

Agenda Item A6	Committee Date 31 May 2017	Application Number 17/00073/FUL
Application Site Land Adjacent Aikengill Scotforth Road Lancaster Lancashire		Proposal Erection of 7 dwellings with associated new access and cycle paths
Name of Applicant Fellside Land Developments Ltd		Name of Agent JWPC Chartered Town Planners
Decision Target Date 24 April 2017		Reason For Delay Committee Cycle and ongoing negotiations
Case Officer		Ms Charlotte Seward
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The proposed site lies to the east of the A6 and is surrounded by residential development to the north, east and south, including Collingwood Park, Oakwood Gardens, Mulberry Lane and Brantwood Drive. The site is an undulating area of unmanaged grassland, whose ground level is elevated above the A6. The boundaries of the site are characterised by a retaining wall and hedgerow to the west and hedgerow to the east of the site. To the south is a boundary fence. A group of trees to the south of this boundary are protected by a Tree Preservation Order. There is an existing public right of way (footpath no.55) which runs through the site and is well used by local residents for dog walking. The site is not allocated for development within the existing or emerging Local Plan.

2.0 The Proposal

- 2.1 This full application seeks to develop the site for 7 4-bed houses with associated access, parking, drainage and landscaping. The scheme also includes the provision of a cycleway to form part of the Strategic Cycle Network.
- 2.2 Each of the dwellings is proposed to have a garden space and access to 2 or 3 parking spaces, with 5 of the dwellings having a garage each. The dwellings will be brick faced and will feature a projecting gable to their front elevation and external chimney breasts to the side. The site will be regraded to facilitate its development with retaining walls between the gardens of each unit. A scheme for landscaping and planting is proposed.
- 2.3 An access is proposed to be created onto the A6 Scotforth Road. The access road will split to the south to serve units 1-4 and to the north to serve units 5-7. The proposal also includes the formation of a shared use cycleway running along the east of the site from north to south.

3.0 Site History

- 3.1 Pre-application advice was provided in April 2016 (Ref: 16/00316/PRETWO) for a proposal at this site for 14 dwellings. The advice given identified that the principle of housing at this location could

be considered acceptable but that issues such as streetscene impact, spatial standards, footpath/cycle linkage, lack of amenity space and highway arrangements resulted in a proposal that could not be supported at application.

- 3.2 A subsequent application (16/01037/FUL) for 13 dwellings with associated access and regrading of land was withdrawn. This was principally in relation to the number of the dwellings proposed and highway safety concerns.

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>No objection subject to conditions - construction of the access to base course before commencement of development within site; completion of the access in full (including visibility splays to 2.4m x 73m) prior to occupation of any unit; agreement and implementation of a scheme for provision of a share use cycleway; agreement of scheme for off-site highway improvement works for the provision of traverse stop and give way thermoplastic lines, and a construction method statement.</p> <p>Further comments have also been received in relation to the third party objections regarding the impact of this proposal on the deliverability of Bailrigg Garden Village. County Highways' view is that the Garden Village is not yet committed, and whilst the Aikengill development may compromise initial access proposals, as shown on the plan, the design could be changed. Furthermore, it is noted that a formal safety audit would only be required in the event that an access was proposed on the land to the west of the A6 where this formed part of the proposals for the Aikengill site.</p>
Planning and Housing Policy Team	<p>Comments – Site is located within the urban area of Lancaster where sustainable development can be supported in principle. Key considerations include the Council's lack of a 5 year housing land supply, the impact of the scheme on the highway and any other adverse impacts. This scheme may be able to be supported where any impacts do not significantly and demonstrably outweigh the benefits of delivering much needed housing.</p> <p>Further comments have been provided about the proposed development in relation to Bailrigg Garden Village, stating that a determination to refuse this proposal on grounds of prematurity at this time could not be sustained.</p>
Tree Protection Officer	No objection subject to conditions – scheme for planting, implementation of Arboricultural Report.
United Utilities	No objection subject to conditions – pre- commencement conditions in relation to separate foul and surface water systems, provision of surface water drainage in relation to the drainage hierarchy as set out in the NPPF, management and maintenance of surface water drainage system.
Environment Agency (EA)	Comments – refers the Council to the EA's standing advice.
Lead Local Flood Authority (LLFA)	Comments – It is not listed in the 'When to consult the LLFA document or in the Development Management Procedure Order 2010.'
Ramblers Association	Comments - Request for the cycleway to be formally adopted preferably as a bridleway and that the whole length of the public right of way is modified accordingly.

5.0 Neighbour Representations

- 5.1 Within the 6 letters of objection received at the time of compiling this report, the following material planning concerns were raised:

- Safety of the proposed highways access and cycleway entrance in relation to the proposed Booths access and proposed access for Bailrigg Garden Village;
- Traffic generation and the impact on traffic congestion and air quality;
- Safety and amenity of proposed cycleway, including the potential impact on the security of surrounding residential properties;

- Prematurity in relation to the Bailrigg Garden Village;
- Loss of amenity of the public footpath from open natural path to enclosed path by high timber fences;
- Impact of loss of the hedgerow on habitat and amenity;
- Responsibility of the management of retained hedgerow;
- Scale of two-storey dwellings in relation to neighbouring properties and the levels of the site;
- Adverse impact on scale and design of new dwellings on privacy of existing neighbouring properties; and,
- Objection to suggested use of Mulberry Lane as an alternative access on amenity of the residential of Mulberry Lane.

