NPPF. The applicant's position in respect of BLV is inappropriate and highly inflated. While the development will make a positive yet small contribution to the current under supply of housing, the applicant has failed to sufficiently justify the lack of affordable housing which weighs heavily against the proposal.
- 5.4 **Consideration 3 Traffic and Highway considerations (NPPF: Chapter 9 paragraphs 110-113 (Promoting Sustainable Transport) and Chapter 12 paragraph 130 (Achieving well-design places); Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision.**
- 5.4.1 National and local planning policy requires development to be sustainability located to minimise the need to travel, particularly by car, and maximise opportunities for the use of walking, cycling and public transport. Furthermore, development proposals should be safe, secure and attractive and should not result in severe residual impacts on the local highway network.
- 5.4.2 Halton village is recognised as one of the districts most sustainable settlements. The site is within 1km of the River Lune Cycleway and around 210 metres to bus stops on Low Road. Bus No.80 and 81 provide services between Lancaster and Ingleton/Kirkby Lonsdale via Halton (and other Lune Valley villages). These buses offer early and late morning, afternoon, and an early evening services, mainly providing school bus services during school terms. There are sufficient footways between the site and the village hall/recreation grounds (circa 500m west of the site). From the village hall there is a safe, albeit steep, pedestrian link to High Road where the local centre and school are situated.

Overall, future occupants of the development could safely access local services by alternative transport modes.

5.4.3 The development shall be served by the recently constructed priority-controlled junction off Forest Heights onto Low Road. The location of the private access off Forest Heights (the main spine road) is approximately 30 metres south of the Low Road junction. Despite public comments to the contrary, given the scale of the development, this is deemed a safe distance from the junction. Furthermore, the increase in traffic arising from the development would not be significant and would not result in any severe highway impacts on the safe and efficient operation of the local highway network. The private drive serving the rear parking court is 4.5m wide with no separate footways. From within the parking court, plots 1-3 have direct access to their rear gardens. Plots 4-6 would need to walk to the front of the development via the drive. Plot 7 has its own driveway. Given the low levels of traffic anticipated from this development and low traffic speeds, a shared surface for the private drive (for pedestrians and vehicles) is deemed suitable. The level of parking proposed, together with the provision of EV charging points (3 in total - 1 serving plot 7 directly and 2 post-mounted 7kW chargers for the parking court) and cycle storage, is acceptable and accords with the policy requirements set out in the DPD.

5.4.4 Overall, the proposed development is considered acceptable from a traffic and highway safety perspective and fully accords with national and local planning policy. The local highway authority has raised no objection to the development, subject to conditions set out in the consultation summary of this report. One of the requested conditions requires a scheme for the prevention of parking along the spine road fronting the development. On-street parking would prohibit the protection of the visibility splays from the private access into the parking court therefore this condition is considered reasonable and necessary. Other conditions include the provision of parking/cycle spaces and EV charging provision before occupation. In the event the development was supported, such conditions would comply with paragraph 56 of the NPPF (relating to the tests for imposing conditions).

5.5 **Consideration 4 – Landscape and Design** (NPPF: Chapter 15 paragraph 174 and 176 -177 (Conserving and Enhancing the Natural Environment), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places); 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).

5.5.1 The application has been submitted with a Landscape and Visual Assessment Addendum (LVA). This assessment seeks to analyse the potential effects of the development (described as a slight extension to, and re-arrangement of, the wider development) on the surrounding landscape character and visual amenity, having regard to the proximity of the site to the edge of the Forest of Bowland Area of Outstanding Natural Beauty. Policy DM46 requires the Council to attach great weight to the protection of nationally important designated landscapes (consistent with paragraph 176 of the NPPF), including the effects of development on the setting of designated landscapes. The proposed development sits within what would have been the extended landscaped buffer along the eastern boundary (secured as part of the original planning permission). The effects of the proposal on landscape character, above those effects identified upon the grant of the outline planning permission, are not considered significant. The primary focus in this case relates to the visual effects of the development. The submitted LVA concludes that the visual affects arising from the development would largely been seen in context with the consented scheme and the rest of the village settlement, with the residual effects likely to be minor moderate to negligible and therefore, overall, not significant. The greatest impacts are those from residential receptors (off Schoolhouse Lane (close to Low Lane)) and transport receptors along Low Road. From these views and contrary to the applicant's LVA, the development will not be seen in the context of the consented scheme. There will be a marked change in the visual appearance and character of this part of the site. This is largely due to proposal being some distance away from the rest of the scheme owing to the topography and the position of the spine road. The visual impacts arising from the development would be moderate minor but very localised and would not lead to significant impacts on the special qualities of the AONB or its setting. In this regard and with the proposed landscape mitigation the proposal would not result in a conflict with policy DM46.

