

<b>Agenda Item</b>	A6
<b>Application Number</b>	21/01284/FUL
<b>Proposal</b>	Erection of 25 adaptable bungalows for over 55's with associated access, internal roads and landscaping
<b>Application site</b>	Land South Of Hawthorn Avenue Hawthorn Avenue Brookhouse Lancashire
<b>Applicant</b>	Applethwaite Homes
<b>Agent</b>	PWA Planning
<b>Case Officer</b>	Mrs Jennifer Rehman
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve subject to conditions and s106 legal agreement.

**(i) Procedural Matters**

This application has been the subject of pre-application discussions. A Councillor Engagement Forum took place on 26<sup>th</sup> August 2021.

**1.0 Application Site and Setting**

1.1 The site comprises 2.18 hectare of greenfield land located within the village of Brookhouse, which lies within Caton-with-Littledale Parish, in the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The site is situated south of Hawthorn Close and west of properties on Pinewood Avenue approximately 550 metres west of Brookhouse village centre and approximately 700m southeast of Caton village centre. Land south and west of the site is open countryside. Access to the site is taken from the existing private field access between No.1 Hawthorn Close and No.6 Hawthorn Avenue, located around 70m south of Brookhouse Road. Bus services 80, 81 and 82 (and school buses) operate along Brookhouse Road with bus stops located around 250 metres of the proposed site access.

1.2 The site is subdivided into small paddocks and used for grazing by horses. A group of small timber stable buildings/chattels occupy the lower field. The paddocks are separated by drystone walls and post and wire fencing with a public right of way (Footpath 1-10 17) running through the eastern section of the site. This public right of way links Brookhouse Road to a wider network of footpaths to the south, including footpath 1-10 11 which runs adjacent to the southern boundary of the site. The whole site is enclosed by nature hedgerows and trees which form important landscape features within the wider rural landscape, though none of these trees are protected.

1.3 The site occupies an elevated position above Hawthorn Close, which like other immediate streets, predominately comprises detached bungalows, dormer bungalows and some split level two-storey dwellings. From the northern field boundary, the topography of the site lies between 32 metres and

37 metres Above Ordnance Datum (AOD) and then slopes up towards the southern boundary to an elevation of approximately 46 metres AOD. Owing to its elevation, the site falls outside identified areas at risk of flooding. The site located within a mineral safeguarding area and lies partly within the outer zone of a high-pressure gas line (to the south). The village conservation area is approximately 370 metres to the east of the site (as the crow flies and at its closest point) where there are several listed buildings. The closest listed buildings include Grade II listed Brookhouse Old Hall and Old Hall Farm (circa 450 metres to the east of the site) and Grade II Artlebeck Bridge on Brookhouse Road (circa 270 metres to the west of the site).

- 1.4 The site lies within the Caton-with-Littledale Neighbourhood Plan area. Subject to the examiners recommended modifications, the Neighbourhood Plan (NP), is due to proceed to a referendum in May this year. The NP does not allocate the proposed site for housing (or any other land use) but does lie adjacent to the designated Area of Separation between the village settlements of Caton and Brookhouse.

## 2.0 Proposal

- 2.1 The application seeks full planning permission for the erection of twenty-five bungalows designed to meet M4(2) standards (adaptable dwellings) targeting the aging population. The applicant considers the proposed development a specialist form of retirement accommodation. The dwellings shall be limited to occupants over 55 years of age and controlled by a legal agreement.
- 2.2 The housing mix comprises eleven two-bedroom bungalows and fourteen three-bedroom bungalows (shown in the table below). All dwellings have been designed to meet or exceed the Nationally Described Space Standards.

Housetype	No of Bedrooms	No of Housetype
A	2	3
B	2	8
C	3	14

The dwellings shall be finished in natural stone and render (or a combination of the two) under slate roofs with uPVC windows. Each dwelling shall include private driveway/garage parking, private gardens and electric vehicle charging facilities.

- 2.3 The development shall be accessed via a new 4.8 metre wide estate road utilising the existing private track at the junction of Hawthorn Close and Hawthorn Avenue. The new estate road shall incorporate a 1.5m wide footway to the eastern side of the road with a service margin of 0.45m to the western side. Earthworks to create a suitable gradient to the access road and development platforms within the site are proposed together with associated retaining structures. Three areas of amenity open space are proposed within the site with additional structural landscaping to the site boundaries.
- 2.4 To accommodate the development, it will be necessary for the existing public right of way to be diverted.

## 3.0 Site History

- 3.1 The site has a limited planning history but those of note are set out in the table below. As part of the assessment of the application, the site was screened against the EIA Regulations 2017 to determine if it was 'EIA development'. The decision of 21/01510/EIR was that the scheme did not constitute EIA development.
- 3.2 In addition to the planning history set out below, it is acknowledged that the site was considered as part of the preparation of the now adopted Local Plan (Site 39 in the SHLEAA). The assessment concluded the site was not deliverable on highway grounds. The site was also considered as part of the preparation of Caton-with-Littledale Neighbourhood Plan and was not pursued as an allocation for similar reasons.

Application Number	Proposal	Decision
21/01510/EIR	Screening under EIA regulations for the erection of 25 dwellings and associated infrastructure	Not EIA development
21/00577/PRE3	Construction of 25no. bungalows for over 55s with associated landscaping and car parking	No decision-making process

#### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	<b>Objection</b> and request the Planning Officer secures a response from the AONB Forest of Bowland Unit regarding the large-scale development.
LCC Highways	Following submission of amendments, previous concerns about the internal layout have been resolved. LCC Highways raise <b>no objection</b> , subject to the following conditions: <ul style="list-style-type: none"> <li>• Off-site highway improvement to street lighting and 4 local bus stops to encourage and improve use of public transport</li> <li>• EV charging points</li> <li>• Construction Management Plan</li> <li>• Construction deliveries limited to between 9am and 2.30pm Mon-Friday.</li> <li>• New retaining structures adjacent to the highway to be submitted and agreed</li> <li>• Full engineering details of the streets, drainage, lighting (adoptable standards)</li> <li>• Management and maintenance of estate street prior to adoption</li> <li>• Surface water highway drainage scheme</li> </ul>
Public right of way officer (Lancashire County)	The following <b>comments</b> have been made in relation to the effect on the public right of way: <ul style="list-style-type: none"> <li>• The development would necessitate a diversion to the public right of way which must be made and confirmed before development commences.</li> <li>• Request that the County are consulted on the Order Map and Wording.</li> <li>• Any diverted route must be a minimum of 2 metres wide with no gates or stiles.</li> <li>• Site drainage should not affect the diverted footway, landscaping shall be 3 metres from the footpath.</li> <li>• If necessarily temporary closures of the footpath should be made formally before works take place</li> </ul> <p>A contribution of £2,900 towards improvements to the PROW network to make it more accessible has been requested. This would involve replacing a kissing gate with an accessible alternative and removing steps between 1-10FP17 and 1-10 FT11.</p>
Lead Local Flood Authority	Following submission of amendments, no further comments. The LLFA has <b>no objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Final drainage scheme to be agreed</li> <li>• In accordance with FRA</li> <li>• Construction SW Management Plan</li> <li>• SW Verification, Management and Maintenance Plan</li> </ul>
United Utilities	No objection, subject to the following conditions: <ul style="list-style-type: none"> <li>• SW drainage scheme in accordance with drainage drawing dated 7.10.2021 with a restricted discharge of 2l/s.</li> <li>• Separate drainage system</li> <li>• Management and maintenance</li> </ul>

