

Agenda Item	A5
Application Number	22/01463/OUT
Proposal	Outline application for the development of up to 23 residential dwellings and creation of a new access
Application site	Land East Of Arkholme Methodist Church Kirkby Lonsdale Road Arkholme Lancashire
Applicant	Oakmere Homes (Northwest) Ltd
Agent	Mr Daniel Hughes
Case Officer	Mr Andrew Clement
Departure	Yes
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The site is located on the southern periphery of the village of Arkholme, located to the east of the B6254 (Kirkby Lonsdale Road) covering a reduced area of 0.92 hectares. The existing use of the site is agricultural land enclosed by hedgerows to the western and northern boundaries (together with the existing Methodist Church Car Park), with open fields to the east and south. The land rises to circa 4 metres above the adjacent Kirkby Lonsdale Road to relatively level central section, and then falls away circa 7 metres in level difference towards the Public Right of Way to the east, and down to Bains Beck beyond the south of the site.
- 1.2 The application site is bound by Kirkby Lonsdale Road to the west, with Arkholme Methodist Church and a row of terraced cottages to the northwest, considered to be non-designated heritage assets along with Bainsbeck House on the opposite side of the Kirkby Lonsdale Road. The church carpark and churchyard land to the rear of the terraced cottages forms a designated open space area. To the north is 'The Shelling' development (planning reference 14/00895/FUL), a recently constructed residential development of 14 dwellings, with open fields to the east and south. A Public Right of Way (footpath no.4) immediately abuts the southern periphery of the site and runs from a west to east orientation, beyond which are further fields and Bains Beck. The site access is at a high risk of groundwater flooding above the surface, with other pockets of medium surface water flooding within the site. Beyond the site to the east, the area susceptible to surface water flooding in 1in30 year events, in line with an existing culvert, has been removed from the reduced proposed development area, although the application still suggests draining to this area. The strip of development area between the remainder of the site and Bains Beck to the south has also been removed within amended plans.
- 1.3 The site falls within the designated Open Countryside, and the western aspect of the site falls within a mineral safeguarding zone. The access and visibility splays are within the Arkholme Conservation Area, and a protect tree is situated to the land to the south of the proposed development. Arkholme Conservation Area is characterised by its linear plan form, which developed around the motte to the northeast of the village in the early medieval era. The village expanded in the C17 and many of the

extant buildings date to this era and later, with most buildings fronting directly onto the pavement. The historic road layout is extremely well-preserved and legible. There is great variation in plot sizes, but they are generally generous with large gardens to the side or rear (or both). Some are set back in large verdant grounds bounded by mature hedges, but despite variation in plot position, the historic buildings address the road. There is a strong historical and visual link to the surrounding countryside, which means the surrounding rural landscape contributes strongly to the conservation area's significance, and this setting has significantly retained the rural character of the village. The Conservation Area appraisal identifies the Wesleyan Methodist Chapel, Bainsbeck House and Chapel Cottages as positive buildings.

2.0 Proposal

- 2.1 The scheme proposes the erection of up to 23 units, a new access off the B6254, together with a new crossing and pavement footway to the northwest of the B6254. The application is in outline form, only seeking permission for the erection of up to 23 units and the new access into the site. Matters associated with layout, scale, appearance and landscaping would be assessed at the reserved matters stage, if outline consent is granted.
- 2.2 The proposed access into the site consists of a 5.5 metre road, in the same location as the extant permissions at the site. A pavement footway on the northern side of the new access with an uncontrolled pedestrian crossing is proposed to link with proposed pavement footways connecting to existing pavement provision on the B6254, circa 83 metres in length.

3.0 Site History

- 3.1 The proposal was presented to, and resolved to be approved in April 2023 by, the Planning Regulatory Committee (the full report is appended), following a member site visit on 17th April 2023. Under the scheme of public participation, it was proposed by Councillor Geoff Knight and seconded by Councillor Dave Brookes:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, 8 Councillors voted in favour of the proposal with none against and 4 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to a Section 106 legal agreement and planning conditions.

- 3.2 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00637/FUL	Erection of 23 dwellings with associated access, internal access road, installation of a package treatment plant and diversion of a culvert	Refused
21/01164/ELDC	Existing lawful development certificate for the lawful commencement of planning permission 15/01024/OUT and reserved matters consent 18/00645/REM	Granted
20/01160/NMA	Seeking to amend Condition 7, relating to a surface water drainage scheme, attached to planning application 15/01024/OUT. Amend the trigger point at the beginning of the condition and remove the offending tailpiece at the end of the condition	Refused
18/00645/REM	Reserved matters application for the erection of 16 dwellings (C3)	Approved
15/01024/OUT	Outline application for the erection of up to 17 dwellings, associated access, provision of a new church car park and a new footway along the B6254	Approved

4.0 Consultation Responses

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

Consultee	Response
Arkolme-with-Cawood Parish Council	Objection , flooding from increased pressure on culvert, no mains sewerage despite application form checklist, increased density from extant consent, proposed development fails to enhance or preserve the character and appearance of the Conservation Area, insufficient visitor parking, increased traffic failing to ensure that highway safety is maintained or improved, Arkholme is an unsustainable village due to lack of services and facilities with schools at capacity, lack of public consultation. Amendments raised additional concerns regarding removing elements from the development area, particularly drainage arrangements, visibility splays and footpath omissions.
Cadent Gas	No objection , informative note regarding works within proximity to gas infrastructure.
County Highways	Support the principle of development, subject to condition and s278 for highway improvements of Stop and Give Way thermoplastic lines, carriageway centre line markings, gateway treatment measures, hedgerow management, street lighting, northerly footway and defined crossing point, and tying into an existing footway in the vicinity of Arkholme Methodist Church. Recommend further conditions for construction management plan and wheel washing, in addition to financial contribution of £6,605 to highway projects predominantly in Lancaster and Morecambe.
County Education	No objection , subject to contribution to proportionate primary and secondary school places at nearest schools within the district.
Environmental Health	No observation received
Environment Agency	No objection , informative note required regarding wastewater hierarchy and environmental permitting.
Historic England	No adverse comment
Lead Local Flood Authority (LLFA)	No objection , operational standards achievable, subject to planning conditions for a Final Surface Water Sustainable Drainage Strategy, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System, plus informative regarding Ordinary Watercourse (Land Drainage) Consent. Amendments have raised concern as to whether a legal agreement with a third party is now required to secure access to this land for the construction, inspection, operation and future maintenance of the culverted watercourse and surface water outfall over the lifetime of the development, which the Local Planning Authority should satisfy itself that appropriate arrangements are in place to secure any off-site works.
Conservation Section	Unable to fully assess the outline application due to lack of information. The proposal would result in minor harm (less than substantial harm) to the significance of both the Conservation Area, rear views of the conservation area on the west side of Main Street and the NDHAs via their settings. While these problems may be overcome by high quality sensitive design and layout, and by retention of a buffer area free of development around the Methodist Church, more detail is required in order to confirm that this is the case. Design principles and particularly maintaining key view of the gable elevation of the Methodist Church encouraging, but limited indicative information.
Tree Protection Officer	Not provide enough detail to determine the full impact of the development. Information relates just to the access rather than the site as a whole, and current

