

<b>Agenda Item</b>	A8
<b>Application Number</b>	23/00339/OUT
<b>Proposal</b>	Outline application for the erection of one dwelling (C3) and alterations to existing access
<b>Application site</b>	Land To The Rear 162 Scotforth Road Lancaster Lancashire
<b>Applicant</b>	Mrs Violet Davies
<b>Agent</b>	Mrs Karolina Duhs
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

(i) **Procedural Matters**

This form of development would normally be dealt with by way of a delegated decision. However, the Service Manager considers the application should be determined by the Committee in line with section (e) of the Scheme of Delegation, due to connectivity between Uggle Lane and the site of the recently approved development for 70 dwellings and proposed new supermarket to the south of Lawsons Bridge.

**1.0 Application Site and Setting**

- 1.1 The site that forms the subject of this application is land associated with, and located to the rear of, number 162 Scotforth Road, which is a two-storey detached residential property located within the Scotforth area, in south Lancaster. The rear garden is of a substantial size measuring over 100 metres in depth. The western most part of this land (the application site) has gated access onto Uggle Lane. There is a detached garage close to the gated access and the submission states that this piece of land was historically used as a "market garden" but it is now largely overgrown and unkempt. There is a concrete path running through the centre of the site in an east/west direction and two tree groups in the eastern part of the site. Site boundaries comprise various hedges as well as a length open wire fencing along a length of the northern boundary.
- 1.2 There are residential properties around the site and as such it is bordered to the north, south and west by domestic gardens. There are four existing detached properties along Uggle Lane with Uggle Cottage located to the immediate north of the application site. Other dwellings are Farr Bank, Uggle House and The Orchards which lie on the western side of Uggle Lane with the west coast mainline beyond. There are also a number of detached outbuildings which are related to the properties on Ashford Close but are accessed via Uggle Lane.
- 1.3 Uggle Lane is an unadopted road but is a U-shaped Public Right of Way/bridleway (BW0101052) which runs from Ashford Road to the north, across Lawsons Bridge over the west coast mainline

then returning north towards Ashford Road along Cinder Lane. The site is 98 metres from the adopted highway on Lawson Close (which in turn is accessed off Ashford Road). From its Junction with Lawson Close down to the application site UGGLE Lane is approximately 3 metres wide at its narrowest but is approximately 6 metres wide in places, particularly where passing places have been created as part of previous development.

## 2.0 Proposal

2.1 This application is seeking outline consent for one detached dwelling with access and all other matters reserved. Originally the submission proposed two detached dwellings, but the application was amended during the course of the application in an attempt to remove highway concerns/objections.

2.2 As the application is only seeking outline consent, no plans relating to the design, scale, form and materials have been 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 Access is proposed off UGGLE Lane following improvements to the site entrance.

## 3.0 Site History

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

Application Number	Proposal	Decision
22/00787/OUT	Outline application for the erection of two detached dwellings (C3)	Withdrawn

## 4.0 Consultation Responses

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

Consultee	Response
County Highways	<b>No objection</b> The reduction in scale to one dwelling is seen as an improvement. Suggests conditions relating to a Construction Management Plan, the timing of deliveries and Electric vehicle charging points.
Public Rights of Way	<b>No objections</b> Concerns raised about the impact of increased vehicle movements along UGGLE Lane and the effect this would have on the surface which will in turn effect public access.
Arboricultural Officer	<b>No objection</b> Subject to the submission of detailed landscape proposals
Engineers	<b>No objection</b> Subject to a condition relating to a Surface Water Drainage Scheme
United Utilities	<b>No objection</b> (Applicant to be made aware of advice note relating to proximity of United Utilities assets and infrastructure.
Natural England	<b>No objection</b> subject to a condition for the provision of a Homeowner Pack
Environmental Health	<b>No objection</b> suggests Contaminated Land condition and hours of working.
Fire Safety Officer	<b>No objection</b> (Applicant to be made aware of advice note to comply with building regulations)

4.2 The following responses have been received from members of the public:

A total of 28 items of public comment have been received (in response to the original and subsequently revised plans) with objections relating to the following points:

- Proximity of development to existing dwellings.
- Loss of light.
- Impact on trees and ecology.