Forest of Bowland AONB Partnership	At the time of compiling this report, no comments received.
Ramblers Association	<b>Objection</b> on the following grounds: Whilst noting the physical lines of the existing PROW have been accommodated within the development, the Ramblers Association are aware of adverse effects in the landscape and note the content expressed in the Motmot report for the Neighbourhood Plan.
Natural England	<b>No objection</b> - NE consider that the proposed development will not have likely significant effects on statutory protected sites and recommends the LPA consult with the AONB Partnership having regard to national landscape policy.
Arboricultural Officer	<b>No objection</b> to the proposal subject to the following being addressed: <ul style="list-style-type: none"> <li>• The tree report does not look at the impact of the development on trees to be retained, does not include a method statement, nor a tree protection plan. As a minimum a tree protection plan must be produced.</li> <li>• Modest amendments to the proposed landscaping to limit conflict with existing planting and to secure better design.</li> </ul> <p>Following the submission of further information, the Council's Arboricultural Officer is satisfied with the revised AIA, including a Tree Protection Plan and Method Statement. Minor amendments are recommended to prevent incursion into Root Protection Areas, but the level of incursion is acceptable. A request of details of the sheet piling at the access to determine the impact in the hedgerow is requested.</p>
GMEU	<b>No objection</b> , noting the following: Whilst there were doubts over the BNG previously submitted, given the landscaping scheme has been improved from the original submission, there are no ecological grounds to resist the proposal. The following conditions are recommended: <ul style="list-style-type: none"> <li>• Scheme for mitigation and enhancement measures</li> <li>• Construction Environment Method Statement include RAMS for: <ul style="list-style-type: none"> <li>○ Hedgehogs, bats, small mammals and amphibians</li> <li>○ No works to trees, shrubs between 1<sup>st</sup> March and 31<sup>st</sup> August (unless bird surveys undertaken and agreed by the LPA)</li> </ul> </li> </ul>
Planning Policy (City Council)	Comments have been provided setting out an overview of the Development Plan and relevant policies applicable to the consideration of the application. In particular, the recognition that the proposed site is in an identified sustainable settlement but within the AONB, where a landscape-capacity approach should be taken. The planning policy team place a strong emphasis on good design and ensuring new development is well-related to the existing built form, accessibility and connectivity and biodiversity. Policy have criticised the applicants' commitments to climate change mitigation.  In respect of housing, the policy team are supportive of the proposed housing for over 55yrs and note this will contribute to an identified need in the district but recommended the number of 3-bedroom units be reduced in favour of more 2-bed and 1-bed bungalows.  In respect of affordable housing, the policy team conclude specialist bungalows for older people (aged 55 years and over) would constitute specialist accommodation for people with specific needs (paragraph 65b of the NPPF) but this does not mean specialist accommodation is absolved from providing any affordable housing (as per the applicant's initial assertions). The policy position is for 50% affordable housing in this location (DM6) subject to independent assessment of the applicant's viability position.  Policy also set out that the site was considered potentially deliverable as part of the Strategic Housing Employment Land Availability Assessment (SHELAA) (site LPSA_39), that recognises the sensitives of bringing the site forward. Policy conclude on the presumption on favour of sustainable development and the Council's housing supply position, noting the extent to which this scheme is assessed

	as being appropriate within a protected landscape and the housing mix proposed will be essential in determining this balance.
Environmental Health Service	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Provision of EV charging points</li> <li>• CMS to mitigate from noise and dust during construction</li> <li>• Site Contamination Remediation Scheme</li> </ul>
Health and Safety Executive	<b>No objection</b> - does not advise on safety grounds against the granting of planning permission.
Lancashire County Council School Planning Team	<b>No objection</b> – No education contribution required if the development is restricted to the over 55 years. In the event occupation of the development is not restricted to over 55 years, an education contribution towards primary school places to the sum of £53,481.00 (3 places) towards Caton Primary School or Caton St Paul’s Church of England Primary School should be secured.
County Archaeology	<b>No objection</b> , subject to an archaeological investigation condition.
CSTEP	<b>No objection</b> , subject to a revised ESP to clearly demonstrate a measurable commitment against each of the 7 KPIs.
NHS	<b>No objection</b> subject to securing a contribution of £15,580 to support Caton Health Centre consider options for additional population growth (though options for possible extensions to the practice). Failure to secure the contribution we have requested effectively means the NHS are objecting to the application.
Waste and Recycling	<b>No objection</b> in principle subject to layout concerns being addressed to ensure refuse vehicles can access the site without bins having to be manoeuvred excessive distances for both waste and recycling teams and residents themselves. To address concerns – carriageway widths 5.5m appropriate turning provision and 2m footways to manoeuvre bins, plus collection point.
Lancashire Constabulary	<b>No objection</b> and recommends the development be designed and constructed to Secured by Design security specifications. A series of recommendations are provided in the response.

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

31 objections (including a copy of residents representations to the neighbourhood plan). A summary of the main planning reasons for opposition are as follows:

Land use principles, housing, and infrastructure issues, including: -

- Little housing need/demand for the over 55’s given existing housing stock.
- Questioning the ability to secure occupation restriction.
- Lack of affordable housing
- Loss of historic greenfield
- Impact on local services (GP and school)
- Considered unsuitable in the Neighbourhood Plan
- Consents have been refused on the site historically.
- Disproportionate housing growth for the village.
- Amendments don’t overcome concerns over housing need, impact on landscape, ecology and amenity of existing residents.

Highway safety and accessibility issues, including: -

- Unsafe and dangerous access
- Substandard access dimensions unsuitable for emergency and waste collection vehicles.
- Poor footway provision resulting in likely conflicts between pedestrians and vehicles.
- Increase in traffic and negative impact on highway safety.
- Local bus services are infrequent with LCC having to subsidise stagecoach services to prevent the loss of a bus service.
- Concerns regarding the diversion needed to the public right of way.

Flood risk and drainage issues, including: -

- Impact on existing drainage system and its maintenance (relating to a surface water drain installed by the council to prevent flooding of properties surrounding the site)

- Increased flood risk to properties below and adjacent to the site
- SUDS won't work due to poor ground conditions, high water tables and poor infiltration.

Amenity concerns: -

- Overlooking and loss of privacy between existing and proposed dwellings
- Loss of outlook, light and overbearingness from development and boundary treatments
- Increase in noise, vibration and light pollution during construction and once operational, including noise from the access road.
- Detrimental impact on the well-being and health of existing residents
- Lack of greenspace between development and existing properties
- The dwellings are not in keeping with the style of any other buildings in the village
- Concerns over the appearance of the retaining wall
- Acoustic fencing should be provided
- Security concerns associated with maintenance strip

Landscape and ecology issues, including:-

- Adverse impacts to and loss of existing and ancient habitats
- Negative affect on the AONB landscape
- Impact on protected dark skies
- Concerns over planting and future maintenance
- Natural England, CPRE and the AONB unit should be consulted.
- Natural England report refers to different development
- Loss of wildflower meadow and release of carbon if destroyed.
- Meadow restoration should be overseen by AONB or County Ecologists.
- Adverse impact to the character of the public right of way

## 5.0 Analysis

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

1. Principle of residential development
2. Housing needs, affordable housing and housing standards
3. Landscape, design and layout
4. Residential Amenity
5. Accessibility, sustainable travel, parking and traffic impacts
6. Flood risk and drainage
7. Biodiversity
8. Open Space
9. Sustainable Design and Renewable Energy
10. Education and Health
11. Mineral Safeguarding

5.2 **Principle of Residential Development** (NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); 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); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM4 (Residential Development Outside Main Urban Areas), DM6 (Housing Provision in the Forest of Bowland AONB).)

5.2.1 The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in policy SP2 which sets out the district's settlement hierarchy, whereby strategic growth will be directed to the districts largest urban areas with less strategic/smaller development growth filtering into both urban and the sustainable rural settlements. This approach aims to deliver sustainable growth across the district.

- 5.2.2 The proposed site lies within the settlement of Brookhouse, which is identified as being a sustainable settlement in the AONB pursuant to policy SP2. Policy SP2 clarifies that those sustainable rural settlements, such as, Brookhouse will provide the focus of growth for the Lancaster district outside the main urban areas; subject to the constraints of the AONB's protected landscape credentials. Policy H2 of the SPLA DPD identifies allocated rural housing sites, but this does not include housing allocations within the villages where Neighbourhood Plans were being prepared. Whilst the site is in one of the districts identified sustainable rural settlements, it is not allocated for housing in the Development Plan or in the draft Caton-with-Littledale Neighbourhood Plan. The draft Neighbourhood Plan has not yet been adopted (though the referendum is scheduled for 4 May 2023). Accordingly, at this stage, the weight afforded to the policies contained in the Neighbourhood Plan is limited.
- 5.2.3 The support offered to residential development outside the main urban areas by policy SP2 is further reflected through policy DM1 and DM4. Policy DM1 states proposals for new residential development will be support where the available land is used efficiently, taking account of the characteristics and specific circumstances of individual sites, including viability, and are located where the natural environment, services and infrastructure can accommodate growth. Policy DM4 clarifies that the council will support proposals for rural housing provided that they are well related to the existing built form, they remain proportionate to the character and scale of the existing settlement, and they do not demonstrably undermine the prevailing landscape. In addition to the overarching support offered by policies SP2 of the SPLA DPD and DM1 and DM4 of the DM DPD, policy DM6 of the DM DPD supports the principle of residential development within the Forest of Bowland AONB provided that the local housing needs are being closely addressed/met by the proposal and the development is not 'major development' in the context of AONB policy.
- 5.2.4 At paragraph 177 (and footnote 60) of the NPPF, and policy DM6 of the DM DPD, it is very clear that proposals for 'major' development within AONBs should be refused unless exceptional circumstances prevail. The definition of 'major' in this context is not the same as the definition of 'major development' pursuant to the Development Management Procedure Order 2015. This, ultimately, is a matter of planning judgement for the decision maker, considering the nature, scale and setting of the proposal in the context of the AONB landscape. In this instance, based on the submitted information and the site-specific factors, the scheme is not considered to comprise major development within the AONB. The following assessment of the main planning material considerations validate this conclusion. Paragraph 177 of the Framework and the policy criteria for exceptional circumstances in DM6 are not therefore engaged. Consequently, housing development at this site can be supported in principle, provided the development complies with other planning considerations, particularly in relation to housing need and landscape considerations. All other pertinent planning considerations will be addressed in the following section of this report and considered in the planning balance at the conclusion of this recommendation.
- 5.3 **Housing needs, affordable housing and housing standards** (NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Strategic Policies and Land Allocations DPD Policy SP6 (The Delivery of New Homes) and Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM6 (Housing Provision in the Forest of Bowland AONB) and DM8 (Accommodation for Older People and Vulnerable Communities).
- 5.3.1 One of the core objectives of the NPPF is to 'significantly boost' the supply of homes (paragraph 60), recognising the importance that a sufficient amount and variety of land can come forward where it is needed ensuring the housing needs for different groups in the community, including housing for older people, is addressed. Policy SP6 of the SPLA DPD sets out the Council's housing requirements over the plan period, which amounts to 10,440 new dwellings required over a 20-year period. Despite local objection to the housing needs, there is a clear and evidenced housing need in the district. The most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5- year supply set out in paragraph 74 of the NPPF. As a consequence, there is a clear expectation in the NPPF that residential proposals should be approved unless the application of policies in the NPPF that protect areas or assets of importance (such as designated landscapes, heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole (Paragraph 11d of the NPPF). This means applying a tilted balance towards the delivery of residential development.