	information submitted represents a net loss of hedgerows where a net gain would be expected.
Fire Safety Officer	No objection , subject to informative regarding emergency vehicle access and water provision.
Public Rights Of Way (PROW)	No objection , subject to installation of drainage to ensure that surface water is not directed onto or near a PROW, all landscaping at least 3 metres from PROW to keep the PROW clear, and all footpath connections must be minimum 2 metres wide constructed surface, only using stile/gates where necessary.
Ramblers Association	No observation received
Public Realm	No objection , subject to contribution to open space, towards amenity green space and outdoors sports and young persons provision for sports pitches and young persons equipment at Arkholme Village Hall. Parks or Gardens contribution also sought.
Lancashire Constabulary	No objection , but advocate that new residential development should be designed using the security principles and security rated products as stated in the 'NEW HOMES 2024' Design Guide.
NHS	No objection, subject to £14,075 contribution to Ash Tree Surgery in Carnforth. Objection in absence of requested contribution.
United Utilities (UU)	No objection , subject to implementation in accordance with the submitted Flood Risk Assessment (FRA) and Drainage Strategy, management and maintenance of Sustainable Drainage Systems (SuDS) through planning condition, and informative regarding water and wastewater services and UU property.
Engineering	No observations received.
Planning Policy	<p>The scale of the development and its relationship with the existing settlement is a key consideration. Development should be well related to the existing built form of the settlement, be proportionate to the scale and character of the settlement, be located where the environment and infrastructure can accommodate the impacts of expansion and where the scheme demonstrates good siting and design in order to conserve and where possible enhance the character and quality of the landscape. Development should be in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping, both the individual and cumulative impacts of a proposal.</p> <p>The tenure of affordable homes is split into 50/60% affordable/social rent and 50/40% intermediate tenure, and as such the proposal should be amended to 5 homes for rent and 4 for home ownership.</p> <p>The proposal makes no provision to address national policy and guidance with regard to multifunctional SuDS or the emerging policies which reflect the national policy and guidance.</p>
Strategic Housing	No observation received
Lune River Trust	Objection , proposal does not adequately incorporate SuDS interventions, attenuation pond should be included, and treated foul drainage should be intercepted by a natural storage/treatment feature prior to discharging into the beck.
Waste And Recycling	No observation received

Economic Development	No observation received
Archaeology	No objection , subject to a condition for scheme of archaeological investigation and implementation of a programme of works to be agreed.
Natural England	No observation received
Greater Manchester Ecology Unit (GMEU)	No objection , subject to planning condition for an updated protected species appraisal, no works during nesting season, and Great Crested Newt (GCN), mammal and amphibian avoidance measures. Recommend a bird and bat box strategy through planning condition, SuDS measures to prevent negative impacts on the ecological status of the watercourse and biodiversity net gain metric is provided based on the final site layout if permission is granted that clearly demonstrates 10% net gain.
Lancashire Minerals	No observation received

4.2 **3 objections** have been received from local Member of Parliament (David Morris MP, Morecambe and Lunesdale), County Councillor (Cllr Phillippa Williamson, Lancaster Rural North) and Ward Councillor (Cllr Stuart Morris, Kellet Ward), raising the following concerns and reasons for objection:

- Over-development of the site, overcrowded density, resulting in a significant adverse impact on the character and appearance of the immediate surrounding area
- No change from recently refused proposal.
- Disproportionate to the small scale of Arkholme (circa 25% increase).
- Incongruent with the rural environment.
- Deficiencies in submitted Heritage Statement, proposal does not preserve Arkholme Conservation Area and Non-Designated Heritage Assets (NDHAs), for development in elevated prominent gateway position.
- Arkholme is not a sustainable settlement, with few amenity and local schools and services already at capacity.
- Fail to protect neighbouring residential amenity.
- Insufficient information regarding drainage and the cumulative impact of any sought culvert, and drainage to a beck with a history of flooding that would be exacerbated by the proposal.
- Submergence of the outfall from Bains Beck results in water backing up this pipe, flooding neighbouring residential areas, exacerbated by this proposal.
- Incorrectly states there is an existing foul drainage network locally.
- Insufficient information regarding Biodiversity Net Gain (BNG).
- Fails to demonstrate that the development ensures that highway safety and efficiency is maintained or improved, insufficient visibility splays proposed.
- Limited public transport available locally.
- No engagement with the community prior to the submission.
- No safe pedestrian access to the village.
- Amendments omit visibility splays, drainage routes and walking provision impacts.
- It would seem sensible to see on a smaller site a reduction in the number of dwellings.

4.3 **20 objections** have been received from members of the public, plus an **objection** from a neighbouring residential management company, raising the following concerns and reasons for objection:

- Overcrowded inappropriate density of development for rural location of Arkholme. Urban density (over 40 dwellings per hectare developable area) and likely appearance. Excessive overdevelopment of the site, increased density through amended reduced development area.
- Disproportionate expansion of the small rural village of Arkholme (circa 25% increase), cumulative impact with other recent developments (Sheilings and Herb Gardens).
- Elevated and prominent site.