- 5.5.2 As described above, at a more localised level, there is a degree of harm arising from the development. Policy DM4 and DM29 requires (amongst several measures) proposals for new residential development to be well related to the existing built form, be proportionate to the existing scale and character of the settlement and to demonstrate good design and siting to conserve the character and quality of the landscape and to have regard to local distinctiveness. The scale of the development is considered proportionate to the village, even having regard to cumulative impacts. The design of the dwellings themselves are acceptable reflecting those recently constructed as part of the wider site. However, the scheme results in an uncomfortable juxtaposition with the existing built form, owing to its separation from dwellings on the Forgewood estate and the separation and distance from the approved and recently constructed development. The wider site was purposefully set back from Low Road with the housing development starting at the rear of the Forgewood estate (aligning with the built form of the village). The original scheme had a relatively long open and landscaped approach towards the two gateway dwellings at the start of the development. This was to achieve two main objectives. The first, to reflect on the existing settlement pattern of the village in this location and secondly to secure a sensitive edge to the extended settlement boundary – providing a suitable transition from the build-up part of the village and the surrounding countryside. The proposed development diminishes these objectives and results in a divorced cluster of development, with a rather hard urban edge arising from the parking court to the rear of the dwellings. While the proposal includes additional planting along the eastern boundary it does not overcome the harm arising from the disconnected nature of the proposal, which overall does not represent good design. In this regard, the proposal does conflict with design elements of DM4 and DM29 of the DM DPD and section 12 (paragraphs 126 and 130) of the NPPF, which, through good design, seeks to secure high quality, beautiful and sustainable places.
- 5.6 **Consideration 5 – Biodiversity (NPPF: Chapter 15 paragraph 174 and 179-182 (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).**
- 5.6.1 Planning policy requires development to protect, contribute to and enhance biodiversity and the natural and local environment. The site has previously been used to occupy a temporary sales office and parking. The sales cabin has now been removed and the land left unfinished (despite the planning permission for the sale cabins to require the implementation of a landscaping scheme). The overall ecological value of the site is considered negligible. The most significant landscape/ecological features are the protected trees to the northern boundary that shall be retained. The development includes extensive lengths of new hedgerow planting with native standard trees to the eastern boundary, with hedgerow planting also proposed along the northern boundary, together with understorey planting close to the retained trees. Overall, whilst the extent of landscaping proposed is less than what was intended by the original planning permission, the proposal will still result in biodiversity benefits sufficient to comply with the requirement of policy DM44 and the paragraphs 180 of the NPPF. The proposed development would not adversely affect protected species and is located far enough away from Morecambe Bay designated sites (SPA, SSSI, SAC, RAMSAR –“the Bay”) to rule out any likely significant effects on the integrity of the Bay.
- 5.6.2 The development is sited away from the protected trees along the north boundary enabling their full retention. The Council’s Arboricultural Officer is satisfied with the proposed tree protection measures and the works proposed within the root protection areas. The proposal involves new tree planting within the hedgerows (to reflect surrounding roadside and field hedgerows) as well as new trees within the development layout. The extent of tree planting accords with policy and the new paragraph 131 of the NPPF, which recognises the importance trees make to the character and quality of urban environments as well as the contribution trees make to mitigate and adapt to climate change. The development therefore accords with policy DM45 and DM46 in relation to tree protection and landscaping.
- 5.7 **Consideration 7 – Amenity and Pollution (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). Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth and EN7 (Air Quality Management Areas); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being).**