- 5.3.2 The principle of housing growth in Brookhouse accords with the district's development strategy in broad terms. Policy DM1 of the DM DPD expands this support requiring housing proposals to promote inclusive and balanced communities considering evidenced housing needs (set out in the Strategic Housing Market Assessment (SHMA)). In this case, the proposed development is for occupants over 55yrs and is exclusively single storey bungalows. Policy DM8 of the DM DPD relates specifically to accommodation for older people. This policy requires proposals of this nature to:-
- meet the genuine needs of older people
  - be well located to local services and public transport,
  - accord with the Council's housing standards policy (DM2)
  - contribute to affordable housing (in accordance with policy DM3/DM6)
  - provide sufficient parking and access to open space.
- 5.3.3 The SHMA (2018) offers several important points which are relevant to establishing the principle of development in relation to this application:
- The number of people ages 65 and over is projected to increase by 29%
  - a lack of suitable properties for those classified as being in the 'older' age bracket with 29% unable to identify a property that was appropriate; particularly in rural areas (only 14.1% of the districts housing stock are bungalows).
  - Within the Upper Lune Valley area there is not enough stock relative to aspiration for 1, 2 and 3-bed bungalows.
  - 19.2% desire for bungalows (new housing stock)
  - 65% of those within the age group (65+) plan to downsize within the next 5 years
  - 14.4% of those over 65 years require dwelling adaptations (to support needs).
- 5.3.4 The SHMA (2018) identifies a range of dwelling sizes required and the need for properties for older people to downsize into. To address the evidenced need, the application has been amended to reduce the number of three-bedroom bungalows. The amended proposal now provides 14 three bedroom and 11 2-bedroom bungalows. The absence of some one-bedroom units is disappointing but given the overall need for bungalows (or all sizes) across the district, the proposed housing mix is considered acceptable.
- 5.3.5 All twenty-five bungalows are designed to meet the national described space standards and M4(2) accessibility standards, which is to be expected given the proposal is for the 55 years. The proposal therefore, fully accords with the policy requirements set out in policy DM2.
- 5.3.6 Policy DM6 sets out the requirements for affordable housing in the Forest of Bowland AONB. For developments over 10 dwellings, the affordable housing requirement is 50% of the total number of dwellings. The applicant initially contended affordable housing was not required for development involving specialist accommodation (paragraph 65 of the NPPF). This was disputed. The exemption set out in paragraph 65 of the NPPF relates only to the requirements for at least 10% of the total number of homes to be provided for affordable home ownership (not the provision of affordable housing as a whole). Despite disagreement over this point, the applicant then submitted a viability appraisal to evidence the site was not viable to deliver affordable housing on site in accordance with the provision of DM1, DM6 and the NPPF.
- 5.3.7 Due to the lengthy determination period, the viability position has changed. The applicant's viability assessment was independently assessed in accordance with the Council's viability review protocol and was initially considered viable to support 30% affordable housing. The applicant continued to dispute the third party independent viability conclusions and as part of later amendments to the scheme (which were ongoing during this period) a new viability assessment was submitted. This has also been independently assessed and regrettably CP Viability (the Council's consultant) concurs with the applicant's conclusions, that the development could not support any affordable housing. CP Viability has confirmed that the fundamental change since their first assessment is due to the significant increase in construction costs, driven by macro-economic factors such as the energy crisis and the war in Ukraine (also not reflected in the BCIS) and also the increase in mortgage interest rates driven by increases in the Bank of England base rates. This is a disappointing outcome, but one that has been appropriately examined and tested by independent experts. Given policy DM6 (and national policy) allows viability to be considered, the development is judged policy compliant.

- 5.3.8 In conclusion, the proposed development not only makes a positive contribution to the Council's significant undersupply of housing, it also provides specialist accommodation for the elderly for which there is an evidenced need across the district. The proposed housing shall meet national design standards and will be designed to M4(2) adaptable and accessible homes, which supports the independence of people as they get older. Despite the absence of affordable housing, the provision of 25 adaptable bungalows restricted to 55 years is considered policy compliant. The development will provide significant social benefits and should be given substantial weight in the overall planning balance.
- 5.4 **Landscape Impact, Design and Layout** (NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 and 176 (AONBs, Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), EN2 (Areas of Outstanding Natural Beauty) and EN3 (Open Countryside Area) and Development Management (DM) DPD policies: DM29 (Key Design Principles), DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact))
- 5.4.1 **Landscape** - The application site lies within the settlement of Brookhouse which is identified as being a sustainable settlement within the Forest of Bowland pursuant to policy SP2 of the SPLA SPD document. Policy SP2 of the SPLA clarifies that those sustainable rural settlements such as Brookhouse will provide the focus of growth for the Lancaster district outside the main urban areas; subject to the constraints of the AONB's protected landscape credentials. In this regard, the core principles in the 2021 National Planning Policy Framework (paragraph 174) indicate that the planning system should recognise the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment. Consequently, development of this site should relate well to the existing urban form and preserve the countryside and the landscapes contained within it.
- 5.4.2 The property lies within the AONB designation and as such there is a duty under section 85 of the Countryside and Rights of Way (CROW) Act, to have regard to the purpose of conserving and enhancing the natural beauty of this important designation. The NPPF (Paragraph 175) makes it clear that great weight should be given to conserving and enhancing the landscape and scenic beauty of designated landscapes, which have the highest status of protection. Policy DM46 of the DM DPD is consistent with the NPPF and requires development proposals to contribute positively to the conservation and enhancement of the protected landscape and its setting. This can be achieved through embedded design considerations such as siting, scale, layout, appearance, landscaping. This approach is also reflected in policy DM29 and DM4, which both seek to ensure development proposals are well-designed and well-related to the existing built and natural environment.
- 5.4.3 Recognising the importance of the site's location within the AONB, the application has been supported by a Landscape and Visual Appraisal. This accurately describes the current landscape conditions of the site and its visual context within the site and when viewed from its surroundings. It offers an assessment of the development and makes recommendations to mitigate against potential impacts. The application is also supported by a selection of agreed visual representations of the development.
- 5.4.4 The site lies within the Bowland Fringe and Pendle Hill National Character Area, and within the Undulating Lowland Farmland Landscape Character Type and the West Bowland Fringes Landscape Character Area within the Lancashire Landscape Character Assessment. Within the Forest of Bowland Character Assessment the site is identified as Undulating Lowland Farmland with Wooded Brooks and more specifically, within the Caton Landscape Character Area.
- 5.4.5 The site forms part of a wider pastoral landscape but is located on the edge of the existing settlement where existing dwellings contain the site to the north and east. It is elevated above the existing built settlement, but it typically low laying with the rolling drumlins rising to the south beyond the application site. The site is divided into smaller enclosures with post and wire fencing and traditional drystone walls. The western boundary supports a strong line of native hedgerow and trees which form distinctive features in the landscape. The condition of the site varies with the land to the west of the public right of way unmanaged forming long grasses and scrub. Land to the east of the footpath is used by grazing horses and includes stable buildings, which would be removed as part of the proposals. The site is typical of transitional pastoral landscapes and the landscape character areas and types described above.