5.2 Two representation of objection have been received from landowners, PEEL and Bryan G Hall on behalf of CEP, to the west of the A6 opposite from the proposed development site. CEP objects on the grounds of prematurity in relation to Bailrigg Garden Village and the potential for conflict with access onto the A6 and over the railway line. They have also raised concern about the design of the access in relation to visibility and potential for backing onto the highway. Bryan G Hall, on behalf of CEP objects on the grounds of prematurity in relation to Bailrigg Garden Village and the potential for conflict with access onto the A6 and the proposed bridge over the railway line, the acceptability of access in relation to Booths access, and acceptability of the impact of traffic generation from the proposal. They also request a Road Safety Audit of access in relation to the Booths access or the potential Bailrigg Garden Village access.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 80 – Sustainable Drainage

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-

making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

- SC1: Sustainable Development
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirement
- SC5: Quality in Design

6.4 Development Management Development Plan Document (DPD)

- NPPF1: Presumption in favour of sustainable development
- DM20: Enhancing Accessibility and Transport Linkages
- DM21: Walking and Cycling
- DM22: Vehicle Parking Provision
- DM23: Transport Efficiency and Travel Plans
- DM27: The Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM39: Surface Water Run Off and Sustainable Drainage
- DM41: New Residential Development
- DM48: Community Infrastructure

7.0 Comment and Analysis

7.1 The main issues are:

- Principle of development
- Housing Land Supply
- Housing Mix
- Affordable Housing Contribution
- Site Layout
- Scale, Design and Appearance
- Residential Amenity
- Access, Parking and Traffic Generation (including prematurity in relation to Bailrigg Garden Village)
- Cycleway
- Surface Water Drainage Scheme and Foul Drainage
- Public Open Space
- Impact on Trees and Proposed Landscaping Plan
- Habitat
- Contamination

7.2 Principle of Development

7.2.1 The site is located within the urban area of Lancaster, which in addition to the existing urban area of Morecambe, Heysham and Carnforth, is where Policy SC2 seeks to direct 90% of all new dwellings within the District. Policy requires that development proposals are directed to where sustainable travel patterns can be achieved, should minimise the need to travel by private car and maximise opportunity for walking, cycling and public transport. This site can be considered to be sustainable in relation to transport and access to services. It is within 200m of bus stops north of the site on A6 and bus stops on Collingham Park. In addition it is located close to existing cycle network and includes the provision of a cycleway to develop part of the strategic cycle network. It is located within 250m of a petrol station, 530m to a supermarket and within 1km of a primary school. As such this location can be considered to be able to access sustainable modes of transport.

7.2.2 Whilst this site is unallocated and not previously developed, it is bounded by residential properties to the north, south and east, and the A6 to the west. As such this site is very much situated within an established area of housing and its development for housing would fit within the wider landscape character. The site is not allocated as Public Open Space, however, it is a currently a field with a designated public right of way across the site. This proposal would lead to the loss of current, natural

green space, but within 200m of the site there is access to an urban greenspace/nature corridor which links to a number of open spaces – which including Collingham Park, Abbeystead Drive, Lentworth Drive, and the outdoor sports facilities at Barton Road Playing fields and Royal Albert (both within 1.2km of the site). As such, it is considered that the redevelopment of this parcel of land can be considered acceptable.

- 7.2.3 Given the location of this development within the urban centre, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for housing is supported in principle, subject to detailed matters being acceptable.

7.3 **Housing Land Supply**

- 7.3.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Where the development plan is out of date, or the local planning authority does not have a 5 year housing land supply permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.
- 7.3.2 The 2016 Housing Land Monitoring Report (HLMR) and accompanying 2016 Housing Land Supply Statement (March 2017) identify a five year supply position of **3.9 years** against its adopted housing requirement of 400 dwellings per annum. As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer the opportunity for housing delivery should be considered favourably.

7.4 **Housing Mix**

- 7.4.1 Policy DM41 of the Development Management DPD requires that new residential development must provide an appropriate dwelling mix in accordance with the Lancaster District Housing Needs Survey or other robust evidence of local housing need. The proposed development is for seven 4-bed houses. The Council's 2015 Lancaster Independent Housing Requirement Study (2015) identifies a need for between 553-763 dwellings per annum between 2013 and 2031. The study noted that the majority of stock within Lancaster is 3-bed homes, with a relatively smaller proportion of 4-bed homes within the housing market. Further it notes this there is a high proportion of households in Lancaster which contain at least one fewer bedroom than required. The 2013 Meeting Housing Needs SPD identifies that the predominant need is for semi-detached, terraced, & flats/maisonettes house types, of the 2 and 3 bed size. The 2011 Local Housing Needs and Demand Survey identified need in market housing for detached (19.9%) and 4-bed (15.4%) houses.
- 7.4.2 Whilst the proposal would not be meeting the predominant need for Lancaster identified in 2013, this does not exclude the delivery of detached 4-bed homes. Furthermore, the 2011 Survey identified need for detached 4-bed homes. The more recent 2015 study carried out to support the Strategic Housing Market Assessment suggested that there may be less supply in the 4-bed home market. As such the delivery of 7 4-bed homes would still assist in delivering a balanced housing market. Given the constrained nature of this site, and the density of the surrounding residential development, the delivery of a single house type at this site can be considered to be acceptable.

