

<b>Agenda Item</b>	A6
<b>Application Number</b>	24/00948/VCN
<b>Proposal</b>	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (pursuant to the variation of condition 2 on planning permission 20/00358/OUT to amend the location of the pedestrian access)
<b>Application site</b>	Land At Grid Reference E349246 N471955 Sand Lane Warton Lancashire
<b>Applicant</b>	Oakmere Homes
<b>Agent</b>	Mr Daniel Hughes
<b>Case Officer</b>	Mrs Eleanor Fawcett
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval subject to a deed of variation to the existing Section 106 Agreement

## 1.0 Application Site and Setting

- 1.1 The site relates to approximately 0.7 hectares of undeveloped grassland field within the village of Warton. The site lies to the southwest of the main village centre and to the northwest of Sand Lane, with existing residential properties opposite. Sand Lane functions as the main vehicular route between Silverdale and Warton. Undeveloped agricultural land lies to the North of the site, with the Warton Crag Quarry Nature Reserve located approximately 500 metres further north. In terms of topography and undulation, the site's levels fall from the southwest to the northeast by approximately 7 metres across a 100 metre section. This gives the appearance of a gentle slope as opposed to a steep gradient.
- 1.2 On its southeast boundary, the application site is bounded by an existing hedge adjacent to Sand Lane and the northeast boundary of the site comprises an existing hedgerow. A public footpath (FP2) runs parallel to the site's northeast boundary which affords walking links to Crag Road before tracking West to connect to New Road. The existing footpath link (FP2) is to be retained and is not to be relocated or diverted as a result of this development.
- 1.3 The site is located within the Arnside and Silverdale National Landscape (formally Area of Outstanding Natural Beauty) and the Countryside Area as identified in the Local Plan. Most of the site is within an allocation for residential development within the (site AS21 W88) within the Arnside and Silverdale AONB Development Plan Document.

## 2.0 Proposal

- 2.1 Outline planning permission was granted in February 2023 for the erection of up to 12 dwellings, with approval for the site access, following a resolution at planning committee in July 2021. This

application seeks to vary the requirements of condition 2 on the outline permission. Condition 2 relates to the approved plans and seeks to amend the vehicular access to solely one access point rather than two, remove a pedestrian access onto Sand Lane from the southwestern end of the site frontage, and introduce a pedestrian access to the public footpath to the northeast of the site. A previous application to vary the requirements of conditions was submitted earlier in the year. This application was refused but also related to more conditions and sought the approval of other matters.

### 3.0 Site History

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

Application Number	Proposal	Decision
24/00389/VCN	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses (Pursuant to the variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 22 on planning permission 20/00358/OUT to revise the plans and provide further details)	Refused (under delegated powers)
24/00443/REM	Reserved matters application for the erection of 12 dwellings	Refused (under delegated powers)
20/00358/OUT	Outline planning application for the erection of up to 12 2-storey dwellings and creation of 2 new accesses	Approved
20/00556/EIR	Screening request for the erection of up to 12no. dwellings	ES not required

### 4.0 Consultation Responses

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

Consultee	Response
Warton Parish Council	<b>No comments received</b>
County Highways	<b>No objection.</b>
Public Rights of Way Officer	<b>No comments received</b>
National Landscape Partnership	Consultation period expires 28 November 2024
Peak and Northern Footpaths Society	<b>Comments.</b> The use of any public right of ways and the safety of users must not be affected by the development, nor during the work taking place.
Ramblers Association	<b>No comments received</b>

4.2 Three responses have been received from members of the public which raise an objection to the proposal and set out the following concerns:

- **Designated landscape:** more suitable sites outside AONBs
- **Ecology/ biodiversity:** loss of hedgerows
- **Flood risk:** Increase risk of flooding to properties from runoff; impact on the road safety from runoff; implication to ground conditions from compaction during construction
- **Highway safety:** access to the site is on the bend/hill
- **Public right of way:** affect right of way for walkers; speed of vehicles using Sand Lane
- **Residential amenity:** overlooking due to position of proposed dwellings; impact during construction from dust, noise and traffic.
- **Loss of agricultural land:** the land is cropped and grazed
- **House prices**

One further response has been received which does not raise an objection or support the applications but raises the following concerns:

- Development on greenfield land
- Flood risk to existing properties from run-off

## 5.0 Analysis

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

- Highway safety
- Impact on the character and appearance of the area including the impact on the National Landscape
- Flood risk and drainage
- Impact on trees and ecology