- Harm to the Conservation Area and NDHAs without significant public benefits to outweigh this.
 - Lack of landscaping and green buffer.
 - Detract from the appearance, character, setting, landscape of the village, particularly as viewed from the open aspect on the main approach from the south.
 - Adverse effect on the nearby designated Area of Natural Beauty.
- No evidence to support housing quantity proposed, increased by 40% over previous approvals and a 130% on 2015 housing land availability assessment.
 - Poor standard of submission, presenting old information and lack of details.
 - A detailed (full) planning application should be required.
 - Concerns regarding the timings and outcome of the submitted ecology assessment, and lack of detail of the proposal and methodology in the submitted heritage assessment.
 - No BNG within the proposal
 - Lack of community consultation.
 - No/little change from recently refused proposal.
- Unsustainable location for development
 - No provision for a footpath link to the village on what is a very unsafe stretch of road
 - Visibility splays and drainage routes
 - Lack of amenities and services to support such additional population.
 - Part time post office, primary school at capacity, most other facilities/services several miles away.
 - Concern this could lead to further development still beyond the application site.
 - Lack of housing need in Arkholme
 - The only need for more housing in the village is affordable sustainable housing
 - Detract from residential amenity standards of existing dwellinghouses, particularly at The Sheilings. Loss of views and overbearing from existing dwellinghouses, which are at a lower topography
- Existing culvert through the site, which forms the outflow from surface and treated wastewater from neighbouring residential areas, has a long history of backing up and flooding after storm events, concerns the proposal would exacerbate this, lack of assessment of existing pipe.
 - Water levels in Bains Beck rise very quickly following storms, concerns the proposal would exacerbate this and flood risk.
 - Submergence of the outfall from Bains Beck results in water backing up this pipe, flooding neighbouring residential areas, exacerbated by this proposal.
 - Direct and maintenance impacts of developing over the culvert.
 - No mains sewerage available locally.
 - Flood risk to properties at lower topography to the north.
 - Highway safety concerns regarding appropriateness of the sought access in an area evidenced to have an existing speed compliance issue.
 - Insufficient access visibility splays.
 - Poor public transport locally, over-reliance on private car ownership.
 - Impact on adjacent footpath to the south (public right of way footpath no.4).

5.0 Analysis

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

- Principle of development, affordable housing and mix
- Landscape and heritage impacts
- Residential amenity and energy efficiency
- Access, transport and parking
- Flood risk and drainage
- Trees and ecology
- Other matters

5.2 **Principle of development, affordable housing and mix** Development Management (DM) DPD DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), DM4 (Residential Development outside Main Urban Areas), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3 (Development Strategy for Lancaster District), SP6 (The Delivery of New Homes), SP9 (Maintaining Strong and Vibrant Communities), H2 (Housing Delivery in Rural Areas of The District), National Planning Policy Framework (NPPF) Section 2 (Achieving sustainable development), Section 4 (Decision-making), Section 5 (Delivering a sufficient supply of homes) Section 11 (Making effective use of land)

5.2.1 Arkholme is a small rural village located within the Lune Valley, which is no longer identified as a sustainable rural settlement through policy SP2 of the SPLA DPD, but as a 'Rural Village' covering all other settlements that did not achieve the criteria to be considered sustainable settlements as part of the Strategic Housing Land Availability Assessment (SHLAA). Policy DM4 stipulates that proposals for new housing in such settlements, which have not been identified as sustainable settlements, will only be supported if it can be demonstrated that the development will enhance the vitality of the local community and meet an identified and specific local housing need. The site is not an allocated site through the local plan listed within SPLA DPD policy H2 for housing delivery in rural areas of the district, but has been identified in the SHLAA in 2018 as a deliverable site for 17 dwellinghouses. It is worth noting that the site is considered deliverable in the SHLAA due to an extant permission for outline and reserved matters consents for 16 dwellinghouses.

5.2.2 The proposal seeks 23 dwellings, 7 more than the current implementable consent at the site. The principle of residential development at the site is established by this extant consent and the SHLAA. Given the council's current position in being unable to identify 5 years of housing land supply, and the acute requirement to provide housing and affordable homes, the delivery of addition units at the site can be supported in making effective use of land and the contribution this modest uplift would make in addressing the lack of housing land supply and affordable homes at policy compliant affordable homes provision. To ensure the proposal meets a specific local housing need, the housing mix should be controlled through planning conditions to accord with the mix provided in DM DPD policy DM2, and at least 20% achieving M4(2) accessible and adaptable homes. Affordable housing should also be controlled to ensure this provides 40% on-site, as the application proposes 9 affordable units should 23 dwellings be provided, and controlling this as a percentage rather than quantum of dwellings would allow a policy compliant provision if fewer total number of dwellings are progressed at reserve matters. The affordable provision should also be controlled to meet local housing need in terms of housing mix, with equal or greater level of affordable/social rent than shared ownership, and to be distributed and largely indistinguishable from open market housing, again to ensure this meets a specific local housing need. This can be controlled through legal agreement.

5.2.3 Despite Arkholme no longer forming a sustainable settlement in associated policies, given the extant consent, the current deficiency in housing land supply, combined with the services available in Arkholme for a school, village hall, public house and every 2-hour bus service to larger settlements, in principle providing additional dwellings at the site could be supported. Whether NPPF paragraph 11.d) is engaged due to this housing land supply issue will depend on any protected areas or assets of particular importance provides a clear reason for refusing the development proposed. Such matters include national heritage assets and areas at risk of flooding, amongst others, which are matters explored in a following section of this report. If granted, a tilted balance would need to be reassessed at reserved matters stage, as matters of scale, design, layout and landscaping would undoubtedly have impacts upon heritage and other matters.

5.2.4 Such an approach of delivering additional homes with the same site area would require a much higher concentration of development above the extant position. Further information was sought prior to determination regarding a parameters plan, design code and precedent images, to evidence how the sought number of dwellings may be provided. Whether such a quantum of development can be satisfactorily accommodated in this location, whilst enhancing the vitality of the local community, remains largely unevidenced. With the development area reduced and considered to be circa 0.57ha, provision of 23 dwellings at the site would result in a suburban density of over 40dph (dwellings per hectare). A suburban style of development, such as that proposed in the preceding

refused full application and shown within some precedent images, would again be considered inappropriate at this site.