7.5 **Affordable Housing Contribution**

- 7.5.1 Policy DM41 (New Residential Development) requires for development in urban locations to contribute up to 20% on site affordable housing for developments of 5-14 units in urban locations. However, National Planning Practice Guidance (NPPG) paragraph 31 (under Planning Obligations) was revised in November 2016 to identify specific circumstances where contributions should not be sought from small scale development. These circumstances include contributions from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 sq.m (gross internal area). The Draft Development Management DPD which has just completed a consultation stage of the Local Plan process has updated Policy DM41 (now Draft DM3) to fall in line with the current NPPG. This requires that residential developments that exceed 1000 sq.m *and* comprise 10 units or less will be required to make a 20% financial contribution towards the delivery of affordable housing in the District in the form of a commuted sum payable on completion of the units. This proposal is under 10 units. Further information has been submitted to confirm that the combined gross floor space of the development is 999.6sqm and as such does not

exceed this threshold. In accordance with NPPG, there is no requirement for affordable housing provision (or financial contribution) for the proposed development at this location. However, should the applicant seek to vary the approved plan (condition 2) in the future in such a manner that the development exceeded 1000 sq.m, then a financial contribution could be secured at that time.

7.6 Site Layout

7.6.1 The site is constrained by the surrounding housing development, the existence of the public right of way across the site, the topography of the site, the proximity and orientation of neighbouring properties, protected trees and the need to create an access onto the A6. The site layout has had to respond to these in a way which manages these constraints but also delivers a comprehensive design.

7.6.2 The previous submission for 13 homes (16/01037/FUL) was considered to be an overdevelopment of the site and to have a poor layout design. This proposal has reduced the number of dwellings to be delivered. This has allowed the siting of the dwellings to have a density which reflects the surrounding housing development, has a better relationship with the streetscene as viewed from the A6, and allows the development to be better situated in relation to existing houses to ensure appropriate levels of residential amenity. These elements will be discussed in more details in the following assessment.

7.7 Scale, Design and Appearance

7.7.1 Policy DM35 of the Development Management DPD requires that the new development should make a positive contribution to the surrounding landscape. There is a large diversity of housing types and styles in this residential area from bungalows to two storey houses with a range of forms and materials. Oakwood Gardens to the south has two storey houses with a variety of roof forms including asymmetric roof slopes and split ridge heights. It also includes a variety of materials, including full brick elevations, render and timber cladding. The properties on Mulberry Lane are dual pitched with a projecting gable on the principal elevation, external chimney breasts and attached garages. The materials utilised are render and hanging tile cladding.

7.7.2 The proposed dwellings would be two-storey dual-pitched dwellings with a projecting gable and external chimney breast, echoing the scale, form and style of the properties on Mulberry Lane. The facing materials would be brick and artstone with concrete grey tiles, which is reflective of properties on Oakwood Gardens and the wider area of Collingham Park. The dwellings would appear elevated above the road due to the proposed levels of the site. However, this would be in the context of the adjacent residential properties which are set at a higher ground level than this site. Subject to the control of materials the scale, design and appearance of the proposed houses would be sympathetic to the character of the surrounding residential properties.

7.8 Residential Amenity

7.8.1 Policy DM35 sets out the key design principles which new development should address. The following assessment addresses overlooking, overbearingness, overshadowing, garden space and facilities for refuse and recycling.

7.8.2 Overlooking

7.8.2.1 Proposed housing should be designed to ensure that new dwellings are as private and as free from overlooking as possible. As a general rule a distance of 21m between habitable windows and 12m between windows and a blank elevation should be achieved. Between the proposed houses the 12m distance between windows and blank/side elevations has been maintained. However, to ensure privacy is maintained the first floor bathroom window will be required to be obscure glazed by condition of any permission granted.

7.8.2.2 The distance between facing habitable windows of the new proposed units exceeds the 21m for all the units with the exception of units 3 and 4 which at its closest point is 17.6m. This was raised as an issue with the developer, however, no change to the plans have been made. Given the constraints of the layout of this site it is difficult to see how this distance could be increased. As a standalone issue it is not considered to be so adverse that it could not be considered acceptable.