5.4.6 The character and appearance of the surrounding built development comprises a mix of bungalows and dormer bungalows completed in a range of different materials that are not traditional to the historic fabric or vernacular of buildings in the historic core of the village. These existing dwellings, like the proposed dwellings, have been built on the slopes of the low lying drumlin. The open and rural character of the site is clearly one of local value and is enjoyed by nearby residents and users of the network of public footpaths. However, the site itself is not highly distinctive in the context of the wider AONB landscape. This was recognised in the local plan landscape evidence base (site 39 of the SHELAA), which considered the site (albeit a smaller site than the proposed site) potentially appropriate for sensitive urban fringe development and quoted the following:

*“appropriate for sensitive urban fringe development of a similar scale to the existing residential development without resulting in any significant effect on the AONB landscape character. With mitigation it is likely that this site may achieve a neutral significance of effect and may serve to create a slight beneficial improvement in views for users of the PRoW once mitigation measures have established”.*

The evidence base forming part of the draft Caton-with-Littledale Neighbourhood Plan also considered the SHELAA 2017 and as part of its own Cumulative Landscape and Visual Impact Assessment (2019) concluded similar:

*“Site 39 is small in scale and well related to the existing housing around Hawthorn Close and Pinewood Avenue. The site is relatively well contained. However, in order to mitigate landscape effects any development would need to be restricted to small scale, single storey dwellings to ensure a low profile, prevent unacceptable skylining and to prevent any new dwellings becoming a dominant feature in the landscape (especially when viewed from adjacent housing and from the series of public footpaths in the area). The site should reflect the density of nearby housing. The site could be better integrated into the landscape through shelterbelt deciduous tree planting along the southern and western boundaries. This would help form a strong edge of village boundary for the future and reinforce the woodland and hedgerow landscape characteristics of the village and its setting. It is likely that such mitigation would result in the overall significance being reduced to moderate”.*

5.4.7 The proposed site is larger than the site considered as part of the local plan and draft Neighbourhood Plan evidence base. However, the character and visual appearance of this extended part of the site is not materially different to the northern parcel of land. The proposed site extends beyond the existing drystone wall up to the far southern edge where it aligns with the furthestmost southern garden boundaries to dwellings on Pinewood Avenue.

5.4.8 The site lies within the Forest of Bowland AONB which has the highest status of protection and is therefore a valued landscape in the context of the NPPF. Accordingly, the development must be judged in accordance with policy DM46 and paragraph 175 of the NPPF. The thrust of policy is to limit the scale and extent of development within designated areas in order to conserve and enhance the landscape and its scenic beauty.

5.4.9 The application has been supported by a thorough Landscape and Visual Appraisal which incorporates a landscape mitigation plan that had regard to planning policy and key landscape features which contribute to the LCT/LCAs affected by the proposals. This concludes that the landscape effects on the site itself would be **moderate adverse**, noting that the development would result in the permanent loss of the open qualities of the site and replaced with permanent housing development. However, the sites natural containment and proximity to the existing settlement edge influences the site’s landscape character. The effect on the wider AONB landscape and, in particular, the West Bowland Fringes LCA and Caton LCA, has been judged **minor adverse**. This conclusion is drawn on the basis the site is a small parcel of a much wider landscape which is naturally contained and contains no notable landscape characteristics which would be of higher value than local importance. It also recognises that the site sits on the edge of the existing settlement.

5.4.10 The site itself is bound by the existing settlement boundary to the north and west and contained by mature hedgerow trees along the west and southern boundaries. It also aligns with the boundaries of the existing built development and provides a rounding off to the settlement. Whilst the proposed development will result in the loss of the field enclosures, the landscape features along the west and southern boundaries of the site will be protected, retained and enhanced through additional planting

in order to ensure the development positively contributes to the wider landscape character of the AONB. The scale of the development is limited to bungalows to reflect the scale and character of surrounding development and the materials proposed shall consist of traditional natural materials (stone, slate and render). Overall, the development will result in a permanent change to the landscape character of the site, and the wider intrinsic value of the AONB landscape, however this is limited to a small, contained parcel of land. The proposal has been designed to mitigate the landscape effects by the sensitive scale of buildings and the proposed retention and bolstering of the landscaped boundaries to the west and southern boundaries. This will complement the settlement and arguably enhance the transitional urban fringe character in this edge of settlement location. There will be some impacts arising from the development, but overall, the effects would not lead to significant harm and therefore conform to the requirements of policy DM4, DM29 and DM46 of the DM DPD.

- 5.4.11 The visual effects and impacts arising from the development are varied dependant on the receptors. In this case there are: recreational receptors – users of the public right of way through the site connecting to a wider network of paths to the south; residential receptors – residents of property close to the site; and transient receptors – users of the local roads. The application is supported by several photo viewpoints to reflect the visual context and visual effects arising from the development from a set of pre-agreed locations with the local planning authority.
- 5.4.12 In terms of recreational receptors, the greatest level of effect will be experienced by users of public footpath 1-10-FP 17 which crosses through the site (and will need to be diverted). Whilst the effects are be considered **moderate adverse** (once operational), some views experienced along the route of this footpath will be limited to the access or will view the development with the existing settlement in the backdrop. Views looking south towards the higher land beyond the site, will be altered substantially and the open and rural feel walking along this route would be lost as the public right of way once diverted routes through a new housing estate.
- 5.4.13 Users of the public rights of way beyond the southern boundary of the site (1-10-FP-11 and 1-10-FP-20) will experience some visual effects once the development has completed. However, existing and proposed landscaping will filter views and as users of the footpaths walk further away and onto elevated land, the development will be seen in the context of the existing settlement edge. With the embedded design mitigation (low scale development, high quality materials and landscaping), the assessment concludes minor adverse to neutral effects on the users of these footpaths, which is considered reasonable. The assessment considers the effects on other public rights of way further afield from the site and concludes minor adverse to neutral effects, including views from footpaths along the River Lune and those north of Brookhouse.
- 5.4.14 Regarding private residents, there are a small number of existing properties that lie adjacent to the site which will be affected by the development. This is largely limited to the properties that back the site along Hawthorn Close/Hawthorn Avenue and Pinewood Avenue. These residents will experience changes to their views from open pastureland to a housing development. It is important to note, in the context of spatial planning, there is no 'right to a view', though residential amenity including outlook is a material planning consideration. Equally, it should be noted that spatial planning is a function exercised in the public interest and not private interests. Nevertheless, the submitted landscape and visual appraisal has considered the visual effects of the proposal on private residents and for those dwellings with direct views of the site (Hawthorn Close/Avenue), the impact of the development once completed, together with the embedded design mitigation, is considered to result in **moderate adverse** visual effects. The effects on residents on Pinewood Avenue would be considered less due to the distance from the site and the oblique views experienced. These residents have benefited from open views towards the open countryside to the south. The development will diminish and, in some cases, due to the elevated nature of the site, obliterate the views they previously experienced. This has been a concern raised by a number of local residents. Whilst there is no right to a view, the development has been design and amended to minimise the level of impact through planting and limiting the scale of the development to single storey. The effect of the development on residential amenity is discussed below.
- 5.4.15 The submitted appraisal has considered several local roads where the development may be visible. This considered views from roads close to the site on Brookhouse Road and Hawthorn Close/Avenue and more distant elevated routes. The assessment concludes in both the short and long distance views the visual effects would result in neutral effects once the development has been completed. This is largely due to the intervisibility between the site and users of these local roads, their transient

character, and the embedded design mitigation. Most notable from Brookhouse Road, views will be possible, but with the existing planting along Brookhouse Road and the existing and proposed planting along the western boundary of the site, views will be filtered substantially. The single storey nature of the development also helps mitigate the effects of the development given the sites elevated position above surrounding development.