5.7.1 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 the previously approved development. However, it is located some distance from the wider scheme and from dwellings on the Forgewood estate. The closest dwellings are located well in excess of the required interface distances set out in DM29 and, therefore, there is no anticipated impacts arising from the development on the amenity of existing residential properties. The layout, siting and design of the proposed development provides for an acceptable standard of amenity for all future occupants, with internal layouts meeting the requirements of the nationally described spaces standards and external garden areas meeting the minimum requirements for size and privacy set out in the DM DPDD. The linear arrangement of the development means all of the proposed dwellings are protected from overlooking with sufficient outlook from their main front and rear elevations. Each dwelling shall be provided with two car parking spaces, cycle storage and access to electric vehicle charging facilities.

5.7.2 Pollution

Regard has also been paid to the proximity of the development to the overhead lines, in terms of visual and noise effects. The applicant has sufficiently evidenced to the satisfaction of National Grid that the proposed development will not impede the operation of the infrastructure and that the buildings are within accepted safety clearance distances. In terms of the visual effects, unlike the previous extension to the wider scheme, the proposed dwellings are a significant distance from the closest pylon and orientated with the habitable elevations facing away from the pylon itself. As such, there are no adverse visual effects associated with the proximity of the development to the pylon. The visual effects of the overhead lines are unlikely to be harmful given the proximity of the development to the overhead lines and their height above the buildings themselves. This leaves the issue of noise and health and safety.

5.7.3 The proposed dwellings lie within a range of 3 - 17 metres of the overhead lines. This is not a dissimilar relationship to the approved development, albeit one plot at 3m (at its closest point) is very close. Like the original outline, reserved matters and the latest extension application, National Grid and the Council's Environmental Health Service (EHS) have no objections to the development on the grounds of noise impacts. Following the assessment of the last planning permission (20/00277/FUL) the Council's Environmental Health Service advised the Case Officer (at the time of its determination) 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 believed that development (20/00277/FUL) would not be adversely affected by noise and that there was little justification to request further noise information at that time to assess and determine the application or resist the application on the grounds of noise. The consultation response from the Council's EHS in response to this application echoes the same position and is satisfied that noise from the overhead lines is unlikely to be an issue.

5.7.4 This part of the wider site does lie closer to the high-pressure gas pipeline that runs to the east of the site. The Health and Safety Executive have been consulted and do not advise against the development.

5.7.5 Finally, in respect of land contamination, an appropriate site investigation has been undertaken which confirms the risk of contamination on the site is low and would not prevent the site from being developed for residential purposes. This conclusion is accepted by the Council's EHS.

5.7.6 Having concluded there will be no adverse effects on the amenity of existing residents, it is important to recognise that there will be a degree of disruption and nuisance arising from the construction

phases of the development, but these impacts are temporary and short lived, especially given the number of dwellings proposed. It is accepted that existing residents of the wider site have experienced extended disruption from construction activities because of subsequent extensions to the development. The submitted Construction Method Statement provides a degree of mitigation against such disruption. The local planning authority are aware of regular breaches of the existing CMS and do engage with the applicant on such matters to remedy concerns where possible. Whilst limited and temporary effects on residents during construction can be disturbing, it would not outweigh the benefits of the proposal. Nor is it possible or reasonable to prohibit acceptable development on the grounds of an applicant's current failure to regularly comply with an approved CMS. Overall, future residents of the development will have access to an acceptable standard of amenity and will not be at risk of adverse pollution. The identified effects on existing residents are not significant and would not be a reason to substantiate a refusal of planning permission. In this regard the proposal accords with development plan and the NPPF in relation to residential amenity, health and quality of life.