5.2.5 This could be explored in full as part of a subsequent reserved matters application, and if development cannot be satisfactorily accommodated at this density, the up-to figure allows this to be reduced, as occurred with the preceding extant outline and reserved matters approved at this site. Evidence from the preceding refused full application at this site demonstrates that provision of 23 dwellings here across a larger site area has been unacceptable, and whilst it remains to be seen whether such a quantum can be satisfactorily provided, national planning policy seeks avoid low density development and make optimal use of the potential of each site, whilst maintaining prevailing character. Given the outline nature of the proposal for an up-to figure, this can be assessed through a subsequent reserved matters application, if outline consent is granted. 40dph is considered to be high density, and particularly for such a rural location, but cottage style apartments and mews of small rows of terraced dwellings could provide appropriate development at higher density. Ultimately if a satisfactory scheme for 23 units cannot be devised, with the proposal as an up-to figure, this could be reduced to fewer units through the reserved matters process, as occurred previously.

5.2.6 Given the current housing demand/supply position and provision of 40% affordable homes, addressing an acute housing need, combined with the fact the proposal seeks an up-to figure that could be reduced through reserved matters, it is considered that in principle the proposal can be supported as an up-to figure. The design, layout, landscape and scale, including precise quantity of dwelling proposed (at a maximum of 23), would all form reserved matters. As such, and given the proposal seeks policy compliant 40% affordable homes with housing mix controlled to comply with policy, it is considered that the proposal in principle can be supported as an up-to figure. The weight attributed to benefits of additional housing, and whether the tilted balance is engaged through this proposal, will be explored in the concluding paragraphs.

5.3 **Landscape and heritage impacts** Development Management (DM) DPD DM29 (Key Design Principles), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Heritage Assets or their settings) DM42 (Archaeology), DM46 (Development and Landscape Impact), Strategic Policies and Land Allocations (SPLA) DPD SP7 (Maintaining Lancaster District's Unique Heritage), EN3 (The Open Countryside), National Planning Policy Framework (NPPF) Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment), Section 16 (Conserving and enhancing the historic environment), Listed Building and Conservation Areas Act 1990 paragraphs 72 and 73, National Model Design Code (NMDC)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policy DM38. DM38 sets out that development within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

5.3.2 The vast majority of Arkholme village is covered by a Conservation Area, with only the contemporary village hall and a cluster of properties separate to the northeast of the village, adjacent to the railway line, beyond the boundaries of Arkholme Conservation Area. Arkholme Conservation Area is characterised by its linear plan form, which developed around the motte to the northeast of the village in the early medieval era. The village expanded in the C17, and many of the surviving buildings date to this era and later, with most buildings fronting directly onto the pavement. The historic road layout is extremely well-preserved and legible. There is great variation in plot sizes, but they are generally generous with large gardens to the side or rear (or both). Some are set back in large verdant grounds bounded by mature hedges, but despite variation in plot position, the historic buildings address the road. The surrounding views of agricultural land has significantly retained the rural character of the village, and the views are predominantly of rolling countryside and some distant

views of fells, which emphasises the secluded rural setting of Arkholme. The conservation area appraisal identifies the Former Welseyan Chapel, Bainsbeck House and Chapel Cottages as positive buildings, which are adjacent to the application site and all three are considered to form non-designated heritage assets (NDHA) of local importance, and positively contribute to the national heritage asset conservation area.

5.3.3 The application is in outline form, therefore, matters of layout, scale, landscaping and appearance are for subsequent approval and will be determined at the reserved matters stage. However, given the prominent elevated location at a key gateway and approach to the Conservation Area, a high-quality scheme that compliments the character and quality of the landscape and the Conservation Area would be essential at reserved matters stage. A standard suburban housing estate would appear incongruent and provide a harmful contrast to the rural character and heritage of Arkholme and the surrounding countryside. Given the prevalence of low heights of development in the village, elevated nature of the site and importance of maintaining the countryside setting and views of this rural village, it is considered appropriate to restrict the heights of the proposed dwellings on this site to no more than 2 storey. This is particularly important given the increase density, to restrict inappropriately ways of addressing this with tall multistorey development. Trying to compress density through taller developments would harm the setting and heritage of the area, and taller townhouse style development would appear incongruent.

5.3.4 Development of the site would be expected to accord with the linear settlement pattern, built in local materials such as natural sandstone under grey slate in diminishing courses with individuality and vernacular construction, gabled roofs and traditional mullion windows, in low rise development retaining views of open countryside. In addition, boundary walls and landscaping offer further potential for mitigation, with details of the boundary and surface treatment to be controlled through planning conditions given the visual and heritage impacts such works would make. In short, a standard homogenous suburban housing estate would be inappropriate and harmful in this location, particularly given the prominence of the site as an extension to the settlement rather than an infill, and the scale of development in proportion to the existing scale of the village of circa 100 properties. Whilst the sought maximum number of units could result in a suburban density of development, whether this can be appropriately provided and mitigated through positive housing mix, design, layout, scale and landscaping to ensure this is high quality and sympathetic to this rural historic setting would form part of any subsequent reserved matters, if granted outline consent. Housing mix will likely play a key role, which should be controlled through planning condition to meet a full range of housing local need.

5.3.5 The application site is highly prominent on the approach to the Conservation Area. The rise in topography from the south on the approach to the Conservation Area allows for clear views to the NDHAs and the proposed development site, which is emphasised by the rising topography of the site itself. Views of the Methodist Church and Bainsbeck House on arrival into the Conservation Area would therefore be affected by the proposal, with the application site on the cusp and partially within the Conservation Area. Development of the site would result in a degree of harm to the significance of both the Conservation Area and the NDHAs via their settings. A high-quality and sympathetically designed and density development would likely cause relatively limited harm to heritage assets, whilst a standardised scheme using suburban house types and layouts could result in a significant degree of heritage harm leading to a clear reason for refusal of this protected heritage area. Engaging a tilted balance at outline stage does not automatically carry across to any subsequent reserved matters, which will need to address heritage matters sympathetically and appropriately for this approach and balance weighting to be applied at any subsequent reserved matters proposal. However, overall, it is concluded that the principle of housing development on the site for up-to 23 dwellings would cause limited harm to the significance of heritage assets, which must be weighed against the public benefits of addressing an acute housing and affordable homes need in the planning balance.