- Queries relating to the accuracy and timing of the submitted Highways impact report.
- Disruptive impact of heavy vehicles accessing the site during any building work.
- Loss of trees.
- Possibly increase in flood risk.
- Access of fire appliance.
- The bridleway is a path to be used by walkers.
- pedestrian access to the development would be difficult or impossible for people with mobility issues, including wheelchair users.
- The proposed development would fail to provide an acceptable standard of residential amenity for the future occupants.
- The gated access onto Uggie lane has only recently been brought back into use.

## 5.0 Analysis

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

- Principle of development
- Design and amenity
- Access and parking
- Trees and biodiversity
- Drainage

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

5.2.1 Policy SP1 of the Strategic Policies 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 policy and DM1 of the Development Management DPD (DM DPD) states the Council will support proposals for new residential development that meet an evidenced housing needs.

5.2.2 The site is located within the urban area of Lancaster and lies adjacent to existing residential development. It is close to existing public transport links and services and is therefore considered to be a sustainable location where residential development is supported in principle, in accordance with the settlement hierarchy and development strategy set out within the Strategic Policies and Land Allocations DPD.

5.2.3 The site is considered to be well connected to the regional centre of the district with a good choice of local amenities in relatively close proximity which could be accessed on foot. As such, the site is considered to be located within a sustainable area and therefore the principle of a dwellinghouse 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.

5.3 Design and amenity (NPPF Sections 5 and 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.' Policy DM29 also 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.

5.3.2 As stated above, the application seeks consent for a detached dwelling 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 Uggle Lane is a historic bridleway dating back to 1966 and until relatively recently has remained an undeveloped lane bounded by mature trees and vegetation. The erection of Uggle House (under application (11/00452/FUL) and Orchard House (under application 10/01303/OUT) and their associated accesses have added a slightly more urban feel to the lane and eroded to some degree the natural historic feel when passing through. It is considered that subject to scale and appearance in addition to appropriate landscaping (all to be considered at Reserved Matters) the proposal would not result in adverse visual amenity to the surrounding area.
- 5.3.4 Although not for consideration at this stage, the submitted Design and Access Statement suggests that the proposal would use materials and details which are prevalent in the local area which offers a wide palette of materials such as natural stone, render, timber cladding to external walls and roofs ranging from natural slate to tiles in both red and grey, although more contemporary materials may also be appropriate. However, such details would be considered as part of a Reserved Matters application.
- 5.3.5 The application site is approximately 60 metres deep with the frontage onto Uggle Lane being 12 metres wide and the width increasing to 20 metres at the rear of the site. Land levels increase gently across the site from west to east. However, in general terms it is considered that the development site could comfortably accommodate a single dwelling with associated parking and garden area.
- 5.3.6 As the layout and scale of the dwelling is not yet known, it is not possible to fully ascertain the impact of development upon existing levels of residential amenity. The indicative plan acknowledges the relationship of the site to neighbouring dwellings in particular 18 Ashford Close to the north and 33 and 35 Toll Bar Crescent to the south. Policy DM29 advises that there should normally be at least 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces onto a side wall with no such window. Consideration would need to be given to the position of windows and siting of the proposed dwelling at Reserved Matters stage in order to ensure there are no adverse overlooking impacts on neighbouring residential amenity. Similarly, consideration would also be given to the height of the dwelling at Reserved Matters and depending on the proposed siting within the plot, it may be the case that a bungalow style property would be more appropriate.
- 5.3.7 In terms of amenity for 162 Scotforth Road it is considered that ample private amenity space would be retained as well as parking provision and access from Scotforth Road.
- 5.3.8 Given the presence of surrounding residential properties it is considered the removal of permitted development rights in respect of householder development including extensions and ancillary buildings is reasonable so any further development can be considered appropriately in its context. It is also considered appropriate to condition finished floor and land levels within the site.
- 5.3.9 Overall, it is considered that a dwelling could be sited without having a detrimental impact upon the residential amenity of the existing dwellings while providing a satisfactory standard of amenity for future occupants of the site.
- 5.4 Access and parking (NPPF Sections 9 and 12 and policies DM29 and DM62 of the Development Management DPD)
- 5.4.1 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. This is determined by the number of bedrooms within the dwelling which would be considered under the Reserved Matters application.
- 5.4.2 It is acknowledged that two applications (12/01011/OUT and 13/00648/OUT) for Outline permission for a single dwelling were refused on the adjacent site which forms part of the garden to 29 Toll Bar Crescent. County Highways objected to both of these applications and as such both included refusal reasons relating to the intensification of vehicular movements along the un-adopted bridleway.