5.8 **Consideration 7 – Flood Risk and Drainage** (NPPF: Chapter 14 paragraphs 159, 167 and 169) (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 proposed sustainable drainage strategy for the site accords with the SUDS hierarchy and is proposed to drain by infiltration through the use of geo-cellular soakaways designed to attenuate for the 1 in 100 year (plus climate change (40%)) storm events. The LLFA have reviewed the proposal and have raised no objection to the proposals. Individual soakaways in gardens shall be the responsibility for future home owners. The soakaways within the road shall be managed and maintained by a management company (like the rest of the development). Foul water shall drain to the public sewer. United Utilities have raised no objections to the development, but have advised the local planning authority to consult the LLFA given concerns being raised to UU about soakaways on the wider scheme not functioning correctly. The local planning authority have not been provided with evidence of this, but have reverted back to the LLFA for confirmation they remain satisfied with the details submitted and for the drainage layout/details to be controlled by condition should the development be considered favourably. A verbal update will be provided should this position change following further consultation with the LLFA.

5.8.2 Despite public concerns to the contrary, overall the general approach to the site drainage is acceptable. United Utilities and the Lead Local Flood Authority have raised no fundamental objections to the proposal, confirming the site is capable of draining without causing a flood risk elsewhere. 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 Water supply has been an issue raised by many of the existing residents of the wider development and the Parish Council. The Case Officer has engaged with United Utilities regarding this matter. United Utilities have advised that there have already been improvements made to the local network and further works to replace bursting mains in Low Road and Forgewood due to take place soon on and this basis, United Utilities has no objection to the application in relation to water supply either. The applicant shall be advised to engage with United Utilities at the earliest opportunity regarding the time of their water supply requirements.

5.9 **Consideration 8: Open Space** (Development Management DPD Policies DM27 Open space, sports and recreational facilities, Appendix D of the DM DPD July 2020)

5.9.1 The proposed parcel of land is not identified as formal public open space, therefore the loss of this land for housing does not conflict with first part of policy DM27. The second strand to policy DM27 relates to the creation of new open space, sports and recreational facilities to support the needs and demands arising from new development. In this case, the original development secured ample amenity open space which, with the additional seven dwellings proposed as part of this application,

would not result in an under provision on site. Future occupants will benefit from the on-site open space and the connections provided through the development to wider open space/green networks. Should the planning permission be granted there would be an expectation that the future occupants of the site would be required to contribute to the management and maintenance of such open space (along with the landscaping and road/drainage infrastructure required for this development).

- 5.9.2 In terms of off-site provision, DM27 requires development proposals to contribute to open space, sports and recreational facilities in areas of recognised deficiency. Halton village benefits from high quality open space and recreational facilities. Whilst there will be additional demands and pressures arising from development growth, the village does not suffer from any significant deficiency of particular open space typologies. Given the viability position and mindful that all the previous planning permissions on this site were not required to contribute to off-site open space, on balance, the proposal would not conflict with policy DM27 in the circumstances.
- 5.10 **Consideration 7: Education Infrastructure** (Development Management DPD Policies DM1 New residential development and meeting housing needs DM57 Health and Wellbeing, DM58 infrastructure delivery and funding)
- 5.10.1 Paragraph 95 of the NPPF and policy DM57 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, an increase of 7 dwellings equates to 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 (£16,749.96) 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.
- 5.10.2 Policy DM58 states that development viability is a material consideration. Notwithstanding the applicant's current viability position, the applicant has committed to provide the education contribution (set out in the draft Heads of Terms) in order to mitigate the impacts of the development on local school infrastructure.
- 5.11 **Consideration 10: Reducing Carbon Emissions** (Development Management DPD Policy DM30 Sustainable Design)
- 5.11.1 Policy DM 30 recognises that sustainable design has an important role to play in improving the overall sustainability performance of new development as well as helping reduce environmental impacts by mitigating the effects of climate change. This policy states the council will seek to encourage higher standards of sustainable design, largely by adopting a fabric first approach, to reduce energy consumption and carbon dioxide and water consumption. The applicant has confirmed in their Energy Statement that all the houses are intended to be highly insulated and energy efficient and would exceed the minimum requirements of Building Regulations (Part L) by at least 10%. As set out earlier in the report, the proposed dwellings shall also have access to electric vehicles charging facilities and each dwelling shall have suitable cycle storage to encourage model shift. These are matters that can be controlled by condition to secure compliance with policy DM30 of the DM DPD.