- 5.4.16 Overall, the proposed development will result in some adverse visual effects with recreational users of the footpath on site and the private dwellings backing the site most affected. The effects of the development will be limited to a small visual envelope by a relatively small number of receptors and in most cases, the development will be seen and experienced in the context of the existing settlement. The development would not therefore result in significant visual effects on the wider AONB landscape.
- 5.4.17 Regard is also given to the landscape and visual effects arising from the development during construction. In this case, there will be harm arising from the development which will range from major adverse to minor adverse. For example, users of the footpath running through the site will would experience major adverse effects as the construction of the site will directly affect the position and use of the public right of way. Similarly, the construction impacts will be high for the residents bordering the site. In all cases, however, the effects will be temporary and can be mitigated to a certain extent by suitable construction methods and site hoardings to help screen the construction of the site.
- 5.4.18 In conclusion, it is considered that the adverse landscape and visual effects arising from the development are limited to a localised area and, whilst the proposed will lead to significant change to the character of the site itself, the effects will not result in adverse effects to the wider AONB landscape. The proposed development has been sensitivity designed to minimise the landscape and visual effects most notably by limiting the development to bungalows, providing an improved landscape buffer to the western boundary through the protection and bolstering of the existing landscaping, incorporating the existing public right of way and the provision of open space and areas to support existing planting. The massing, design and appearance of the proposed bungalows are of a similar composition to surrounding buildings and shall be finished in traditional materials. Accordingly, it is contended the landscape has the capacity to accommodate the development without significant adverse impacts on the landscape and special qualities of the AONB. Consequently, the development is considered compliant with the requirements of DM4, DM6, DM29, DM45 and DM46 of the DM DPD.
- 5.4.19 **Trees** – Policy DM45 of the DM DPD, along with the design principles of DM4 and DM29, requires development proposals to protect trees and hedgerows that positively contribute to the visual amenity, landscape character and environmental value of the location. It states development should incorporate existing trees and hedgerows and where this cannot be achieved, applications should be supported by a Arboricultural Impact Assessment and compensation for tree losses should be provided.
- 5.4.20 The proposed landscape mitigation strategy has enabled the most important trees and hedgerows within the site to be protected and retained as part of the development proposals. This includes the landscape features to the south and western boundaries. There are some tree losses associated with the development. These are located mainly located along the access track and are required to be removed to facilitate the proposed access road, together with some tree losses to secure a new connection to the public right of way to the southern boundary. These trees are category C trees and should not constrain the redevelopment of the site, provided adequate mitigation is secured. The existing hedgerow to the west side of the access road will be protected and retained despite the changes in levels required.
- 5.4.21 The proposed landscaping scheme involves extensive new tree planting to bolster the most important trees and hedgerows bordering the site. Subject to the implementation of the proposed protection measures and the implementation of the new landscaping, the development accords with the requirements of policy DM4, DM29 and DM45 of the DM DPD.
- 5.4.22 **Design and Layout** – Section 12 of the NPPF, together with policy DM4 and DM29, places a strong emphasis on the delivery high-quality, beautiful and sustainable buildings and places, noting good design is a key aspect of sustainable development. It is about place making and ensuring development functions well, is visually attractive, creates a sense of place and is safe, inclusive and

accessible and reflects the character of the area. The applicant has positively sought to address a number of design and amenity concerns initially raised by officers. The resultant layout of the housing estate itself broadly meets these policy requirements. The orientation of the dwellings accounts for the site's elevated and prominent position in the landscape with extensive landscaping to the south and western boundaries, to help frame and bolster the existing landscape features. The site will form a natural rounding off to the existing settlement, despite its elevated position and the open space located adjacent to the eastern boundary. Internally, the site promotes good accessibility throughout and ensures areas of open space benefits from suitable natural surveillance. The scale of the dwellings and the use of materials are in keeping with surrounding development, and arguable of better quality.

5.4.23 Whilst the housing layout within the site itself is generally positive, there are design concerns over the access arrangement and some of the retaining wall features. In this case, the access will be tightly positioned between the side elevations and boundaries of the existing dwellings, forming a gap less than 8 metres. This is not typical of the surrounding street pattern, which is more spacious than what is proposed by the development. Whilst the access geometry is acceptable from a highway safety perspective, the proposed arrangement is overly tight and out of keeping with the area. Once into the development site, the access street is widened and the estate opens out and provides a spacious character similar to the density of surrounding development.

5.4.24 Due to the elevation of the site, the development involves the creation of development platforms to provide suitable road gradients (for adoptable standards where possible) and to meet the external requirements of M4(2) accessible and adoptable dwellings. This has resulted in the formation of some substantial retaining features along the proposed site access road and along the northern boundary with Hawthorn Close. Retaining features internal to the housing estate are not significant and can be carefully designed and featured within the layout. The retaining wall along the northern boundary varies in height and is proposed around 650mm to the rear of plot 3. This increases in height to 2800mm to the rear and side of plot 7. There are no details over the appearance of this retaining feature. At a height of 2800mm, this is considered out of keeping and out of scale and character with the surrounding built form and special qualities of the landscape. Whilst the proposed landscaping scheme seeks to soften the impacts of the wall, there may be scope to reduce the scale of the wall and improve its appearance through the precise details of site levels and material conditions. A similar retaining wall is required along the site access. There is little scope to reduce this given the gradients required for the road and the narrow gap between the existing dwelling to facilitate the access design. In this regard, the visual impacts of this wall would be harmful where it exceeds 2 metres in height. There is scope to improve and appearance of this wall through careful use of materials and potentially public art. Such details are capable of being conditioned.

5.4.25 The level of harm arising from the access design and the scale of retaining features (subject to amendments to the northern boundary) would be limited and localised to a small area, but, nevertheless, means the development still fails to achieve high quality design that functions well and adds to the overall quality of the area. In this regard, there is a degree of conflict with Section 12 of the NPPF and policy EN3, DM4 and DM29 of the Development Plan, which is afforded moderate weight in the planning balance.

5.5 **Residential Amenity** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.5.1 Planning policy DM29 and paragraph 130 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. In particular, this policy states that development should not have a significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking and pollution. To provide an acceptable standard of amenity, policy DM29 requires all development to ensure suitable levels of privacy can be met and encourages minimum gardens sizes, given the importance private garden space can provide to the health and well-being of future residents. Crudely speaking the rule of thumb is to provide a minimum 21 metres interface between habitable spaces, with an increase in separation distance where finished floor levels vary and for all gardens to be a minimum of 10 metres deep (and 50 square metres in area subject to dwelling size). However, the policy also recognises minimums distances may need to increase or reduce depending on site specific circumstances.

- 5.5.2 The proposed scheme has been amended to improve the amenity of future and existing residents, having regard to the proposed site levels, interface distances and garden sizes, but the landscape mitigation secured has compromised the ability to maximise significant improvements and meet the amenity standards in full. The bungalows in the central block of the development (i.e between plots 10 -13 and plots 14 -19) maintain between 20 and 21 metres interface (expect between plots 10 and 15 where the orientation means the interface is slightly less than 20 metres but it is not directly back to back). This is marginally below the recommended requirements, but given the single storey scale of the dwellings and suitable boundary enclosures, the development would not lead to significant detrimental impacts to the amenity of future residents. The row of bungalows to the south are situated on higher land with proposed interface distances around 26 - 27 metres (between plots 8/9 and 20/21). There are some plots where rear elevations face side elevations with separation distances between 13.5 metres and 15.5metres taking account of the site topography. All dwellings have acceptable garden sizes. The level of amenity provided for future residents is acceptable and accords with policy DM29.
- 5.5.3 Turning to the impact of the development on the amenity of existing residents, it is acknowledged from the objections received existing residents are deeply concerned about the potential effects the development may have on the amenity and enjoyment of their homes. This is an important material planning consideration. Whilst the effects may be felt further afield (such as the effects of the increase in traffic movements and changes to the character and visual appearance of the site), it is considered that the neighbours most likely to be affected by the development are the two dwellings either side of the proposed access road and the remaining residents along Hawthorn Close and those backing the site on Pinewood Avenue.
- 5.5.4 Other than a change in the character and appearance of the site, the effect of the development on the residential amenity of residents of Pinewood Avenue is not considered unacceptable in planning terms. The closest proposed dwelling to property on Pinewood Avenue is more than 40 metres away and is separated from the proposed bungalows by an area of open space (partly for habitat retention and public open space) along most of the eastern boundary. The separation distance combined with the single storey nature of the development would not lead to an oppressive form of development to these existing residents and accords with the requirements of policy DM29 and paragraph 130 of the NPPF.
- 5.5.5 The relationship of the development to the rear of properties on Hawthorn Close is less generous than the relationship between the development and residents of Pinewood Avenue. This is largely because of the layout, proposed site levels and the orientation of the bungalows. In this location, the development proposes seven bungalows along the northern boundary of the site. Two are orientated east-west (and will be discussed at paragraph 5.5.8) and the remaining five orientated north-south with the proposed rear elevations backing onto the rear elevations of existing dwellings. The interface distance between the development (plots 3-7) and numbers 5 to 17 Hawthorn Close (odd numbers only) is approximately 30 metres. This exceeds the minimum requirement of 21 metres with the additional circa 9 metres of separation considered suitably proportionate given the differences in land levels between the site and existing buildings. To provide some context, the topographical information provided within the application indicates the existing level at the northern site boundary to be around 33.5 metres Above Ordnance Datum (AOD) level. The proposed dwellings have a finished floor level around 38m AOD - almost a five metre level difference. It is also acknowledged that the existing properties to Hawthorn Close are positioned lower than the levels at the site boundary. Whilst there is a substantial difference in land levels, the proposed level of separation combined with the provision of suitable garden fences and the single storey nature of the development, would sufficiently mitigate against concerns of loss of privacy and overlooking. Understandably, there will be a perception of overlooking due to the position of windows to the proposed bungalows sitting above garden fences and retaining walls on the sloping sections of the site (plots 6 and 7), but this would not lead to significant adverse effects and would not conflict with planning policy to substantiate a refusal of planning permission.
- 5.5.6 The outlook from the rear of properties (and their gardens) on Hawthorn Close will be substantially altered by the development. To minimise the effects of the development, significant landscaping is proposed along the site boundaries with the development limited to single storey bungalows. However, officers have raised concerns over the scale of retaining features along the boundary with Hawthorn Close. Whilst the buildings themselves are well related to the existing settlement and the form and layout not dissimilar to the surrounding settlement pattern, the provision of 2800mm high