County Highways initially raised objections to this application in its original form, for two dwellings, due to the intensification of vehicular movements along Uggle Lane. These objections were subsequently removed following the submission of revised plans.

5.4.3 As highlighted earlier in paragraph 1.1 there is an existing gated access from the site onto Uggle Lane and this is the site of the proposed access. Although the gate was observed during the original site visit in relation to the previously withdrawn application it was clear that this access had not been used for some considerable time due to the vegetation around this entrance. A subsequent site visit found this access now to be in use for vehicular access and parking. The County Highways has advised that the proposal for one dwelling would not result in a significant increase in vehicle movements but has voiced concerns regarding the servicing of the dwelling for the purposes of refuse collection or a fire service vehicle. Queries to the Waste and Recycling Team confirmed that generally refuse collection vehicles park on Lawson Close and then pull-out waste bins from Uggle Lane but occasionally may reverse down the lane for collection (this was witnessed during one of the Case Officer's site visits). Enquires were also made to the Fire Safety Officer who advised that it should be ensured that a site can be accessed within 20 metres, by a fire appliance or a bin lorry as they are similar in size. This would be in compliance with regulation B5, of Approved document B Volume 1 (Building Regulation 2020). As the Case Officer observed a refuse collection vehicle in the lane it would appear that compliance with regulation B5 could be achieved.

5.4.4 The Public Rights of Way team have raised concerns regarding wear and tear on the surface of the bridleway which will in turn affect public access. Although the Public Right of Way team is responsible for the surface being in a condition that is safe and fit for pedestrians, horse riders and cyclists. They do not maintain the route to a standard that is appropriate for vehicle use. However, as highlighted in the above paragraph there is an existing gated access to the site (and garage), which although not used for a considerable period of time, is now in use once again in association with 162 Scotforth Road. Uggle Lane also provides vehicular access to four other dwellings.

5.4.5 The Public Rights of Way team have no record of any public vehicular rights between Ashford Road and the proposed development site. It is for the applicant to determine if they have a right of access along the bridleway, which is not maintained at public expense for motorised vehicles. The County Highways consultee has also questioned the legality of the access rights for a mechanically propelled vehicle along Uggle Lane, which is classified as a bridleway, over which it is an offence to drive a mechanically propelled vehicle, unless the applicant has private rights of access over the lane. Neither County Highways or the agent have been able to confirm whether these rights exist or not. However, this is a private legal matter and separate to planning legislation.

5.4.6 Notwithstanding the concerns raised, County Highways consultee has not objected to the scheme and is satisfied that the proposed, improved access from the site onto Uggle Lane would be safe and the proposal would not result in a significant increase in the vehicle movements. A condition for the retention of visibility splays is recommended.

5.5 Trees and biodiversity (NPPF Section 15, policies DM44 and DM45 of the Development Management DPD)

5.5.1 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.

