

<b>Agenda Item</b>	A10
<b>Application Number</b>	22/01518/OUT
<b>Proposal</b>	Outline application for the erection of 2 dwellings with associated accesses
<b>Application site</b>	Land To The North And South Of Cinder Lane Nurseries Cinder Lane Lancaster Lancashire
<b>Applicant</b>	Mr R Leaman
<b>Agent</b>	Mr Dan Ratcliffe
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval, subject to conditions

(i) **Procedural Matters**

This form of development would normally be dealt with by the Scheme of Delegation however, the application was called in within 21 days of the application appearing on the weekly list of planning application by Councillor Abi Mills who requested the application to be determined by the Planning Regulatory Committee.

**1.0 Application Site and Setting**

- 1.1 The site which forms the subject of this planning application is land to the north and south of a residential property (Cinder Lane Nurseries) located on Cinder Lane in south Lancaster. The site is open grassland with a number of trees and shrubs on the northern part of the site. The northern part of the site lies in between the existing dwelling to the south and allotment gardens to the north whereas the southern part of the site lies adjacent to open fields and has a more rural appearance and features a gentle undulating topography which lowers to the west. Both areas are surrounded by rural native hedgerows.
- 1.2 The surrounding area is varied in its appearance with the southern and western sections sharing a boundary with agricultural fields whilst to the north lies and allotment and finally to the immediate east lies the west coast mainline and beyond which lies Uggle Lane which serves numerous dwellinghouses. Access to the site is off Cinder Lane which connects to Ashford Road to the north which is c.110 away. Cinder Lane is recorded as a bridleway (FP52).
- 1.3 The site lies also within the buffer zone of the Lancaster South Broad Location for Growth as identified in policy SG1 of the Strategic Policies and Land Allocations DPD.

## 2.0 Proposal

- 2.1 This application is seeking outline consent for 2 detached dwellings with access and all other matters reserved.
- 2.2 As the application is only seeking outline consent, no plans relating to the design, scale, form and materials have provided for consideration nor is there a requirement to provide any landscape or boundary treatment details. An indicative site plan has been submitted to illustrate how a dwelling may appear on the site.
- 2.3 Each dwelling will have its own access point and will utilise the existing filed access gates that serve the site.

## 3.0 Site History

- 3.1 A single relevant pre-application submission relating to this site has been received by the Local Planning Authority:

Application Number	Proposal	Decision
18/01021/PRETWO	Erection of a 3-bed detached dwelling	Closed

## 4.0 Consultation Responses

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

Consultee	Response
Arboricultural Officer	<b>No objection</b>
County Highways	<b>No objection</b> (Subject to a number of highway related conditions)
County Strategic Planning	<b>No objection</b> (Comments relating to improvements to the bridleway and street lighting)
Engineers	<b>No objection</b> (Subject to the provision of a surface water drainage scheme)
Environmental Health	<b>No response</b>
Fire Safety Officer	<b>No objection</b> (Applicant to be made aware of advice note to comply with building regulations)
Natural England	<b>No comment</b> (No comments provided until a HRA has been completed and if needed submitted to Natural England for comment)
Network Rail	<b>No objection</b> (Advice note to be sent to applicant to make aware that agreement will be required from Network Rail at a later date)
Public Rights of Way	<b>Objection</b> (Tight access would not allow vehicles to safely pass pedestrians, increase vehicular movement along Cinder Lane and would increase damage to existing footpath)
Public Realm	<b>No response</b>
Ramblers	<b>No response</b>
United Utilities	<b>No objection</b> (Standard advice note making applicant aware of hierarchy)

- 4.2 No responses have been received from members of the public but as stated within the procedural matters, the application was called in by Councillor Abi Mills citing concern over lack of local amenities, lack of sustainable transport and highway safety.