- 7.8.2.3 In relation to the existing neighbouring properties the rear elevation of 1 Oakwood Gardens is within 16m of unit 3. At ground level the intervening hedgerow and fence will ensure that no adverse impact on privacy for both properties. At first floor level 1 Oakmere Gardens has the potential to overlook on proposed unit 3 with a potential for an adverse impact. Given the constraints on the layout it is difficult to overcome this by adjusting the layout as this would promote impact on other properties within the site. On balance though it is not considered to be sufficiently adverse to refuse.
- 7.8.2.4 The concern for units 3 and 4 is the combination of the distance between existing properties, the facing between units 3 and 4 and the relationship to the cycleway. The layout is not proposed to be amended due to the likelihood of this creating separate issues. However, it is possible to mitigate the impact from the cycleway by raising sections of the boundary treatment to 1.8m and by having landscaping to help screen any views from the cycleway. As such conditions requiring the final details and fencing can be secured by condition. On balance it is considered that the dwellings' amenity would not be so adversely affected that it would warrant refusal. The impact of the cycleway in relation to units 4 and 7 can also be managed by control over the fencing and landscaping.
- 7.8.2.5 The relationship of Units 1 and 2 with the existing neighbouring properties, 2 and 3 Oakwood Gardens, is 18m and 12m respectively. This is acceptable for habitable room to blank elevation. Any impact is limited by the angle of orientation of the neighbouring properties to each other.
- 7.8.2.6 In relation to 1 and 6 Mulberry Lane these properties are on a higher ground level and present blank elevations to the proposed units 3 and 4. As the blank elevations of units 3 and 4 face these elevations and are of a distance of 12m, this relationship can be considered acceptable. In relation to Aikengill, the closest proposed property is Unit 7 and this is of a distance of 18m at its closest point. The angle of the properties to each other and the physical separation by boundaries together will ensure that there would be no adverse impact on either properties.
- 7.8.3 Overbearingness
- 7.8.3.1 The topography of the site results in the ground level of the proposed units varying by a significant amount. Units 1, 2 and 3 will be stepped up in terms of finished ground level. This will result in the scale of unit 2 relative to unit 1 being perceived as larger, and 3 relative to 2. It is proposed that the boundaries between the properties would be 1.8m, but together with the proposed retaining walls this would be perceived as a 3m boundary on the lower side. This will be in addition to the side elevation of the proposed unit adding 1-1.2m to the overall perceived height of the dwelling. This would not affect the amenity within units 1 or 2 due to the side elevations facing each other having no windows with exception of the obscure glazed bathroom window on unit 2. Unit 2 will perceive unit 1 as being lower and as such can be considered acceptable. However, this would have an impact on the amenity of the garden. Unit 1 would have an unimpeded outlook to the west and as such the impact can be considered not to be detrimental. The rear garden of unit 2 would feel quite enclosed as a result of the surrounding properties. On balance though it is not considered to be sufficiently adverse to refuse.
- 7.8.3.2 Units 4 and 7 are unaffected by the levels of the site in relation to the other proposed units. A cross section has not been provided to show the relationship of units 5 and 6 to unit 4. There is a proposed gap of 2.3m between 6 and 4 and, 3.6m between units 5 and 4. These are sufficient to be perceived from within the dwelling and the gardens of units 5 and 6. However, the siting of the dwellings to each other means that the dwelling only affects part of the house/garden area. The remainder would also allow for wider views. As such this can be considered acceptable.
- 7.8.3.3 Units 1, 2 and 3 would be within 7-9m of the rear boundary of the site and the garden boundary with the houses at Oakwood Gardens. This is bounded by a timber fence and trees of varying size so it is a soft rather than a hard boundary. As such it is unlikely to have an adverse impact in terms of overbearingness.
- 7.8.3.4 Given the finished levels of the site are key to the amenity of the proposed dwellings, full details of the finished floor and site levels will be required by condition.
- 7.8.4 Overshadowing
- 7.8.4.1 The orientation of the properties to one another within the site and to the neighbouring properties externally would ensure there would be no adverse impacts as a result of overshadowing. Whilst

there may be a small degree of overshadowing in the morning, by midday and the afternoon/evening each of the properties would not be over shadowed.

7.8.5 Garden space

7.8.5.1 Rear gardens as a general rule should achieve a depth of 10m. This is achieved on each of the proposed units with the exception of 1 and 2. However, the total garden space for each of these units does exceed the required 50sqm by a significant margin and as a result whilst this does not meet normal depth requirements, this can be considered to be an appropriate overall garden provision. Whilst this is the case, the applicant will still need to define, via condition discharge and a curtilage plan for each of these dwellings, the relationship of these garden areas to the drainage attenuation tank. Additionally the landscaping close to the cycleway north connection point will require clarification.

7.8.5.2 Any potential overlooking between the properties' gardens has been managed by the design of the elevations and the condition to make the first floor side elevation widows obscure glazed. Furthermore, boundary fences have been proposed to protect privacy at a ground level. The final details of these boundaries need to be controlled by condition. Any potential overlooking from the cycleway is to be managed by landscaping and boundary fencing, the final details which are to be agreed by condition. This will ensure adequate protection of the amenity of gardens for units 3, 4 and 7.

7.8.6 Refuse and recycling

7.8.6.1 The initial proposal for bin storage was not acceptable. Additional details have been provided to show a specified location for bins and recycling which can be considered acceptable.

7.9 Access, parking and traffic generation

7.9.1 Policy DM20 sets out the requirements that need to be met in order to ensure that new development is acceptable in terms of location, access, parking, provision of safe streets and reducing as far as possible negative impacts of cars. The proposed access is to be created onto the A6 Scotforth Road which is 40mph at the point of connection. It reduces to 30mph just to the north of the site. The proposed access is to be located 43m to the north of the southern boundary of the site and 76m south of the northern boundary of the site. The access has been moved south (compared to the 2016 planning application proposal) to improve the relationship of the access with the extant Booths permission.

7.9.2 This access will require a significant amount of excavation due to level changes, removal of a wall and the existing hedgerow. Following initial assessment of the access, further details have been provided by the applicant to show a cross section of the access, clarification of the removal of hedge and wall in relation to the visibility splays, amendments to the landscaping plan and drainage plans. The visibility splays proposed are 2.4m back from the carriageway and 73m in both directions as required by County Highways. The proposal would involve the removal of 45m of hedgerow and the existing retaining wall to allow for the required visibility splays. The landscaping scheme has been amended to ensure that there are no trees within the visibility splays or in the area of land adjacent to the access. A condition will require the final levels of the land either side of the access to be agreed to ensure this is finished satisfactorily in relation to visual amenity.