5.5.2 The proposed access works would require the removal of a short section of Leylandii hedge at the front of the site to provide improved visibility. However, plans include the proposed replacement of this hedge behind the new visibility splay. This will be conditioned.

5.5.3 The majority of trees within the site are located within the eastern part of the plot and are made up of two groups comprising Beech, Damson, Hawthorn, Apple and Damson. These trees have been classified as a 'C category' within the AIA which indicates trees of the 'lowest quality'. Although it is considered that the loss of the trees would not have a significant impact on the local landscape character of the area they could be retained depending on the siting of the proposed dwelling within the plot. Nevertheless, sufficient mitigation could be secured in the form of replanting and

enhancement across the site through the Reserved Matters stage when the landscape elements are considered.

5.5.4 Close to the southern boundary there is a Cyprus and a Monkey Puzzle tree within the curtilage of 29 Toll Bar Crescent which is subject of a Tree Preservation Order (TPO 511(2012)). At this stage plans showing the siting of the dwelling and driveway are indicative only but the creation of a driveway into the site may require work within the Root Protection Areas (RPA) of the Cyprus and Monkey Puzzle tree. The submitted Arboricultural Impact Assessment advises that construction into root zones can be achieved if appropriate construction methods are used such as 'no dig' construction based on geocell grid infilled with porous material and retained by surface mounted or hand dug edging. However, a revised Arboricultural Impact Assessment and Tree Protection Plan would be expected at Reserved Matters stage when the final layout would be considered.

5.5.5 The application site lies within the median distance travelled of 3.454km (identified through the Recreational Disturbance Study for the Local Plan) 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 would be secured by condition.

## 5.6 Drainage (NPPF Section 12, policies DM29, DM34 and DM35 of the Development Management DPD)

5.6.1 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.

5.6.2 With respect to surface water drainage, the application form indicates that the site would be served by a soakaway. The principle of drainage via infiltration is considered to be acceptable and is in accordance with the drainage hierarchy.

5.6.3 With respect to foul drainage the application form suggest that this would be dealt with via a package treatment plant. The Council's Engineers department raised no objection to the scheme subject to the submission of the details of a final surface water 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.

5.6.4 The removal of permitted development rights in respect of householder development including extensions and ancillary buildings would ensure any drainage infrastructure is protected from future development within the domestic curtilage.

## **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 proposal will undoubtedly change the nature of the site but any loss of trees can be adequately compensated through appropriate planting/landscaping at the reserved matters. The site is considered large enough to ensure a suitable dwelling and respective garden space can be achieved in order to provide acceptable levels of amenity for future occupiers and retain amenity of existing nearby residential occupiers. The County Highways consultee is satisfied that access from the site

onto Uggle Lane would be safe and while there is a slight degree of conflict relating to the public right of way with regards to the condition of the track it is considered that the proposal would not result in a significant increase in vehicle movements. When considering the lack of a 5-year housing land supply and applying the tilted balance, the application is recommended for approval.

## Recommendation

That Outline Planning Permission 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	Submission of homeowner pack	Prior to occupation
4	Construction environmental management plan	Prior to occupation
5	Provision of Vehicular Access	Control
6	Construction deliveries	Control
7	Submission of hedge replacement scheme to access	Prior to development
9	Construction management plan	Prior to development
10	Surface water details	Prior to development
11	Foul drainage system details	Prior to development
12	Details of gates and fencing including height	Prior to development
13	Finished floor and garden levels	Prior to development
14	Unforeseen Contamination	Control
15	Hours of construction	Control
16	Nationally Described Space Standards	Control
17	Removal of permitted development rights	Control
18	Retention of visibility splays	Control

Advice to be included with decision notice:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on [PROW@lancashire.gov.uk](mailto:PROW@lancashire.gov.uk), quoting the location, district, and planning application number, to discuss their proposal before any development works begin.
2. Advice from United Utilities
3. Advice from Fire Safety Officer

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

In accordance with the above legislation, Officers have made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## Background Papers

None