## 5.0 Analysis

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

- Principle of development
- Design and landscape impact
- Residential amenity
- Access and parking
- Biodiversity and trees
- Drainage

5.2 Principle of development (NPPF Sections 2 and 5, policies SP1, SP2 & SG1 of the Strategic Polices and Land Allocations DPD and policy DM1 of the Development Management DPD)

5.2.1 Policy SP1 of the Strategic Polices and Land Allocations DPD (SPLA DPD) states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF). Policy SP2 outlines the settlement hierarchy throughout the district whilst policy SG1 is a broad policy which has identified land to the south of Lancaster as a 'Broad Location for Growth' which includes the Bailrigg Garden Village. Finally, policy DM1 of the Development Management DPD (DM DPD) states the Council will support proposals for new residential development that meet an evidenced housing needs, however, there may be circumstances where this is not practical.

5.2.2 While the site lies just outside the urban boundary as indicated on the Councils policy map, Ashford Road lies approximately 100m to the north which is within the Lancaster urban boundary. Approximately 240m to the east from the Ashford Road connection with Cinder Lane, lies a public house and a supermarket. This area forms a crossroad with Scotforth Road which also has a number of bus stops which travel north towards the centre of Lancaster and south towards Galgate and further. Such is the short distance between the site and these areas, they could be readily accessed by foot, bike or private motor vehicle. The site is therefore considered to be well connected to the regional centre of the district with a good choice of local amenities in relatively close proximity which would not need to be accessed by private motor vehicle. As such, the site is considered to be located within a sustainable area and therefore the principle of 2 dwellinghouses can be supported subject to the other material considerations that are to be discussed in the later paragraphs of this report. In addition, as the Council cannot demonstrate a 5-year housing land supply, the tilted balance applies to this scheme. For decision makers, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2.3 Policy SG1 outlines the strategic vision for development in south Lancaster. While this application is within that area, it is also within the identified buffer zone for that policy. Given the scale of the development proposed and the location adjacent to an existing dwelling, it is considered that it will not affect the deliverability of the wider site.

5.3 Design and landscape impact (NPPF Section 12 and policy DM29 of the Development Management DPD)

5.3.1 Policy DM29 states that development should 'contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale.'

5.3.2 As stated above, the application seeks consent for 2no. detached dwellings either side of Cinder Lane Nurseries with the layout, design, scale and landscaping to be agreed at the later stage through the reserved matters. Whilst these details are not considered at the outline stage, the Local Planning Authority must be satisfied that the proposal can be successfully sited without causing an adverse visual impact upon the amenity of the surrounding area.

5.3.3 The northern part of the site has a relatively flat topography and is on a similar level to that of the existing dwelling to the south. This part of the site remains relatively well screened by hedgerows and trees when viewed from greater distances and will be seen closely related to the existing Cinder Lane Nurseries. It is considered that a single storey dwellinghouse would be most suitable for the site as this would limit the impact and match the form and scale of the adjoining property. While

views of the dwelling will be visible along Cinder Lane, it is considered that it would not appear obtrusive when viewed in the context of the wider area. Suitable boundary treatments would also retain the rural character of the area however, it is noted that this would be considered under the reserved matters stage. The existing field gate would be used for the access and does not require significant widening as indicated on the site plan. The Council has requested a separate access plan for clarity which has not yet been received. A written update will be provided at a later date if any additional plans are received.

5.3.4 The southern part of the site has the slightly different character inasmuch that it remains more open and has a gentle undulating land form. The site does have a natural barrier to the wider agricultural fields in the form of hedgerows, but the site does not bound upon any of these hedgerows. Again, the site is well related to the existing built form of Cinder Lane Nurseries and therefore a similar proportioned and scaled dwelling is unlikely to have any significant visual impacts on the wider area. While views of the proposed dwelling would be greater when travelling from the south along Cinder Lane, it would be viewed with a backdrop of trees and the existing dwelling. Similarly, any views of the site from the fields to the west will have the dwellings of Uggle Lane in the backdrop of the proposed dwelling. This part of the site also has a field access gate which will be used for the access to the dwelling and again, this does not require any significant alterations.

#### 5.4 Residential amenity (NPPF Sections 5 and 12, and policy DM29 of the Development Management DPD)

5.4.1 Policy DM29 requires all development to provide a good standard of living accommodation for future occupiers and also seeks to ensure that there are no detrimental impacts to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution for existing neighbouring properties.