retaining walls around plot 7 to the north and western boundaries would be potentially visually obtrusive. They would also fail to represent good design that would enhance the character and quality of the protected landscape. However, at plot 7 the distance between the retaining wall to the rear elevation of the existing dwelling is in excess of 16 metres. The proposed retaining wall also reduces in height along this boundary towards the access to approximately 650mm. Accordingly, whilst it may be a poor design feature, it would not result in overly overbearing to substantiate a refusal on residential amenity grounds.

- 5.5.7 Some residents have raised concerns over the proposed landscape buffer between the proposed gardens and existing gardens from a security and maintenance perspective. The buffer has been provided to support additional planting to soften the appearance of the development from these dwellings. The buffer shall be fenced off to prevent access and will be maintained as part of the wider landscaping scheme through a management company (controlled by the legal agreement).
- 5.5.8 Turning to the impact on the two residential properties either side of the proposed access. The residents of these properties, namely 1 Hawthorn Close and 6 Hawthorn Avenue, will be affected by the construction of dwellings on the site but also the access road into the new estate. No. 1 Hawthorn Close (No.1) sits at a lower elevation to No. 6 Hawthorn Avenue (No.6) and is separated by the existing field access track and the public right of way, which is a narrow path situated between the garden boundary of No.6 and the fence/hedgerow to the access track. No.6 is a dormer bungalow and has habitable windows (at ground floor and in the roof level) facing towards No.1 (across the track). No.1 also has habitable windows facing across the access track, though views are limited by the presence of the existing Beech hedge along garden boundary with the track. Both properties have habitable windows to the front and rear as well.
- 5.5.9 There are no proposed dwellings located to the side or rear of No.6. Accordingly, the effect of the development on their amenity is limited largely to the access and its use during construction and once operational. No.1 is situated alongside the proposed access road and is also affected by the position and location of plot 1. Plot 1 is orientated to face the new estate road and has its side elevation facing the rear of No 1 and their garden. The interface distance far exceeds the recommended 12 metres and is approximately 21 metres from the rear elevation of No.1. Whilst there is a level difference between these properties, this is not significant. Consequently, the proposed buildings would not result in a significant detrimental impact to the amenity of No.1 in terms of overlooking, privacy and overbearingness.
- 5.5.10 The proposed access is tightly positioned between these two existing dwellings and involves substantial earthworks to form a suitable carriageway to serve the development. The proposed plans indicate the levels of the existing track will need to be lowered to form a gradient which would meet the highway authority's adoptable standards. This will involve the formation of retaining walls (formed by sheet piling) between the site boundaries and the edge of the carriageway and will involve the removal of the separate public right of way and a new footway incorporated into the highway design. The lowering of the access road (from existing levels) is substantial across some sections of the access road into the site (as can be seen from the access sections). This would ensure the outlook from the side facing habitable windows of the neighbouring dwellings is not significantly adversely affected by the movement of passing vehicles along the access track. The effects of noise and light from passing traffic will be relatively limited due to the small-scale nature of the development with the Council's environmental Protection Service raising no objections in this regard. If the development is supported, a lighting condition would be recommended to safeguard the amenities of neighbouring residents (as well as mitigating the visual effects of the development on the landscape).
- 5.5.11 Given the relationship of the site to neighbouring dwellings and the nature of surrounding residential streets, a construction method statement to control the effects of construction traffic, land stability, noise and pollution during construction is recommended.
- 5.5.12 Despite concerns to the contrary, the proposed development has been amended and designed to provide policy compliant amenity standards between existing and proposed dwellings. Mitigation can be provided to minimise the impacts during construction and once operational through the provision of a suitable construction method statement, retention/protection of some planting and the provision of new landscaping, new boundary treatments and a detailed lighting scheme. In addition, some permitted development rights shall be removed to limit further extensions and alterations to the dwellings and boundary treatments which could diminish the quality of the development and/or affect

the amenity standards secured through the amended layout. These measures can be controlled by planning condition if the development is approved. Accordingly, the development is considered compliant with local and national policy in relation to residential amenity.

- 5.6 **Accessibility, sustainable travel, parking and traffic impacts (NPPF: Chapter 9 paragraphs 104-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for the District), SP10 Improving Transport Connectivity and T2: Cycling and Walking Network; Development Management (DM) DPD policies DM29: Key Design Principles, DM57 Health and Well-being, DM58 Infrastructure Delivery and Funding, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan**
- 5.6.1 Despite the small-scale nature of the proposal, the application is supported by a Transport Statement that has been informed by pre-application discussions with the local highway authority.
- 5.6.2 The development shall be accessed off Hawthorn Avenue utilising the existing private drive serving the fields. Hawthorn Avenue/Hawthorn Close/Pinewood Avenue are all typical residential streets with carriageway dimensions of 6 metre wide with footways either side of the road. The proposed access geometry consists of a 4.8m wide road and a 1.5m wide footway to the eastern side of the road with a service margin of 0.45m to the western side. The junction radii is 4.2 metres on both sides with visibility splays of 2.4 metres by 25 metres in both directions, which is commensurate to the 20mph speed limit. The access gradient is a maximum of one in 12, although the initial section on approach to Hawthorn Close will be 1 in 20. The access and footway provision widens into the new estate.
- 5.6.3 There have been many public objections to the development on the grounds the access is unsafe. This also stems back to previous evidence to support the adopted Local Plan and the Neighbourhood Plan where the site was not considered suitable (and therefore not included as a housing allocation), largely because of the access constraints. However, during the determination of the application and in response to amended proposals, the local highway authority maintain no objection to the development and have not disputed any of the assumptions set out in the submitted Transport Statement (TS).
- 5.6.4 The submitted TS indicates the proposed residential development is forecast to generate approximately 13 two-way trips in the AM peak and 12 in the PM peak. Whilst there will be an increase in traffic, the anticipated traffic movements are not significant and are unlikely to materially affect the operation of the local highway network, which is not known to have any local capacity constraints, or materially increase any road safety issues.
- 5.6.5 There have been concerns raised by residents about the potential conflicts between vehicles and pedestrians/cyclists using the new estate road, particularly given the access location at the junction of Hawthorn Close and Hawthorn Avenue, and the slightly narrower road and footway dimensions. It is noted that the stretch of highway between the existing dwellings would not meet the County's adoptable standards. Meeting adoptable standards for estate road design is not a planning policy requirement - but clearly preferable. Policy DM60 requires (amongst other criteria) development proposals to include measures to address highway safety to the satisfaction of the local highway authority and for the site to be accessed safely during construction and operational phases of development. The proposed access has visibility splays of 25 metres either side of the junction within the adopted highway, which is commensurate with the vehicles speeds locally. Despite the concerns raised by residents and an acknowledgement the access onto Hawthorn Close/Avenue is tight, the local highway authority (as the statutory consultee) considers the development proposals acceptable and raise no objection. In light of this, it would be difficult to substantiate a refusal for reasons on technical highway grounds against the advice of the statutory consultee.
- 5.6.6 Development Plan policies (DM29 and DM61 of the DM DPD) and the NPPF aims to secure development that is sustainability located to reduce the need to travel and to maximise opportunities to promote walking, cycling and the use of public transport. The site is in a sustainable rural settlement where access to services by sustainable modes is available (albeit proportionate to its rural location). In terms of accessibility the site is within acceptable walking distances to a range of local facilities and services and public transport. The closest bus stop is c250m from the site on Brookhouse Road, where services are relatively frequent. There has been no request from the County Council to secure

funds to support additional bus services or the districtwide transport infrastructure strategy (i.e. the gravity model). However, to improve the sustainability of the development, bus stop improvements works to four local stops are required. The precise details shall be secured by planning condition as part of a scheme of off-site highway improvements and delivered under a Section 278 Agreement with the highway authority. In addition, the proposal includes uncontrolled pedestrian crossing to the east of the new junction and improved street lighting towards Brookhouse Road to maintain a safe environment to pedestrians walking to the bus stops in dark conditions.