5.3.6 The submission has included a written scheme of investigation, outlining archaeological works to be undertaken. This is considered to being an acceptable approach to recording archaeological interest of the site and will be controlled by planning condition.

5.4 **Residential amenity and energy efficiency** Development Management (DM) DPD DM2 (Housing Standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM57 (Health and Well-

5.4.1 A further constraint to the density of development for 23 dwellinghouses across the site is maintaining and providing satisfactory residential amenity standards, particularly given the topographical changes across the site. Whilst separation distances of 12 and 21 metres are required when openings face opposing blank and active elevations respectively, this increases by 1 metre distance for 0.5 metre change in finished floor levels (FFLs). The site rises to the north boundary and centre of the site, with neighbouring dwellings to the north set at a lower topography and changes across the site necessitating increased separation distances due to likely differences in finished floor levels (FFLs) across the site.

5.4.2 The precise site levels and FFLs can be controlled through planning condition, and given the fact this is a rural greenfield site with a character for ample gardens within the village, there is no urban grain justification for reduction in such distances and failure to achieve policy compliant garden areas to provide inappropriate density. Again, this would largely fall within reserved matters, and the outline as sought at present would not detract from neighbouring nor residential amenity standards within the site as an up-to figure. To ensure each dwellinghouse offers suitable residential amenity standards in accordance with DM DPD policy DM2, accordance with Nationally Described Space Standards (NDSS) should be controlled through planning condition. Subject to such conditions, the outline proposal results in no undue harm to residential amenity standards, with other impacts relating to residential amenity impacts through design, scale and layout to be assessed at reserved matters stage.

5.4.3 The energy statement submitted with this proposal details an enhances energy specification within the table below. These offer benefits above building control requirements, offering benefits in addressing the climate emergency, but also benefits to future occupants in terms of affordability of ongoing bills associated with occupation of such dwellinghouses. Subject to the enhanced specification and minimum 4% betterment detailed within the energy statement being controlled through planning condition and delivered as part of a detail scheme, this is considered to form a betterment, abliet with modest weight in favour given this is 4% above minimum standards.

Element	Part L 2013	Enhanced Specification
Wall	0.30W/m ² K	0.17-0.22 W/m ² K
Roof	0.20W/m ² K	0.11-0.14 W/m ² K
Floor	0.25W/m ² K	0.14 W/m ² K
Glazing & Doors	2.00W/m ² K	1.20-1.60 W/m ² K
Air Test	10m ³ /h.m ² at 50Pa	5.00m ³ /h.m ² at 50Pa

Table 5 - Enhanced Specification Summary & Comparison

5.5 **Access, transport and parking** 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), DM64 (Lancaster District Highways and Transport Masterplan), Appendix E (Car Parking Standards), Strategic Policies and Land Allocations (SPLA) DPD policies SP10 (Improving Transport Connectivity), T2 (Cycling and Walking Network), National Planning Policy Framework (NPPF) Section 9 (Promoting sustainable transport)

5.5.1 The proposed vehicular access onto Kirkby Lonsdale Road is in the same location and similar to the extant access of the previously approved scheme, although this excludes the church parking provision within the application site, and the existing church parking area and existing vehicular access point is to remain within the visibility splay. Whilst the number of residential units using this access through the proposal could increase from 16 to 23, the proposal no longer includes 12 church parking spaces using the proposed access point. As such, the intensity of use of the proposed access is considered to be similar to the extant arrangement, albeit likely more continuous than intermittent peaks associated with a communal car park to a church.

5.5.2 It is acknowledged that there is a speed compliance issue locally, and as such off-site highway works are necessary to ensure visibility splays are appropriate to local road speed, rather than just the speed limit. Such speed control measures suggested within the County Highway consultation response include road markings, gateway measures to highlight to approach into the village, vegetation, lighting, provision of a pavement footway and a defined pedestrian crossing adjacent to the site, in addition to full details of the proposed pavement, crossing and vehicular access to the

site. Such measures should be controlled through planning condition, and delivered through a section 278 process. Whilst the red edge reduction through amended plans removes some of the aforementioned measures from the development area, correspondence with County Highways details that the adopted highway land is over 10 metres wide to the north of the site, and that the pavement can be provided within existing highway land with setback from the adjacent hedge. As such, the red edge developable area reduction in this area should not prevent delivery of the above off-site highway works on highway land through planning condition and section 278 process.

- 5.5.3 Given the limited bus service locally and restricted walking provision of narrow pavements requiring multiple road crossings to access the services within Arkholme, providing a direct link between the development and the public right of way network to the south is essential to discourage superfluous vehicle movements for short trips, and encourage sustainable transport. The red edge development area crosses this public right of way, and connection to this should be controlled through planning condition. To mitigate the highway impacts during construction, a construction management plan (CMP) should be controlled through planning condition. Subject to such planning conditions, the proposal is considered to cause no undue harm to highway safety.
- 5.5.4 County Highways have requested £6,605 towards delivering various highway developments in Lancaster and Morecambe. Given that Motorway Junction 34 is 7.5 miles from the site, and other highway projects sought for contributions are even further than this, it is also difficult to reach a planning view that the development should be refused if this was not provided, and fails to comply with the Community Infrastructure Levy (CIL) tests of being reasonable, necessary and proportionate for a development at such a separation. As such, this contribution will not be sought, and aforementioned visibility splays, CMP and off-site highway works are considered suitable mitigation to ensure no adverse impact upon highway safety, despite the fact that at present vehicle speeds may exceed the speed limit locally.
- 5.5.5 Car parking provision would be explored as part of any subsequent reserved matters application, however given the rural location and limited sustainable transport options available, policy compliant parking spaces would be expected, namely 2 parking spaces for 2/3 bedroom properties, and 3 parking spaces for 4 or more bedroom properties. Given the rural location and lack parking space to the front of dwellinghouses across the majority of the village, parking spaces would be expected to be between properties, rather than directly in front of them, particularly to the prominent southern end of the site. This would accord with the submitted indicative Design Principles of less visible parking and garages, avoiding vehicles dominating the streetscene. To encourage uptake of sustainable alternative transport options, cycle storage and direct footway connection from the site to the existing PROW footpath just beyond the southern boundary to the site should be controlled through planning condition. EV charging points are now required through building regulations, and as such should not be repeated in planning condition requirements.
- 5.6 **Flood risk and sequential test Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change)**
- 5.6.1 The submitted flood risk assessment identifies the site as within Flood Zone 1, with the majority of the site at very low risk of surface water flooding. The area east of the reduced site area is at high risk of surface water flooding, likely to be impacted during 1in30 year surface water flooding events in-line with the existing culvert at the eastern edge of the site, which also forms a natural lower channel running north to south, with higher topography land to both the east and west of this furrow. This area has been removed from the development area through amended plans.
- 5.6.2 Whilst the submitted flood risk assessment concludes it is unlikely that groundwater will produce flooding problems, the British Geological Survey (BGS) Groundwater data used to inform the Strategic Flood Risk Assessment (SFRA) shows that the proposed site vehicular access and entrance to the site is at high risk of groundwater flooding, with potential for groundwater flooding to occur at surface, and slightly further within the site medium groundwater risk for potential for groundwater flooding of property situated below ground level. It has previously been demonstrated that infiltration is not feasible at the site.