7.9.3 County Highways have to date raised no objections on the principle of the access in the proposed location, subject to a number of conditions. As such, subject to relevant conditions the proposed access could be considered to be safe on its own merits and relative to the extant Booths permission. However, objections have been received about the relationship of the proposed access to the Bailrigg Garden Village in terms of conflict with a potential further access and on the grounds of prematurity (this element is considered separately overleaf).

7.9.4 It should be noted that within the objections it has been requested that access through Mulberry Lane be considered as an alternative to the proposed access onto the A6. In addition, an objection has been received from a resident of Mulberry Lane to the suggestion of a proposed alternative access through Mulberry Lane. Access through Mulberry Lane has been considered by the applicant, who advises that this is not feasible due to likely adverse possession and resident objection.

7.10 Prematurity in relation to Bailrigg Garden Village

- 7.10.1 In January 2017 the Government announced backing for 14 new garden villages, one of which will be located at Bailrigg. This announcement – an expansion of the Government's existing garden towns programme – sought to provide access to funding over the next 2 financial years to support delivery of locally-led proposals. The proposed Bailrigg Garden Village is being considered through the Local Plan Consultation, including policies within the Strategic Policies and Land Allocation DPD, the South Lancaster/Bailrigg Garden Village Area Map and the Bailrigg Garden Village (BGV) Position Statement. The position statement makes clear that *"It is important to note that whilst the application for Garden Village status has been accepted, this does not guarantee that development will take place in this location. Any allocations for development in this area must still pass through the Local Plan and be scrutinised at Public Examination"*.
- 7.10.2 Within section 7.9 of the position statement it is identified that there will need to be a number of access points to ensure suitable and appropriate flow of traffic, including the Northern Gateway and a crossing at Lawson's Bridge over the West Coast Mainline into the area at Whinney Carr. Section 7.10 goes on to state that *"These access points are illustratively highlighted on the Local Plan Policies Map and further work is required in terms the overall design and layout of such junctions, for example to whether they need to be signalised junctions, a roundabout or more normalised T-junction arrangement. The Council will continue to work with Lancashire County Council and stakeholders to investigate such requirements which will inform the future masterplans and proposals. It is important to note that preliminary discussions have already taken place and there are no in principle issues to the delivery of such access arrangements"*.
- 7.10.3 With regard to this application at Aikengill, the Planning and Housing Policy Team initially commented as follows: *"The relationship of this site to the adjacent approved development at Booths and future proposals for growth to the south of Lancaster being explored through the Draft Strategic Policies and Land Allocations DPD will also need to be considered. The advice and views of County Council Highways will be an important consideration in this assessment"*. Following subsequent consideration of the application in the context of the issue of prematurity, the status of the Garden Village proposal, the stage of development of the local plan, and the status of other development proposals in the vicinity, comments received about the proposal from third parties and the further professional advice received from County Council officers, the Planning and Housing Policy Team have advised that they *"concur with [the] reasoning that, in effect, a determination to refuse this proposal on the grounds of prematurity at this time could not be sustained"*.
- 7.10.4 Objections have been received in relation to this issue from Peel Investments (North) Limited and on behalf of CEP. Both objections focus on the positioning of the proposed access conflicting with a possible connection point to the A6 and over the railway bridge on the grounds that the approval of this site would be premature in relation to the Bailrigg Garden Village proposals. Both suggest that the proposal should be refused on the grounds of prematurity. CEP also raises the issue of Traffic Generation in relation to the impact on the A6. It should be noted that CEP's planning submission for the site, for a foodstore with access, landscaping and other associated development (Ref: 10/00366/OUT) was refused. This decision was then subject to appeal. A Planning Inspector reported (24 May 2012) that the appeal should be dismissed. The Secretary of State (16 August 2012) considered that the proposal conflicted with the Development Plan in a number of respects, and whilst noting that there were material considerations that weighed in its favour, they were considered insufficient to outweigh the conflict and so the Secretary of State concurred that the appeal should be dismissed.
- 7.10.5 Local planning authorities must determine planning applications in a timely manner and cannot defer them indefinitely. To do so would almost certainly lead to an applicant appealing against 'non-determination' of the planning application. Whilst indefinite deferral is clearly not an option, there is (in extreme circumstances) the option of refusing an application on the grounds of prematurity. National Planning Practice Guidance provides useful commentary on the issue of prematurity. It states: *"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process"*.