- 5.6.7 The proposed development will necessitate the need for the existing right of way to be diverted. This is a separate legal process which must be undertaken before the commencement of development. The existing footpath is a narrow rural path which will need to be removed to facilitate the construction of the access road. The diverted route will be incorporated into part of the highway design. The visual character of the route will become more suburban, but the width of the path will be increased to 1.5m (and widened when within the estate) and will be appropriately surfaced. The County Council Public Right of Way (PROW) Officer has indicated the diverted route must be a minimum of 2 metres wide. This is not possible at the access but given the current width, it is not considered reasonable to insist on something that cannot physically be delivered and is better than existing. In addition, the PROW Officer has requested a contribution to make improvements to the existing gates between the footpath affected and where it meets the footpath which runs alongside the southern boundary of the site. The improvements are to remove the steps and kissing gate with an alternative and more accessible arrangement. The applicant is amenable to the request, though officers are seeking confirmation from the PROW Officer whether this work can be delivered by the developer and controlled by condition opposed to the s106 contribution. A verbal update will confirm the position. It is noted that the Ramblers Association have objected to the proposal but on the grounds of the landscape effects opposed to the effect directly on the existing public right of way. Overall, with the off-site highway improvement works and the diversion and improvements to maintain and enhance this existing public right of way, the development would make a positive contribution to supporting accessibility and sustainable travel.
- 5.6.8 Regarding parking, the proposed development accommodates sufficient parking in accordance with policy DM62 of the DM DPD. Electric vehicle charging points are proposed but this is now controlled under building regulations. Cycle provision can be accommodated on site within the curtilage of each dwelling. The precise details to be controlled by planning condition.
- 5.6.9 In conclusion, the applicant has demonstrated to the satisfaction of the highway authority that the site can be safely accessed and would not adversely impact the local highway network. The scheme also incorporates measures to retain and improve pedestrian accessibility and measures to encourage the use of public transport. The estate roads are designed to adoptable standards with adequate footway provision and sufficient parking for future users. The proposal therefore accords with the relevant highway related policies of the Development Plan and the NPPF.
- 5.7 **Flood Risk and Drainage (NPPF: Chapter 14 paragraphs 152 and 153 (Planning for Climate Change) and paragraphs 159, 161-167 and 169 (Planning and Flood Risk); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); 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) and the draft policies DM33 and DM34 of the Climate Emergency Review of the Development Management Development Plan Document Publication Version (January 2022).**
- 5.7.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least risk of flooding (following the sequentially and exception test) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.
- 5.7.2 The application is supported by an amended Flood Risk Assessment and Drainage Strategy. In accordance with the sequential approach to locating development in areas at least risk of flooding, as set out in national and local planning policy and guidance, the site is in floodzone 1 and is not affected by ground water or surface water flooding. As such, the principle of residential development is acceptable from a flood risk perspective.

- 5.7.3 It is, however, acknowledged there are areas close to the site where there is an increased risk of surface water flooding. Accordingly, it is important that the development does not increase that existing risk. It is also noted that there is a land drain along the northern boundary of the site, which was installed by the City Council to help alleviate surface water flooding from higher land entering property along Hawthorn Close/Avenue.
- 5.7.4 The application is supported by an updated drainage strategy which has sufficiently evidenced infiltration is an unviable solution for the development due to the existing ground conditions. In accordance with the SUDS hierarchy, the applicant therefore proposes the surface water from the development to be positively drained to an existing outfall on Artle Beck, via the existing land drain on the site. The drainage scheme has been designed to restrict surface water flows to the greenfield rate (Q<sub>bar</sub>) and will therefore comprise areas of attenuation and control flow devices through a piped network. The greenfield discharge rate will be divided with two outfalls: 9.7l/s into the diverted land drain and 2l/s for the access road connecting into the sewer in Hawthorn Close. The attenuation has been calculated and designed to account for climate change and will be provided in the form of below ground attenuation tanks on the area of open space in front of plots 8 and 9. The drainage strategy shall incorporate the former land drain but diverted from its former position. Additional land drains are also proposed along the northern boundary of the build development to deal with exceedance flows. Whilst it is disappointing above ground SUDS have not been incorporated into the drainage proposals, overall, the principle of the drainage strategy is acceptable with no objections received from United Utilities or the Lead Local Flood Authority. The final detailed drainage scheme shall be controlled by condition (based on the submitted and approved strategy), together with a scheme for long term maintenance and verification of the implemented scheme. A condition is also recommended to manage surface water flows during construction.
- 5.7.5 Proposed foul drainage will be drained separately from the surface water and will discharge to the existing adopted foul sewer in Hawthorn Close. This is an acceptable solution with no objection raised by United Utilities.
- 5.7.6 Despite local concerns over the increase in flood risk, the applicant has evidenced that there is a technical solution to sustainably drain the site, accounting for climate change, and ensuring flood risk would not be increased elsewhere. Accordingly, and subject to the imposition of relevant planning conditions listed in the recommendation, the development accords with the requirements of national and local flood risk planning policy.
- 5.8 **Biodiversity (NPPF: Chapter 15 paragraph 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**
- 5.8.1 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.
- 5.8.2 The site is located approximately 8km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Lune Estuary SSSI. Given the distance from the designated sites, it is considered that the proposal would not have a likely significant effect on the interest features for

which they have been designated. Natural England have confirmed this and have raised no objection to the proposal.

- 5.8.3 The application has been supported by a suitable ecological appraisal including reasonable surveys to assess the ecological value of the existing habitats and the use of the site by protected species. The assessment considers the main part of the site to be of low ecological value (poor semi-improved grassland where it is grazed by horses) and of higher value to the edge of the site in the area of marshy grassland. No notable protected species were recorded on site, other than low numbers of bats foraging, with an acknowledgement that birds are likely to utilise landscape features (trees and hedgerows) during nesting season. Despite objections to the contrary, the Council's ecology advisor (GMEU) is satisfied with the extent of survey effort and concurs with the assessment conclusions.
- 5.8.4 Mitigation and habitat enhancement is proposed in the form of extensive new planting, together with the protection, retention and bolstering of existing hedgerows and trees to the site boundaries and the retention of the marshy grassland. New bat roosting provision shall also be incorporated into the dwellings. GMEU recommend some precautionary reasonable avoidance measures for protected species that can be secured through an ecology protection and enhancement scheme by planning condition.
- 5.8.5 As discussed earlier in the report, the proposed development largely avoids the removal of the most distinctive landscape features on the site which also form important ecological corridors. The Council's Arboricultural Officer is satisfied the development provides a suitable buffer and level of protection to the boundary landscape features. Outstanding matters have already been discussed and verbal updates will be provided. Overall, however, the protection, retention and bolstering of the existing landscaping will form an important component of the site-wide ecological enhancement measures.
- 5.8.6 In line with policy DM44, and the recent passing of the Environment Bill, the council seeks to secure a meaningful biodiversity net gain (BNG) on development sites. The application has been submitted with an amended BNG matrix which indicates a significant increase in BNG on site (83% for habitat units and 39% for hedgerow units). GMEU had previously cast some doubt on the original forecast net gain but had not raised an objection. In response to the amended plans, GMEU maintain their position and have raised no objection to the proposals noting an improved net gain through the latest matrix. Securing the BNG is largely through the implementation of the amended landscaping scheme and other ecological measures such as bird and bat boxes, which shall be controlled by condition. The long-term maintenance of the retained and new habitat shall be secured by legal agreement.
- 5.8.7 It is considered that the development will provide a well landscaped scheme which positively incorporates and bolsters existing landscape features. The areas of open space, retained and bolstered boundary hedgerows and trees and retained marshy habitat, which will be improved as part of a long-term maintenance plan, and measures proposed to protect and enhance opportunities for protected species evidence the impact on biodiversity has been carefully considered and understood by the applicant. Overall, the development would not lead to a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition. The Council's own ecology advisors are also satisfied with the proposals. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD.
- 5.9 **Open Space NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM57 (Health and Well-Being) and Planning Advisory Note 4 – Open Space provision within New Residential Developments.**
- 5.9.1 The provision and access to open space is strongly encouraged in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies DM27 and DM57 of the DM DPD. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensure that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of

open space requirements, it recognises the importance open space and landscaping when promoting good health and well-being.