- 5.6.3 New development in areas vulnerable to flood risk are required to meet the Sequential and Exception Tests as appropriate, and to demonstrate the site is not at risk of flooding and would not increase the risk of flooding elsewhere. The sequential test is to be applied to steer development to areas with the lowest risk of flood from any source. Whilst there is a fallback position for 16 dwellinghouses at this site, the proposal intensifies the impact of flood risk, placing more proposed properties at such risk, and through high density development making avoiding development in areas at flood risk more difficult to avoid. Whilst a sequential and exceptions test has repeatedly been requested, no such information is forthcoming, and the applicants' positions remains that one is not required.
- 5.6.4 On this basis of the failure to provide a sequential test, and the proposal not being minor development nor change of use exempt from sequential test, it is considered that the required sequential test fails. It cannot be concluded that there are no reasonably available sites within the district that could accommodate the proposed development that are at a lower risk of flooding. Failure of the sequential test means that it is not necessary to apply the exception test.
- 5.6.5 NPPF paragraph 168 states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, whilst the associated flood risk and coastal change guidance states that where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed. The proposed development seeks dwellinghouses, within the 'More Vulnerable' classification, namely future residents' homes, and the impact of groundwater flooding blocking the sites only vehicular access point and domestic properties themselves within the site would have serious consequences for future occupants of the development.
- 5.6.6 The proposed vehicular entrance to the site is at high risk of groundwater flooding risk, with potential for groundwater flooding to occur at the surface (above ground). The BGS groundwater dataset has no greater flood risk level than this. Whilst this would largely impact the site access, and likely open space to the south beyond the submitted parameter plan area for residential development, under such a flood event this could prevent vehicular access and egress from the site to escape such flood events. There is no known flood warning system for groundwater flooding in Arkholme, and no mitigation as part of the proposal or flood risk assessment for this risk. Further within the site, there is an area of medium risk of groundwater flooding. Whilst the approved development for 16 dwellings has the front part of one approved dwellinghouse in this area, the extent of More Vulnerable development within the proposal would be greater, with a larger extent of the proposed residential area of the parameters plan impacted by this flood risk. Higher density of development would concentrate more properties into the site, and consequently into areas at risk of flooding.
- 5.6.7 The NPPF and associated national guidance attaches great significance to avoiding flood risk, and directing new development to the areas of lowest risk. It is considered that the failure of the sequential test and lack of conclusive evidence in directing development to areas at the lowest risk of flooding has substantial harm weighing against this proposal. This is due to the severity of significance placed on the failure of the sequential test within the NPPF and guidance, along with the risk and extent of impact from high and medium risk of groundwater flooding above the surface flooding at the sole proposed vehicular access and dwellinghouse that are 'More Vulnerable' to the impacts of such flooding. Areas at risk of flooding are defined as assets of particular importance, therefore the policy protection referred to in footnote 7 of the NPPF is relevant to this proposal. For that reason, a normal planning balance as opposed to the tilted balance previously discussed, is engaged, due to the failure to provide a sequential test, and development that does not steer development to areas with the lowest risk of flood from any source. For these reasons, the application is considered to be contrary to DM DPD Policy DM33 and NPPF Section 14, and is unacceptable in terms of flood risk.
- 5.7 Drainage 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), DM36 (Protecting Water Resources and Infrastructure), DM57 (Health and Wellbeing), Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 14 (Meeting the challenge of climate change, flooding and coastal change), Section 15 (Conserving and enhancing the natural environment)**