5.4.2 Both dwellings would be on adequately sized plots and whilst only an indicative site plan has been submitted, this demonstrates that a sufficient amount of private garden space can be provided for each dwelling. Similarly, when coming to the reserved matters stage, the design and layout of the building would need to adhere to the Nationally Described Spaces Standards in order to ensure suitable levels of amenity for any future occupiers. Again, this should be relatively straightforward given the size of the site. There are also unlikely to be any issues arising from overlooking from the existing Cinder Lane Nurseries due to the single storey height of the building and that it remains set in from both of the side boundaries.

5.4.4 The application has been submitted with an Acoustic Survey and Assessment in order to assess whether the proposal can secure an acceptable level of amenity for any future occupiers when considering any potential noise issues relating to the nearby west coast mainline. The on-site monitoring identified that existing background sound levels are slightly above those recommended within the national guidance and as such, additional mitigation measures in the form of double glazing units and trickle window vents are required. By ensuring this, the report concluded that the internal and external sound levels would be acceptable in line with the Noise Policy Statement for England. As such, the proposal would not have a significant adverse impact on any future occupiers.

5.4.3 In terms of overlooking from the proposed dwellings towards the existing Cinder Lane Nurseries, this would be a consideration for the reserved matters stage. Again, given the size of the proposed plots, separation distances to the existing dwelling and extensive shared boundaries, 2 dwellings could be sited without having a detrimental impact upon the residential amenity of the existing occupiers at Cinder Lane Nurseries.

#### 5.5 Access and parking (NPPF Sections 9 and 12 and policies DM29 and DM62 of the Development Management DPD)

5.5.1 Policy DM29 states that development should 'incorporate suitable and safe access to the existing highway and road layout design, in line with the latest standards and ensure that highway safety and efficiency is maintained or improved.' Policy DM62 outlines the parking provision requirements for development proposals. While this is determined by the number of bedrooms within the dwellinghouses (and this detail is not provided within this application) the maximum provision per dwellinghouse is expected to be between 3 and 4 spaces.

- 5.5.2 The application has been accompanied by an Initial Site Access Review statement which amongst other things has considered the existing access arrangement and traffic activity along Cinder Lane and the impacts of the proposed development on the surrounding highway network and Cinder Lane itself.
- 5.5.3 Cinder Lane itself is a narrow single grass track lane which measures between c.2.5m and 2.8m in width and in places, has narrow verges on either side of the track. Therefore, the track is considered to be somewhat restricted in terms of its capacity and there are no clear marked areas for passing places for two vehicles, but it is likely that pedestrians would be able to pass an oncoming vehicle. Notwithstanding this point, considering the scale of the development involved on this application, the provision of an additional two dwellinghouse is unlikely to have a significant adverse impact on the highway capacity or safety with only a small section of Cinder Lane affected by the proposal. There may be increased vehicular movement at peak times of the day, but this would be a marginal increase and due to the constraints of the track, any vehicles would naturally be travelling at low speeds which would reduce the risk of conflict. In addition, due to the sustainable location of the site, not all trips would be required to be made by motor vehicles with other sustainable modes of transport available. Access beyond the site to the north from Cinder Lane onto Ashford Road, benefits from good visibility towards both the east and west.
- 5.5.4 County Highways have raised no objection to the scheme in terms of highway safety subject to the provision of a number of conditions in the form of a highway condition survey, construction management plan, construction deliveries outside of peak traffic, details of the access gateposts, suitable surface water drainage and improvements to the surface of Cinder Lane. It is noted that in the response from County Highways that reference is made to the Lancaster Housing and Infrastructure Gravity Model and that the developer of this site is expected to commit to a financial contribution to aid improvements to the south Lancaster highway network. However, considering the scale of the development involved and that the response from County Highways does not explicitly state that it should be included as a condition nor which part of the highway network will be affected by the development, it is considered unreasonable to include such a condition on this application.
- 5.5.5 As mentioned in the opening paragraphs, Cinder Lane is recorded as a Bridleway and is used by both vehicles and pedestrians with no separation for the two types of users. The County Council Public Rights of Way Team have objected to the proposal citing highway safety and increased usage of the lane would result in further erosion of the track which is not suitable for heavy vehicle usage. While these points are noted, highway safety has been considered in the paragraphs above and with no objection from County Highways, it is considered the proposal will not have an adverse impact on highway safety. Regarding track erosion, improvements to the track can be gained through condition to ensure that any increased usage will not have any detrimental impacts on the useability of Cinder Lane.
- 5.5.6 Network Rail have also been consulted on the application who have raised no objection to the proposal. It is noted that the nature of the comments may vary upon the location of the dwellings within the site and thus the proximity to the railway line. The applicant may need to enter into certain agreements with Network Rail however, this can be included as an advice note on any decision notice.
- 5.6 Biodiversity and trees (NPPF Section 15, policies DM44 and DM45 of the Development Management DPD)
- 5.6.1 Policy DM44 states that development proposals should protect and enhance biodiversity, to minimise both direct and indirect impacts and where directly or indirectly affecting an international designated site, a suitable Habitats Regulations Assessment will be undertaken by the Council. In addition to this, policy DM45 states that new development should positively incorporate existing trees and hedgerows. Where this cannot be achieved the onus is on the applicant to justify the loss as part of an Arboricultural Implications Assessment (AIA).
- 5.6.2 The application site is part orchard part agricultural land which is bounded by trees and hedgerows. Given that the application site relates to an undeveloped parcel of land, a preliminary ecological appraisal has been undertaken and submitted (dated September 2022). The appraisal included badger survey and evaluation, preliminary bat roost survey and evaluation, breeding bird survey and evaluation and a great crested newt evaluation.