- 5.9.2 The site does not form part of any designated area of open space, nor are there any formal open spaces allocations adjacent to the site. Access to the surrounding countryside for existing and future residents shall be retained and improved as part of the proposal. This has been discussed earlier in the report. In terms of the provision of new open space, policy DM27 (and appendix D) requires approximately 400 square metres of amenity greenspace on site only. The development far exceeds this requirement and includes amenity greenspace to the south and southeast, a small area adjacent to plots 8 and 9 and in the north-western corner adjacent to plot 7. Some of these areas will also form part of the proposed drainage scheme and habitat enhancements. Given the small-scale nature of the development, no other open space typologies are required on site.
- 5.9.3 Off-site contributions towards children's play equipment and young persons provision have not been sought due to the specialist accommodation proposed (age restricted). Based on the proposed bedroom numbers and the methodology set out in the DM DPD, a contribution of £24,323.85 towards outdoors sports facilities and £6876 towards parks and gardens would be required. Williamson Park was identified as the project for the parks and gardens contribution. This has not been supported because the deficiencies in this typology are in Carnforth and the rural area and not in Lancaster. No alternative rural/Carnforth location where this contribution could be supported has been identified. Through our public realm team, Caton Parish council has indicated the bowling green and tennis club in the village are private clubs and therefore would not benefit the wider community. It has not been possible to secure a project to support outdoor sports provision (suitable for the aging population) on this occasion. The absence of a contribution towards outdoors sports facilities would not make the development unacceptable overall. The applicant has agreed that the provision and long-term maintenance of the proposed on-site amenity greenspace will be secured by legal agreement. Accordingly, the development is considered compliant with national and local planning policy.
- 5.10 **Sustainable Design and Renewable Energy** (NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change), Development Management DPD Policies DM29, DM30 and DM53 (Renewable and Low Carbon Energy Generation) and emerging policy DM30a-c of the Climate Emergency review of the DM DPD)
- 5.10.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new and additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.
- 5.10.2 Information regarding how the application will address energy and sustainability matters has been provided in support of the application within an amended Energy Statement. Current adopted Local Plan policy does not set a standard for reduction merely that opportunities are seized. However, the applicant recognises the direction of travel of both future Building Regulations and emerging planning policy and proposes several measures to positively contribute to mitigating against the impacts of climate change, including embedded design features (layout and orientation), sustainable drainage, promotion of sustainable travel and provision of EV charging, use of highly efficient gas boilers, mechanical heat recovery systems, enhanced fabric specification and the use of PV panels. With these measures, the applicant has demonstrated that the proposed dwelling houstypes reduces average fabric energy demand on the site by 7.73% over Part L1 2021 (approximately 22.73% over Part L1a 2013) and, along with the application of renewable technology, leads to a reduction in the average predicted carbon emissions of 2.84% over Part L1 2021 (33.84% over Part L1a 2013). The commitment here exceeds the requirements of Building Regulations and are in line with the National Planning Policy Framework 2021, which emphasises sustainable development, energy efficiency and reduction in carbon emissions, and the Council's emerging policy ambitions. It is therefore considered that the proposal complies with Policy DM30 and DM29 in relation to sustainable design.
- 5.11 **Education and Health** NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)

5.11.1 Planning policy requires the provision of school places to be given great weight in order to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Lancashire County Council School Planning Team have assessed the proposal and confirmed no school places (financial contributions) would be sought from this development if the development is restricted to over 55 years in accordance with their methodology. A legal agreement is proposed to control the occupation of the dwellings to over 55 years, therefore no education contribution will be sought. In the event this was not the case, and for information, a contribution of £53,481 would be required toward 3 primary school places at either of the two local primary schools.

5.11.2 The NHS Integrated Care Board (ICB) has made representations to the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 62 new patient registrations based on the housing mix in the application, which generates a contribution of £15,580. The ICB recognise that the growth generated from the proposed development would not trigger consideration of commissioning a new general practice; however, the ICB states the '*proposal would trigger a requirement to support the practice [Caton Health Centre] to understand how growth in the population would be accommodated and therefore their premises options*'. Therefore, it is not clear how the contribution would be used. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, the absence of a clear project here means the NHS request for contributions cannot be accepted at this time and would not be CIL compliant.

5.12 **Mineral safeguarding** NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals) and Guidance Note (December 2014)

5.12.1 The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.12.2 A Mineral Resource Assessment Report has been submitted to support the application. This assessment assesses the overall suitability of the site for future mineral extraction in accordance with policy M2. Whilst it does not assess the underlying geology in detail, given the relatively small-scale size of the site, the site topography, its landscape designation, the proximity to existing and approved residential development and the access constraints (for activities associated with mineral extraction), the prospect for mineral extraction being economically viable and environmentally suitable is considered limited. Officers concur with the applicant's assessment. The characterises of the site and its surroundings also limits the feasibility of any prior extraction before the development would take place. Accordingly, the development would not conflict with the policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

## **6.0 Conclusion and Planning Balance**

6.1 In accordance with the strategic development strategy for the district, the application site is located in a sustainable location for residential development. The provision of 25 bungalows to be restricted to the over 55years, at a time when the Council cannot demonstrate an adequate supply of housing, weighs substantially in favour of the development. Whilst regrettable, the lack of viability in this case has been demonstrated through a robust assessment by independent external experts so the absence of affordable housing has been justified in accordance with policy. Aside from the significant social benefits arising from the provision of special housing, other benefits arising from

the development include modest improvements to the existing public right of way (in terms of accessibility), upgrades to the local bus stops and some enhancements to lighting between the site and Brookhouse Road to create safer walking routes to public transport corridors. The proposal includes areas of public open space alongside the diverted public right of way, which will be available to the wider community in addition to appropriate maintenance and management of the landscaped areas to secure improvements to the ecology and landscape value of the site. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.

6.2 The main issues weighing against the proposal relate to the localised landscape impacts and poor design arising from the access arrangements and retaining features and the resultant conflict with the policies DM4, DM 29 and DM46 (and the corresponding sections of the NPPF). This harm is afforded moderate weight. The proposal also results in a degree of harm to the amenity of nearby residential property, though this is limited to a small number of dwellings with the harm mitigated to avoid significant detrimental impacts. These negative effects are afforded some weight. The adverse effects arising from the construction phases of the development can be minimised through mitigation and are temporary and therefore is afforded only limited weight in the planning balance.

6.3 On balance, whilst there are adverse impacts arising from the development, and a small degree of conflict with some policies within the Development Plan, these impacts (alone and in combination) are not considered to significantly and demonstrably outweigh the benefits of the proposal (namely, housing), when assessed against the policies of the Framework taken as a whole (the presumption in favour of sustainable development). For this reason, the Planning Regulatory Committee are recommended to support the application.

## Recommendation

That Planning Permission BE GRANTED subject to a legal agreement to secure the following:

- Occupation limited to 55 years and over.
- Provision of on-site amenity greenspace as per the approved layout plans.
- Provision of a Landscape and Ecological Creation Management and Maintenance Plan providing 30 years management.
- Setting up of management company for the ongoing maintenance of open space, landscaping and unadopted highway and drainage infrastructure.

and the following conditions:

Condition no.	Description	Type
1	Time Limit (2 years)	Control
2	Approved Plans	Control
3	Employment and Skills Plan	Pre-commencement
4	Details of the access, visibility splays and new retaining structures adjacent to the highway and implementation	Pre-commencement
5	Diversion of public right of way and details of the connections	Pre-commencement
6	Phase II Site Investigation	Pre-commencement
7	Archaeological investigation condition.	Pre-commencement
8	Surface water construction method statement	Pre-commencement
9	Construction method statement	Pre-commencement
10	Surface water and foul drainage scheme	Pre-commencement
11	Habitat and species protection and enhancement scheme including CEMP (and RAMS)	Pre-commencement
12	Precise finished finish flood levels and site levels	Pre-commencement
13	Material samples (dwellings and hard landscaping)	Before slab level
14	In accordance with Energy Statement with precise details of final scheme and PV panels to be agreed	Before slab level

15	Lighting scheme	Before installation of lighting
16	Detailed scheme for construction, heights and appearance of all retaining features on the site	Before construction of retaining features
17	Details of scheme for cycle storage provision	Before occupation
18	Off-site highway improvement to street lighting and 4 local bus stops to encourage and improve use of public transport	Before occupation
19	Management and maintenance of estate street prior to adoption	Before occupation
20	Validation, management and maintenance of surface water drainage scheme	Before occupation
21	Scheme for improvements to PROW gates/connections	TBC
22	In accordance with the AIA and Tree Protection Measures to be implemented before construction of development.	Control
23	Implementation of landscaping scheme	Control
24	Removal of PD	Control
25	M4(2)	Control

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

In accordance with the above legislation, Officers have 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