- 5.7.1 A culverted watercourse lies just outside the site's eastern boundary and flows from the north to the south to discharge into Bains Beck, circa 75 metres south of the site. The culvert is a 375mm diameter pipe with a minimum fall of 1 in 625, and the submitted updated drainage details that this has a capacity of 72 l/s. It is proposed for a restricted discharge from the developed site of 9 l/s to be discharged into the culverted watercourse, at the pre-development greenfield runoff rate. The submitted drainage information lacks detail, and the suggested drainage scheme relies on works to the culvert to accommodate the discharge rate. Specifically, to accommodate the 9 l/s discharge from the site, the culvert will require to be laid at 1 in 500 giving a capacity of 81 l/s, which is an additional 34mm of fall over a section of culvert, before the existing culvert is of sufficient gradient.
- 5.7.2 The submitted flood risk assessment states that the developer has control over land to the south. Whilst the amended application removed the slither of red edge development area linking the remainder of the amended application site directly to Bains Beck, through the course of this application Officers have been provided a copy of the Transfer Deed, which is understood allows the right to lay a surface water drain from the application site to Bains Beck. As such, from the information available, it appears that a suitable outfall can be provided within the developers control through current legal agreements. The recently received Lead Local Flood Authority consultation response returns no objection, but on the very clear proviso that the required off-site works to the culvert are able to be constructed, inspected, operated and maintained for the culverted watercourse and surface water outfall over the lifetime of the development. The Transfer Deed provides suitable control over such service media.
- 5.7.3 The precise nature of the drainage scheme, and how this would be attenuated to discharge at a controlled rate, has yet to be explored. This would be expected to be provided through multifunctional sustainable drainage features close to where it falls, mimicking natural drainage as closely as possible. However, whilst the submitted drainage information lacks this detail, there is sufficient outfall and opportunity to explore this fully through pre-commencement planning condition for a final detailed drainage strategy. This should be received before or alongside a reserved matters application to ensure layout does not prejudice the delivery of sustainable drainage features. Further conditions for the management/maintenance and verification of implemented drainage, and a construction surface water management scheme, will be necessary to ensure impacts upon drainage are satisfactorily mitigated from commencement and throughout the lifetime of the development. Such planning conditions are recommended with the no objections received from LLFA and UU. Subject to such conditions, to the proposal is considered to be acceptable with regards to flood risk and drainage.
- 5.7.4 Whilst the planning application form erroneously details that mains sewer will be used for foul sewage, the site and drainage plan detail a package treatment plant and pumping station. Whilst there is very limited detail regarding foul drainage, given the lack of mains sewer in the vicinity, a package treatment plant is the sequentially preferable option. The drainage and outfall of treated water is less certain from discussions over the Transfer Deed, particularly over the rights of laying drainage over third party land for surface water. However, this does appear to allow connection to the existing culvert, and given the likely lower flows of treated water, and potential to restrict such flow rates, subject to details of the proposed foul drainage controlled through planning condition and legal arrangements, it is considered that foul drainage can be resolved through suitable design and scale of package treatment plant.
- 5.8 **Trees and ecology** Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland), Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment), National Planning Policy Framework (NPPF) Section 15 (Conserving and enhancing the natural environment)
- 5.8.1 Development of the site access can only be provided through the removal of circa 25 metres of roadside hedgerow, to provide the 5.5 metre wide access, north side pavement and associated visibility plays. Hedgerows play an important role in the amenity of the rural area and the character of the Conservation Area; however, this is unfortunately an inevitable loss to ensure a safe means of access and egress to the site. Replacement hedgerow planting is proposed behind the visibility splays adjacent to the site access, returning some of the lost appearance in the medium term. This in itself does not sufficiently mitigate the loss of hedgerow, which should be adequately replaced

with additional planting within the site to mitigate the ecological and amenity impacts of the hedge removal required.

- 5.8.2 An Arboricultural Impact Assessment (AIA) has been submitted, detailing protection of other hedgerows and trees to the east of Kirkby Lonsdale Road, although a boundary hedge on the west side of this road is detailed for removal to facilitate the new proposed footway pavement along this road. Further information has been sought to evidence that the road, pavement and hedgerow can be retained or replanted in this location, to ensure there is no permanent loss and ideally protection in this location. The information provided details an adopted highway width of 10 metres in the locality, corroborated by County Highways. With off-site highway improvements for traffic calming measure by road narrowing, there should be sufficient space for the provision of a suitable rural pavement and hedgerow along the west side of Kirkby Lonsdale Road. A final Arboricultural Method Statement and Protection Plan should form part of pre-commencement conditions, hopefully exploring the retention of this western hedge and reducing the requirement for replacement planting, which is currently not fully detailed as part of this application. Landscaping would form a reserved matter, if outline consent is granted. The submitted Ecology Appraisal details that 10% increase in biodiversity net gain is achievable as meaningful net gain, primarily through hedgerow planting, although trees would be expected within this given national planning policy requirement for tree lined streets.
- 5.8.3 Given the layout and extent of landscaping is unknown at this stage, it is necessary that an updated metric is provided as part of the reserved matters application, that clearly continues to demonstrate 10% net gain can be secured. It would not be a reserved matter itself, but it is important that it is considered as part of the layout and is integral to the proposed landscaping. Accordingly, a Section 106 Agreement is required to secure the required net gain in biodiversity, together with a monitoring and maintenance plan for a 30-year period. It is therefore appropriate to include the Landscape and Ecological Creation and Management Plan within the legal agreement rather than as a condition. Overall, it is considered that whilst hedgerow loss is unfortunate particularly in short term landscape and heritage terms, ecology and landscaping can be mitigated through a sensitive layout and design at reserved matters stage and within the inclusion of the aforementioned planning obligation.
- 5.8.4 In addition to concluding that biodiversity net gain of 10% is achievable, the submitted Ecology Appraisal details additional mitigation recommended within this document to protect and enhance ecology. Work should take place during daylight hours, hedges to remain untouched between March and September or professionally inspected prior to works, mitigation for excavations and gaps beneath boundary treatments, new bat and bird roosting/nesting provisions across the site. Given potential impacts upon protected species and proportionate mitigation for this potentially changing from the point of impact at commencement of development, these should be updated and informed through details within a pre-commencement planning condition, with mitigation measures updated accordingly depending on the findings.
- 5.9 **Other matters (employment, education, open space, health, and minerals)** Development Management (DM) DPD policies DM27 (Open Space, Sports and Recreation Facilities), DM28 (Employment and Skills Plans), DM32 (Contaminated Land), DM57 (Health and Wellbeing), Appendix D (Open Space Standards and Requirements), Strategic Policies and Land Allocations (SPLA) DPD policies: SP9 (Maintaining Strong and Vibrant Communities), National Planning Policy Framework (NPPF) Section 8 (Promoting healthy and safe communities), Section 12 (Achieving well-designed places), Section 17 (Facilitating the sustainable use of minerals), Minerals and Waste Local Plan
- 5.9.1 This application has met the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP details how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. As such, and given mitigation would likely be met during construction phase of the development itself, this should be controlled through pre-commencement planning condition to ensure any consent granted delivers the ESP requirements.
- 5.9.2 It is crucial that development coming forward makes provision for essential community infrastructure, and education would fall within this. Whilst public consultation responses and the Parish Council have stated that the local primary school is currently at capacity, County Education now conclude that based on pupil projections there is a surplus of local places at both primary and secondary

education locally, and this surplus is greater than the number of places likely generated by the proposed development. As such, at the point of agreeing the obligations and legal agreement through this proposal, there is no requirement for this contribution. County Education is currently being reconsulted to ensure this remains the case, and if any updated position is received this will be reported either prior to or verbally at committee, but the last known position was that there are surplus local school spaces projected, and therefore a contribution would not be CIL compliant.