- 5.6.3 The report sets out that the northern part of the site consists of an orchard and a section of broadleaved plantation woodland whilst the southern land parcel is primarily modified grassland which is enclosed by hedgerows. The report also identified an 'important' hedgerow (H1) which lies between the existing dwelling and northern section of the site. This hedgerow has also been identified within the submitted AIA but states that it lies outside of the development area.
- 5.6.4 In relation to the protected species, there was no presence of badgers, and it was highly unlikely that great crested newts would be present within the site and within 250m of the site. As such, impacts on the species are not predicated. The existing dwelling was assessed as being of 'Low' bat roost potential whilst all the trees on site lacked maturity to support a bat roost, but the wider site did offer suitable foraging habitats. The appraisal was of the opinion that an additional dusk emergence should be undertaken between May-September to determine how bats are using the buildings affected. However, this is considered to be based on the premise that the proposal involved the renovate the existing dwelling, which may have the potential to provide a bat roost, as outlined in paragraph 1.1 of the ecological appraisal. As this application is not seeking alterations to the existing dwelling, a further survey is considered unnecessary as the proposed works are unlikely to directly affect any potential bat roost within the existing dwelling. Lastly, a range of typical bird species were recorded using the site and adjacent land. Based on the observations made during the survey, the bird fauna associated with the site was evaluated as being of up to 'local' interest. The removal of suitable nesting habitat as part of the development proposals can be adequately compensated through the provision of bird boxes, suitable landscaping and any removal of suitable nesting vegetation is undertaken outside of the nesting season.
- 5.6.5 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) to get to the European designated sites of Morecambe Bay and the Lune Estuary which is designated as a Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI). As a result of the proximity of the residential development to the sensitive site, it is considered that a proportionate Habitats Regulations Assessment (HRA) is required to assess the recreational disturbance impacts on the coastal designated sites resulting from the development, the report is contained within a separate document. The potential impacts from increased recreational pressure are considered to be limited due to the small size of the proposed development, distance from the designated areas, and other options for recreation in closer proximity. However, to mitigate any potential increase in recreational pressures caused by the development, a homeowner pack can be provided to each of the apartments, as identified within the HRA for the Local Plan. The homeowner pack would be expected to include details of the adjacent designated sites (and the wider Morecambe Bay coastline), their sensitivities to recreational pressure and promote the use of alternative areas for recreation, in particular dog walking areas. This is secured by condition.
- 5.6.6 The HRA also assessed the impacts of the proposal on passing birds and habitats linked with the designated sites. It is considered that the provision of a Construction Environmental Management Plan with suitable sensitive timings for work would provide suitable mitigation and limit the overall disturbance of the development during the construction phase. This can be covered by a planning condition. The HRA has been submitted to Natural England who raised no objection to the proposal subject to the provision of homeowner packs prior to first occupation.
- 5.6.7 The AIA shows a small group of trees on the southern boundary of the northern part of the site and two trees on close to the northern boundary on the northern part of the site which are to be removed. These trees have been classified as a 'C category' within the AIA which indicates trees of the 'lowest quality'. It is believed that the loss of the trees would not have a significant impact on the local landscape character of the area, nor would it have a significant impact on the biodiversity of the site. Sufficient mitigation can also be secured in the form of replanting across the site through the reserved matters stage when the landscape elements are considered.
- 5.7 Drainage (NPPF Section 12, policies DM29, DM34 and DM35 of the Development Management DPD)
- 5.7.1 Policy DM34 states that surface water should be managed sustainably within new development and that the Council advocates the use of a Surface Water Drainage hierarchy in line with best practice.