- 7.10.6 In this case the Bailrigg Garden Village is part of the Local Plan Update. Part One and Part Two consultation processes ran from 27 January to 24 March 2017. Based on the current timetable the Local Plan will be adopted in September 2018. As such the weight that can be given to the issue of conflict with a proposed connection to the A6 and railway bridge is questionable.
- 7.10.7 For further clarity on the highway implications of the proposal, a copy of the objections were sent to County Highways. They responded to say that, in their view, the BGV proposals could not be given weight in the consideration of this planning application. Furthermore, it is noted that a formal safety audit would only be required in the event that an access was proposed on the land to the west of the A6 where this formed part of the proposals for the Aikengill site.
- 7.10.8 It is of course a matter of judgement for the decision-taker – i.e. the local planning authority – to determine how much weight should be attributed to all material considerations. Additionally, the NPPF (Paragraph 216) advises that decision-takers may also give weight to relevant policies in existing plans, according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 7.10.9 When considering whether this particular development is premature (i.e. ahead of masterplanning the Bailrigg Garden Village), the two questions that need to be considered are:
- Is the development proposed so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and,
 - Is the emerging plan at an advanced stage (even though it is not yet formally part of the development plan for the area).
- 7.10.10 Taking the Local Plan position into account, particularly the matters set out in Paragraph 7.10.1 of this report, the local planning authority is clearly correct in attributing some limited weight to the relevant BGV policies within the emerging plans. BGV has the potential to make a very significant contribution towards the district's land supply to meet its housing need. Indeed Officers are realistic to acknowledge that without the BGV, there are presently limited alternative development opportunities to deliver that housing need elsewhere.
- 7.10.11 The BGV land allocation is more extensive (in terms of area) than the previous Whinney Carr land allocation, and the overall form of development (i.e. a Garden Village) differs in terms of its sheer ambition. Using the Government's own definition in its' March 2016 prospectus, the Garden Village should deliver new communities that *"...work as self-sustaining places, not dormitory suburbs. They should have high quality and good design hard-wired in from the outset..."* To achieve this, the City Council continues to work with the Government's Homes and Communities Agency, including their Advisory Team for Large Scale Applications (ATLAS) with regard to further exploring their aspirations for the Garden Village. These aspirations will be developed, tested and refined as part of future masterplanning and technical work. Development on this scale will also be shaped by engagement with the local community, landowners and developers. However, this work will not, in any way, prejudice decisions on the principle of developing BGV, which will be tested as part of the statutory plan-making process for the Local Plan.
- 7.10.12 In terms of the masterplanning work for BGV, the issue of access to the wider highway network (and the wider issues of sustainable transport options/infrastructure) will be one of the fundamental issues. At this stage, draft Policy SG1 acknowledges the potential for the creation of a new commercial/community/retail centre on land at Lawson's Bridge which meets the basic local needs of residents of South Lancaster. However, there remains much progress and decision-making to be undertaken before there is certainty that BGV (as illustrated in the draft Local Plan) can be taken

forward as a formal proposal of an adopted Local Plan. Additionally the Council's January Position Status makes clear reference to the indicative nature of the proposals and the limited weight that they currently have. At this stage there are no layout plans for BGV, and any indicative proposals regarding localised or wider site access could be subject to change during the technical and masterplanning process. Furthermore, County Highways have advised that (even if the BGV masterplan did elect to use the access proposals that were advanced during 10/00366/OUT), that the access design could be changed.

- 7.10.13 Taking all these matters into account, and noting the objections that have been received in relation to prematurity, it is considered that the impact of this proposed access at Aikengill is not so significant as to constrain the concept of the eventual layout of the Garden Village, and as such it does not warrant a refusal on grounds of prematurity.

7.11 Parking

- 7.11.11 The location of the proposed development is sustainable. It is well related to public transport and within close access of services. Appendix B of the Development Management DPD requires 3 parking spaces for 4 bed dwellings. 6 of the 7 houses will have access to 3 car parking spaces. The parking spaces shown outside and within the garages are of an appropriate size. Unit 5 only has two parking spaces. The revised plans have altered the proposed layout of the garden to ensure that there is access to the garage by car. Appendix B also requires the provision for bicycles storage. 5 of the 7 properties have garages which are of a size which will allow for the provision of bicycle storage. The 2 units which do not have a garage have sufficient rear garden space to accommodate an external bike store which would facilitate 2 bike storage spaces. On balance, given the sustainable location of this proposal, the parking and bike store provision is appropriate.

7.12 Transport Statement

- 7.12.1 Policy requires that the negative impacts of cars, including volumes of traffic, fumes and noise, are sought to be reduced as far as possible. The previous application for 13 dwellings was a major application and required the submission of a Transport Statement. Following the reduction of the scheme to 7 dwellings the application is now classified as a minor, and as such did not automatically require a Transport Statement. However, this application has been submitted with a revised transport statement. This details non car based transport options and concluded that the site is highly accessible and sustainable. The document concludes that the proposal would not have a perceptible impact in highways safety and operation in the area. It suggests that the traffic generation in relation to the existing traffic and proposed future Garden Village would be minimal.
- 7.12.2 The scale of the development is anticipated to generate 32 trips per day for the 7 dwellings, with an estimation of 4 trips per dwelling. This number of trips in the context of the traffic volume on the A6 is limited, and would not be considered to impact traffic in a way that would cause any change to congestion issues in the wider context. As discussed above, in relation to Bailrigg Garden Village, the scale of this development is minor and is unlikely to have an undue impact on the ability of the proposed master-planning to come forward. In summary, the proposed traffic generation from 7 houses would not have an adverse impact on the highway in relation to trip generation.

7.13 Cycleway

- 7.13.1 The proposal site is identified as part of the Strategic Cycle Network within the Local Plan Proposals Maps 2004. The proposed development seeks to provide this section of cycle route to ensure that the site can function as part of the wider strategic network. This will also form an alteration and diversion of the public right of way.
- 7.13.2 The Ramblers' Association has not made comment on the acceptability of the proposal. However, they have advised that the Public Right of Way will need to be formally adopted preferably as a bridleway and the definitive map updated accordingly. Objection had been raised to the proposed design of the cycleway in terms of amenity, lighting and safety in relation to connection with A6 and relationship to the Aikengill access.
- 7.13.3 The initial design of the proposed cycleway was unacceptable in relation to a number of elements: proposed connections to the south and north, width of the cycleway and verge, boundary treatments, lighting, and signage. Whilst County Highways has been consulted in relation to the cycleway

design, no response has been received other than to state it should be for shared use. However, detailed consultation has been undertaken with the Council's Project Engineer in relation to the design of the proposed cycleway.