6.0 Conclusion and Planning Balance

- 6.1 The proposed development will bring about several benefits. Most significantly is the fact the proposed development will make a small but valued contribution to the current under supply of housing. This is a matter that is given great weight in the planning balance. The housing would be in one of the districts most sustainable rural settlements and unlike some of the larger detached houses located on the wider site, this scheme will offer smaller homes for a different sector of the community, overall providing a better housing mix to meet local housing needs. The proposed dwellings shall meet the national described space standards and shall be designed to exceed Part L building regulations in terms of energy efficiency. The scheme secures a good standard of amenity for future occupants and the design of the dwellings themselves are of a high standard of design reflect the whole site. The development will further support the local economy through the generation of jobs during construction and wider benefits associated with construction supply chains. The development will also contribute to the provision of one primary school place to mitigate the impacts of the development. It has been assessed and accepted that the development would not lead to severe impacts on the local highway network, that the site is capable of being drained without causing a flood risk and the impacts on landscape character would not be adverse. Collectively, these measures and planning considerations help contribute positively to the delivery of sustainable development.
- 6.2 The identified impacts arising from the development relate to the siting of the development with no meaningful relationship with the exiting settlement pattern or built form. Whilst planting is proposed along the eastern boundary the transition between the built-up part of the village and the surrounding countryside is diminished by these proposals. This results in a conflict with part of policy DM4 and DM29, largely relating to poor design and the associated visual impacts of the development at a very localised level. This impact is given moderate weight in the planning balance.
- 6.3 Turning to the matter of viability and affordable housing. Contributions toward housing generally is a matter given significant weight and clearly provides meaningful benefits. However, housing must meet identified needs with affordable housing being a significant component of that need. The lack of affordable housing in the district is acute. Therefore, when proposals fail to offer policy compliant affordable housing, it must be justified. As set out in this report, the applicant's position (at the time of writing this recommendation) offers no affordable housing based on their viability assumptions. Whilst the policy clearly allows for viability to be assessed on this occasion, the applicants evidence is not sufficient to justify no affordable housing. This is a matter that is given substantial weight and clearly weighs heavily against the development.
- 6.4 The balancing exercise in this case remains a 'tilted balance' which means planning permission must be granted unless the adverse impacts would significantly and demonstrably outweigh the benefit when assessed against the Framework as a whole. The proposed development, by virtue of its siting and poor relationship with the existing settlement pattern constitutes poor design. This identified impact, in isolation, would not outweigh the benefits of the proposal. When combined with the unjustified lack of affordable housing (a matter that is judged to significantly and demonstrably outweigh the benefits of the proposal) officers strongly recommend that the development is refused.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The proposed development is considered aggregate to the wider development and in the absence of securing policy compliant affordable housing as part of the original planning permission, the proposed development must contribute to affordable housing provision and other s106 contributions deemed necessary to mitigate the impacts of the development. The proposed development is considered contrary to policy DM3 of the Development Management Development Plan Document and paragraphs 58 and 63 of the National Planning Policy Framework, as the applicant has failed to sufficiently justify the lack of affordable housing (as part of their viability argument) as part of the proposal.
2. The proposed development, by virtue of its siting and layout with the parking court to the rear, poorly relates to the existing built form and settlement pattern of the village. It would result in an isolated

pocket of development, separated by intervening areas of open space and landscaping, from surrounding development that would diminish the sensitive transition from the built environment to the surrounding countryside secured as part of the original planning permission for the wider site. Consequently the proposal is considered to constitute poor design and would result in localised visual harm, contrary to policies DM4, DM29 and Section 12 of the National Planning Policy Framework.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has sought to negotiate some changes during the determination period, aimed at positively influencing the development proposals. The applicant and offices continued to work together to address the identified impacts, however, three remains fundamental disagreement in relation to specific matters associated with the viability assessment, that such can not be overcome to alter our recommendation at this stage.

Background Papers