Likewise, policy DM35 states all new development must demonstrate adherence to the National Planning Practice Guidance for sewerage infrastructure which includes a prioritised hierarchy.

- 5.7.2 The application form states that surface water will be dealt via a soakaway which is the favoured approach in line with the hierarchy outlined in policy DM34. A preliminary drainage strategy has also been submitted with the application which indicates that the site is located within a 'freely draining slightly acid loamy soils, which would indicate the site would be generally suitable for the dissipation of surface water via infiltration. Trail pits and calculations have not been provided, however given the extent of the land ownership and type of soil, the Council can be reasonably satisfied that a soakaway can be accommodated for each dwelling.
- 5.7.3 Cinder Lane appears to only be served trunk main pipe when viewed on the United Utilities mapping system with the closest public sewer located on Ashford Road. As such, connection to a public sewer is likely to be unviable. The application has indicated that foul water will be disposed of via both a septic tank and package treatment plant however, the use of septic tanks is generally discouraged, and the Council would therefore seek the implementation of 2no. package treatment plants unless there is an overriding reason that suggests a package treatment plant would not be feasible.
- 5.7.4 The Council's Engineers department raised no objection to the scheme subject to the submission of the details of a final drainage scheme in order to ensure that the site is adequately drained. It is therefore suggested that this condition is included as well as details relating to the foul drainage system.

## **6.0 Conclusion and Planning Balance**

- 6.1 The proposal is considered to be located in a sustainable and well connected area and therefore, the principle of providing housing to contribute to the Councils housing land supply is supported. The minor level of landscape harm and small loss of trees and shrubs can be adequately compensated through appropriate planting/landscaping at the reserved matters stage whilst the minor level of landscape harm will be outweighed by the provision of housing. The site is considered large enough to ensure a suitable dwellings and respective garden spaces can be achieved in order to prevent high levels of amenity for future occupiers with no adverse impact on highway safety. While there is a degree of conflict relating to the public right of way, with regards to the condition of the track, it is felt that the condition of the track can be adequately covered by condition and when considering the lack of a 5-year housing land supply and applying the tilted balance, the application therefore is recommended for approval.

## **Recommendation**

That Outline Consent BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Time limit (Reserved matters required – except access)	Control
2	Approved plans	Control
3	Illustrative drawings only	Control
4	Submission of homeowner packs	Prior to occupation
5	Construction environmental management plan	Prior to occupation
6	Implementation of AIA	Control
7	Provision of vehicular access	Control
8	Construction management plan	Prior to development
9	Highway condition survey	Prior to development
10	Construction deliveries	Control
11	New road	Prior to development
12	Surface water details	Prior to development
13	Foul drainage system details	Prior to development

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

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 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 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