- 7.13.4 In response the applicant has provided a revised design which provides a 3m wide hard surfacing with 0.5m verge on each side, provision of details of the southern connection, alterations to the northern connection, proposals for lighting, and a variable height boundary on the western elevation. Additional consultation with the Council's Project Engineer still identified concerns with the proposed cycleway, including the northern and southern connections, lighting design, signage and justification for the proposed additional north access. It is considered that the final design in relation to these elements can be controlled through condition which requires the agreement of details prior to commencement of development. Overall the provision of the cycleway will be a small but strategic provision to the District's cycle network.

7.14 **Surface Water Drainage Scheme and Foul Drainage**

- 7.14.1 A proposed drainage strategy and proposed drainage general arrangement have been submitted to support this application. Initial assessment of the drainage strategy and the proposed plan identified concern in relation to the proposal to connect surface water and foul to the combined sewer, surface water run-off into the highway, and positioning of the attenuation tank in relation to the proposed access and landscaping. On this basis the applicant submitted revisions, including a cross section of the proposed attenuation tank.
- 7.14.2 Consultation responses have been received from United Utilities and County Highways. United Utilities has advised that they have no objections subject to the imposition of several pre-commencement conditions on any permission granted. County Highways express concern for the potential for surface water run-off into the highway, and connection into the surface water drainage into combined sewer exacerbating existing drainage issues.
- 7.14.3 The proposed drainage strategy has been designed so that foul and surface water are dealt with separately on site and then merged to enter the combined public sewer. The scheme proposed to deal with surface water includes a mixture of filter drains across the east and west part of the site, pipe gullies and man holes at 7 different points across the site and along the access area, narrowing pipe gauges, a hydrobrake and a 40m³ attenuation tank. Together these elements are estimated to provide 70m³ of storage on site which has been designed to address 1 in 100 year storm plus +30% for climate change. Whilst the applicant has taken steps to set out a surface water system the details at this stage do not provide full confidence that the attenuation is of the correct capacity and that there are measures in place to ensure that the system capacity will not be overloaded and over spill onto the highway. It is also not clear how the drainage falls will ensure that the water will be able to connect into the attenuation tank before reaching the highway.
- 7.14.4 United Utilities has requested that the drainage hierarchy be applied, and connection to a combined sewer allowed only where the more sustainable options in the hierarchy have been discounted. The strategy submitted sets out that in ground infiltration is not possible in this location due to clay soil and the area's risk to ground water flooding also suggests that on site drainage is not practicable. However, it is not clear whether infiltration tests have been carried out. No information has been provided in relation to a surface water body or an alternative surface water drain. From site visits it would appear that there is not a surface water body that the site could drain to although this is not addressed within the statement. The drainage strategy does not describe why a surface water sewer cannot be connected to a separate surface water sewer and why the combined sewer is the only option. However, County Highways has advised that they would not support connection to the surface water drain in this area. Despite this, at this stage the information submitted is not sufficient to demonstrate that connection to the combined sewer is the only option, as such this will be required to be demonstrated via condition.
- 7.14.5 Limited details have been provided in relation to the management and maintenance of the proposed foul and surface water drainage. The strategy suggests that this would be limited to making the drainage strategy available to owners of the properties. Individual owner responsibility would not allow for the effective maintenance and management of the system. As such, details of this will be required by condition to be approved prior to the commencement of development.

7.15 Impact on Trees and Proposed Landscaping Plan

- 7.15.1 An Arboricultural Implications Assessment and Landscaping Plan have been submitted with the application. Initial assessment of the proposal found that elements of the impacts on proposed hedgerow and trees were unclear, and the proposed landscaping design was limited and promoted conflict with other issues, including highways and drainage. Furthermore, changes were requested to be made to the plan in relation to other constraints which this would need to address.
- 7.15.2 A revised Arboricultural Implications Assessment and Landscaping Plan have been submitted. A 44m section of hedgerow (not 12m as originally submitted) will be required to be removed to ensure that the visibility splays for the access can be provided. However, this increase is necessary for the provision of adequate visibility. The remaining hedge will be protected and retained. The hedgerow to the north eastern boundary is required to be removed in full to accommodate the proposed cycleway. Whilst its retention was desired, it is difficult to provide the required cycleway with the retention of this hedge. A further hedgerow is able to be retained with the exception of the most southern extent to allow for the south connection of the cycleway to the Collingwood Park. A small group of trees will be removed on the southern boundary of the site. However, the protected trees just outside the southern boundary of the site will be protected except for some pruning works. The Council's Tree Protection Officer has not raised an objection to the proposal subject to conditions to agree details of a Tree Planting Scheme and requiring the development to be carried out in accordance with the Arboricultural Implications Assessment.
- 7.15.3 A revised Soft Landscaping – Planting Proposals have been submitted. The revised scheme includes replacement hedge on the boundary with the A6 and at the southern connection point of the cycleway. Within the site planting is proposed on the boundary with the cycleway to help ensure the privacy of the occupants of Units 3, 4 and 7 and it will also go some way to replacing the loss of the hedgerow on the boundary of the Aikengill access helping to retain a green boundary in this location. Planting has also been proposed on the north section of the site within the garden to Unit 7 which will help soften views of the development from the A6 and from the existing landscaped area to the north. Individual trees within the gardens of the proposed houses will help to ensure that the character of the area is reflective of the suburban character of this location. Shrub planting and climbing plants on the retaining wall will also help to soften the infrastructure of the site. The planting around the access now shows a better relationship with the proposed drainage attenuation system. Subject to a condition requiring the agreement and implementation of this landscape plan, the landscaping of the site will ensure a high level of amenity and help to ensure privacy of the dwellings from the cycleway.