- 5.9.3 There is a deficiency of amenity green space, young people's provision and quality of outdoor sports provision within the Carnforth/Rural area, and a lack of any 'parks and gardens'. The provision of up to 23 dwellinghouses would place addition pressure on the already deficient provision, and as such on-site provisions and financial contributions to these open space requirements should be controlled through legal agreement. The exception to this is 'parks and gardens', as there is no suitable facility within appropriate proximity for any contributions to be spent. Amenity greenspace could be proportionately provided on site, particularly given the expected setback of dwellings from Kirkby Lonsdale Road and potential multifunctional benefits of surface SuDS provision. Contributions would be calculated at reserved matters stage, proportionate to the number of bedrooms provided across the development, and should be controlled as such through legal agreement.
- 5.9.4 The NHS have requested contributions, however unfortunately these cannot be accepted at this time. No evidence has been provided by the NHS justifying the need or cost for the proposed works to the medical centre. Accordingly, the request does not meet the required CIL regulations tests.
- 5.9.5 A Phase 1 GeoEnvironmental Desk Study has been submitted with this application, identifying low risk of contamination from land use and to controlled waters. The study recommends soil samples are contamination tested during geotechnical investigation, and subject to this being carried out and submission of a remediation method statement if required through planning condition, the proposal can be made safe for construction workers and any future occupants.
- 5.9.6 The application site access and western end of the site is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development.
- 5.9.7 The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. The application site partially covers the eastern edge of the mineral safeguard area, and whilst this would modestly reduce the theoretical potential area of extraction, this would not restrict extraction from the wider safeguarded area. Furthermore, given the topography of the site; its position in relation to surrounding land also allocated for mineral safeguarding, which is dissected by rural roads and scattered development; and the proximity of the site to residential property, that the application site is highly unlikely to attract significant commercial interest in the land for mineral extraction. As such, the proposal is considered to cause no undue harm to the very limited potential for mineral extraction locally.

6.0 Planning Obligations

- 6.1 A Section 106 Legal Agreement is sought to secure the following:
- 40% provision of affordable housing (percentage, size, type, phasing to be agreed at Reserved Matters stage based on local housing needs and the tenure of affordable homes split into 50/60% affordable/social rent and 50/40% intermediate tenure);
 - Detail, contribution and provision for open space (to be calculated at Reserved Matters Stage).
 - Biodiversity net gain, including an updated metric at the time of a reserved matters application, that continues to demonstrate 10% net gain and a Landscape and Ecological Creation and Management Plan showing 30 year management.

- Provision for long term drainage, open space and landscaping/BNG, maintenance and management company; and,

7.0 Conclusion and Planning Balance

- 7.1 The proposal to deliver up to 23 dwellings (7 additional dwellings to that secured by the extant permission) offers greater social and economic benefits of additional housing, particularly at a time when there is a lack of housing land supply. The extant permission and the proposal are both policy compliant in terms of proportion and number of affordable homes, albeit given the additional units the proposal will deliver a proportionate level of additional affordable homes. Given the position on housing land supply, a moderate degree of positive weight is attached to the provision of 7 additional dwellings and associated economic benefits, and a significant degree of positive weight is attached to the delivery of affordable homes at a time where there is a particular demand for affordable homes.
- 7.2 At this outline stage, a limited level of less than substantial harm to heritage assets has been identified, with high quality and sympathetic design and layout required at reserved matters stage required to maintain harm at such a level. Given the aforementioned consideration in terms of addressing housing and particularly affordable home supply, it is considered that this offers sufficient justification and public benefits to outweigh heritage impacts. As such, heritage matter would not provide a clear reason to refuse permission.
- 7.3 Whilst previous planning permissions have been granted at the site, and this application has been before members before, since committee last resolved on this the local planning authority has received legal advice relating to flooding matters, albeit for a different scheme and dismissed appeal within the district. It is considered that a flood risk sequential test and exceptions test should be undertaken, due to the way these were undertaken within the plan making process and subsequent subtle NPPF alterations. This requirement has been relayed to the planning agent and applicant, who have informed that a sequential test will not be provided, as they consider this is not required.
- 7.4 The site lies within an area at risk of groundwater flooding, and areas at risk of flooding is defined as an area or asset of particular importance referred to in associated footnote 7. When a site is at risk of flooding from any source, it would need to first satisfy a sequential test. There is no exemption to provision of a sequential test for such a proposal, and with the deliberate omission of this required assessment, the Council cannot be satisfied that it is not possible for development to be located in areas with a lower risk of flooding. The failure to satisfy the sequential test means the proposal cannot demonstrate if there are other sites that would be sequentially preferable at a lower risk of flooding. The potential effects of flooding could be serious, particularly as the high risk of flooding to the proposed site access is the only vehicular access and egress to the site, combined with the More Vulnerable nature of the development to the impacts of flood risk.
- 7.5 The failure of the sequential test is a critical matter in this case. This means that the tilted balance in paragraph 11 d) of the NPPF, engaged by the lack of a 5 year housing land supply, is disengaged by footnote 7 and 11 d) i. of the Framework. The failure to satisfy the sequential test is also considered to be a clear reason for refusing the development, both by the conflict with Policy DM33 of the DM DPD, Policy SP8 of the SPLA, and the NPPF and associated guidance. This matter is of overriding substantial harm, outweighing the totality of housing and economic benefits of the proposal, given that there could be other sites that are sequentially preferable to develop that would avoid flood risk. The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and due to the lack of any sequential test as part of this application, the proposal constitutes unjustified inappropriate development in an area at risk of flooding. Whilst there is a fallback position for 16 dwellinghouses to be developed at this site through previous permissions, this does not justify exacerbating the risk and impacts of flooding through delivering additional dwellinghouses and higher density of development as proposed.

Recommendation

That Outline Planning Permission BE REFUSED for the following reason:

1. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The proposed site access is within an area that is at high risk of groundwater flooding, with further areas of medium groundwater flooding within the site. The failure to provide a Sequential Test does not satisfy the requirements of the Sequential Test, and has not satisfactorily demonstrated that the development cannot be accommodated elsewhere within the district that would be at a lower risk of flooding. Therefore, the proposal is contrary to policy DM33 of the Review of the Development Management Development Plan Document, policy SP8 of the Strategic Policies and Land Allocations Development Plan Document, and Section 14 of the National Planning Policy Framework.

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

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None