5.2 **Highway Impacts: NPPF section 9 (Promoting Sustainable Transport), Strategic Policies and Land Allocations (SPLA) DPD policies T2 (Cycling and Walking Network) Development Management (DM) DPD policies DM29 (Key Design Principles) DM60 (Enhancing Accessibility and Transport Linkages) and DM61 (Walking and Cycling)**

5.2.1 The outline permission approved a main vehicular access to the serve the development, in addition to a second vehicular access which was anticipated to serve two dwellings. The current application seeks to amend the vehicular access into the site to provide one main access point, with a pedestrian access added to link from the site to the public footpath to the northeast. The vehicular access is proposed in a similar location to the main access previously approved and would have a footway on one side. County Highways have no objections and similar conditions can be imposed. It is therefore considered that this alteration will not have a detrimental impact on highway safety and provides an appropriate vehicular access to serve the development.

5.2.2 The pedestrian link to the public right of way would provide a slight improvement to the scheme. County Highways have advised that this aspect would not be considered for adoption, however it can be privately maintained through the management company that would be set up. A footway was previously shown further to the southwest of the site's frontage and it is not considered necessary to make the development acceptable, particularly given its relatively small scale. It also did not link directly to a footway.

5.2.3 Overall, the changes to the access, proposed by this application, are considered to be acceptable in terms of highway safety and comply with the relevant local and national planning policies.

5.3 **Design and Landscape Impacts NPPF: sections 12 (Achieving well-designed and beautiful places) and 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN2 (Areas of Outstanding Natural Beauty); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact; Arnside and Silverdale AONB Development Plan Document 2019: Policies AS02 (Landscape), AS04 (Natural Environment), AS08 (Design) and AS21 (W88) (Land North West of Sand Lane)**

5.3.1 The proposed amendments to the approved plans would remove one of the previously proposed vehicular accesses into the site, in addition to a pedestrian access. These both required the removal of sections of hedgerow. As such, the proposed changes will provide an improvement to the natural environment and the visual amenity of the street scene from the original approval. The proposed path within the site will occupy an area of open space to the front, however this would be behind a hedgerow and it is not considered that this would have a detrimental impact in visual terms. The pedestrian link to the public right of way will require the removal of a section of boundary wall. This would be a relatively small part of the wall and its loss is considered to be outweighed by the benefits of providing a link to the public right of way.

5.3.2 The proposed alterations to the approved accesses to the site are likely to provide some visual improvements, due to the opportunity to retain more of the hedgerow, and overall they are considered to be acceptable and comply with local and national planning policies, including those detailed above specifically relating to the National Landscape.

5.4 **Residential Amenity** NPPF sections: 8 (Promoting Healthy and Safe Communities), 12 (Achieving Well-Designed and Beautiful Places) and 15 (Conserving and enhancing the natural environment): Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.4.1 The proposed changes only relate to the accesses to the site and do not seek approval for the scale, layout or design of the dwellings, which would be considered at reserved matters stage. As such, it is considered that the proposal will not have a detrimental impact on residential amenity.

## **6.0 Conclusion and Planning Balance**

6.1 The principle of the development has been established through the granting of the original outline permission. This application seeks to amend the approved plans, covered by condition 2, in relation to the proposed access. This is the only matter which was approved by the original permission. It is considered that the proposed changes are acceptable in terms of highway safety, residential amenity and landscape impact and complies with the relevant local plan policies and the NPPF.

### **Recommendation**

That Permission BE GRANTED subject to a deed of variation to vary the original S106 Agreement to tie it to this permission and the following conditions, which includes the updated wording to condition 2 to cover the submitted plans:

Condition no.	Description	Type
1	Time limit and submission of reserved matters	Standard
2	In accordance with plans	Standard
3	Land contamination condition	Pre commencement
4	Submission of a surface water drainage scheme	Pre commencement
5	Submission of a surface water drainage scheme during construction	Pre commencement
6	Submission of access details	Pre commencement
7	Submission of site level details	Pre commencement
8	Hedge translocation and delivery of visibility splays	Pre commencement
9	Off site highway works	Pre commencement
10	Provision of pedestrian linkage	Pre commencement
11	Boundary treatments	Above ground level
12	EV points and cycle stores	Above ground level
13	Submission of foul drainage scheme	Pre occupation
14	Verification / maintenance for surface water drainage	Pre occupation
15	Ecological enhancements	Pre occupation
16	Homeowner packs	Pre occupation
17	Specification of internal estate road	Pre occupation
18	Ecological mitigation measures (site specific)	Control
19	Houses to be NDSS compliant	Control
20	Houses to be compliant with M4(2) Building Regulations	Control
21	Removal of permitted development	Control
22	Subject to the scheme agreed under condition 8, retention of hedge	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant

material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

**Background Papers**

None