7.16 Habitat

- 7.16.1 An Extended Phase 1 Habitat Survey has been submitted with this application. This survey was carried out on the 10 September 2016 although the report is dated 17 January 2017. The timing of the survey has been identified within the report to have had no significant constraint on the conclusions or recommendations of the report.
- 7.16.2 In relation to bats, there is no bat roost potential on site due to lack of buildings or suitable trees. There may be a potential for the site to be used for foraging. The survey concluded that there was no evidence of badgers on the site with limited foraging potential. The site is considered to be sub-optimal habitat for Brown Hare, Otter, Water Vole, Great Crested Newts and other amphibian species. The habitat identified as not ideal for Schedule 1 species birds and is unlikely to be used by nesting birds due to the frequency of use of the area by dog walkers.
- 7.16.3 The hedgerow is identified as a priority habitat and should be retained where possible, and replacement planting carried out of equal or greater length where loss occurs. The proposals would involve the removal of approximately 120m of hedgerow. Replacement hedgerow of 42m is proposed alongside a significant amount of shrub and tree planting. Whilst this is only a replacement of 35%, it is a significant contribution in light of the space constraints of the site to deliver houses, access and the proposed cycleway. On balance this provision can be considered acceptable.
- 7.16.4 On the basis of this assessment several conditions are recommended in relation to lighting design, construction in relation to protection of hedgehogs, bat and bird boxes. Furthermore, conditions are recommended in relation to replacement planting which is addressed in the above section on landscaping. Given the limited biodiversity interest of the existing site, a planting scheme inculcating

bird and bat boxes is deemed reasonable and proportionate. Lighting to the cycleway is dealt with, by condition, separately.

7.17 Contamination

7.17.1 A Phase 1 Land Contamination Assessment (dated May 2016) has been submitted with the application. Based on the Council's Validation criteria, a land contamination assessment would not be required to be submitted to accompany this application. However, assessment of the report suggests that there are no contamination issues at the site. The chemical results indicated that no contaminants were detected above generic screening levels for a residential (with home-grown produce) end use. The geotechnical results indicated that the soil can be classified as a clay soil with low plasticity. The site is within an intermediate probability Radon Affected Area, as 5-10% of homes are above the action level. Basic radon protection measures are required in the construction of new dwellings or extensions. Whilst no consultation response has been provided by Environment Health, based on the findings (subject to an advice note in relation to building control requirements for Radon Affect Area between 3-10%), the development can be considered satisfactory in relation to land contamination.

7.17.2 Public open space

Local policy states that planning obligations may be sought from any development irrespective of type and size that creates an impact which requires mitigation. NPPF states that planning obligations must meet tests set out in paragraph 204 – necessary, relevant and fair and reasonable in scale and kind. The proposal site is not allocated as Public Open Space. It is currently a field with a designated public right of way across the site with access to other local recreational and open space facilities. As such the loss of this area of land can be considered acceptable in relation to the existing protected areas. It should be noted that due to the scale of this proposal consultation with Public Realm Officer is not required, and as such no comments have been provided. Given the scale of this proposal, the lack of designation of the existing site and the proximity of open space to this site it is considered that it would be unreasonable to require a contribution to the provision of open space. In addition, the site is too constrained in scale to provide any communal open space.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 This proposal would deliver seven homes within a part of the urban area of Lancaster that would reduce the need to travel, helping to meet the housing needs of the District. The proposed layout and design of the houses would be well related to the neighbouring residential development at Collingwood Park, Mulberry Lane and Brantwood Drive without adversely impacting on residential amenity. The proposed dwellings would have an acceptable level of amenity and outlook with appropriate provision for garden space and parking. Despite the site constraints the proposal has designed an access which would not conflict with the extant Booths access position. In addition, the proposed access is not considered to prejudice the delivery of the Bailrigg Garden Village and a refusal on grounds of prematurity is considered to be unreasonable. The proposal also presents an opportunity to deliver an important, albeit small, section of the Strategic Cycle Network. Initial proposals in relation to drainage, landscaping, site levels, cycleway and materials are considered acceptable subject to further details being supplied by condition.

10.0 Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

- 1 Standard 3 year timescale
- 2 In accordance with agreed plans
- 3 Foul and surface water drainage details
- 4 Surface water management and maintenance
- 5 Pre-commitment vehicular access to base course and then fully implemented, including protection of visibility splay
- 6 External ground levels and finished floor levels

- 7 Full construction details of cycleway and subsequent implementation
- 8 Off-site highway improvement works for traffic calming measures
- 9 Landscaping final detail and maintenance
- 10 Material details for dwelling
- 11 Location and material details of all boundaries
- 12 Implementation of tree protection plan and mitigation measures
- 13 Implementation of ecological mitigation measures
- 14 First floor window on side elevations for bath rooms to be obscure glazed
- 15 Separate drainage of foul and surface water

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 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 taken 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 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.