

Agenda Item	Committee Date	Application Number
A9	4 March 2013	10/01319/FUL
Application Site G & L Car Services Wheatfield Street Lancaster Lancashire	Proposal Erection of 62 residential units comprising 51 affordable units and 11 open market units with associated access, roads and landscaping.	
Name of Applicant The Regenda Group	Name of Agent Mr Philip Dover	
Decision Target Date 31 March 2011	Reason For Delay Awaiting a legal agreement	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Note

This application was reported to Planning Committee on 7 March 2011 and was positively determined by Members at that meeting subject to planning obligations and planning conditions. However, the applicant has not entered into the required legal agreement in the subsequent 2 years despite assistance from Planning, Housing and Legal Officers. The application is therefore still pending and is not being reported back to Planning Committee for determination. The report has been updated for Members' consideration, incorporating the facts surrounding the application and the changes to planning policy and guidance that has occurred in the last 2 years.

1.0

The Site and its Surroundings

1.1 The application site relates to a 1.46 hectare linear strip of brownfield land, approximately 0.5km in length and less than 45m at its widest point, comprising former railway sidings and commercial garages located approximately 0.3km west of the city centre. The site is virtually orientated north/south with the western boundary abutting the West Coast railway line. To the north, the site sits alongside the curtilage of the Old Station House Bed and Breakfast; a large two storey stone built property bound by high stone walls. With regards to the eastern boundary, a small section of the site fronts Wheatfield Street before the highway turns through 90° to the east; thereafter the eastern boundary of the site abuts the rear alleyway to properties on Blades Street. The southern end of the site tapers towards Carr House bridge and at present is an area of overgrown shrub land which is elevated above properties to the east on Villas Court and those fronting Dallas Road.

1.2 The site was last used for car sales ceasing its operations around 2006. Since then the site has been left vacant. The northern end of the site previously accommodated a large brick built/metal clad car showroom which was accessed off Wheatfield Street with a relatively sizable forecourt to the front. To the south of this building the land was used as a large compound for storing vehicles and largely consists of hardstanding. This compound extends approximately half way down the site. Beyond this point land is scrubland. The buildings on site have now been demolished with a low brick wall built across the existing access into the former forecourt area.

1.3 Access into the site is off Wheatfield Street, literally on the 90° turn in the road, either via Meeting House Lane, which provides the principal route to residential areas east of the city, or via Dallas Road. Other than the railway station and nearby schools, surrounding land uses are predominantly residential, comprising a mix of apartments and dwellings. Buildings to the east of the site beyond the existing site access, consist of traditional rows of Victorian stone/slate build terraced houses. This is the general form of development in the immediate area characterised by stone terraces with strong building lines, subsequently resulting in quite a dense urban environment. At the southern end of Blade Street there is a one way road accessing Dallas Road; here there is an existing children's play area backing onto the Lancaster Boys Club. Further south running alongside the eastern boundary of the site there is an area of unallocated open space which backs onto Villas Court; a modern complex of residential dwellings.

1.4 The topography of the site is such that most of the site is at an elevation between 23m and 19.7m AOD, falling northwards towards Meeting House Lane, with a steep embankment along the eastern boundary. This part of the site is not developed and occupies by a number of trees. There is an important belt of trees which are subject to a Tree Preservation Order running along the eastern boundary of the site along the rear of Blades Street. The western boundary of the site has little tree or vegetation cover and as such is completely unscreened and open to views across the railway line from Westbourne Road and the residential area to the west.

1.5 The site is unallocated in the Lancaster District Local Plan proposals map, but is in close proximity to the City Conservation Area, the Castle Conservation Area and the recently adopted Cannon Hill Conservation Area. The Council have appointed consultants to review the Conservation Area boundaries. As part of this appraisal, the consultants have identified Blade Street as a group of positive buildings and therefore recommend that this street be included in the Conservation Area. Public consultation on this appraisal was undertaken in July/August last year.

2.0 The Proposal

2.1 The application seeks full planning permission for the erection of 62 residential units, 51 of which will be affordable units and 11 units for outright sale, together with associated landscaping, access and internal roads. The scheme is essentially divided into three parts. The northern most section of the site contains three blocks of three-storey apartments with associated surfacing parking and landscaping. The middle section of the site comprises 25 two-storey dwellings provided in six linear terraced blocks with associated off-street parking and private garden areas. The southernmost section of the site comprises a further 14 two-storey dwellings provided in three terraced blocks together with a pair of semi-detached dwellings at the southern most part of the site. The last two properties have reduced roof heights but still provide two floors of accommodation. All of these properties have the benefit of private gardens. The remaining area of land at the southern tip of the site shall be landscaped to provide informal open space for local residents.

2.2 Access to the site shall be via the existing access off Wheatfield Street, with an emergency access proposed half way down the site directly onto Blade Street, adjacent to the Lancaster Boys Club. This secondary access is intended to provide an emergency access for vehicles only and will be principally used as a second means of access for pedestrians and cyclists. Due to the gradient of the embankment in this location, the cycle/pedestrian access down onto Blade Street shall be separate to the emergency route in order to reduce the gradient for cyclists to a more appropriate level. With regards to the internal highway layout, this has been designed around the principles laid out in 'Manual for Streets' and the County's own 'Creating Civilised Streets'. The road shall be built to adoptable standards up to the turning head and the secondary access. South of this junction and north of the main access the internal roads shall be classified as private roads. The width and surfacing treatment help distinguish between the two road types.

2.3 In terms of parking provision, 68 parking spaces are proposed within the site, equating to just over 1 space per dwelling. Secure covered cycle parking storage shall also be provided adjacent to each of the apartment blocks. For the houses, cycle parking will be available within the curtilage of each unit.

2.4 The proposal also involves some off-site highway improvements, including the provision of a secondary access and contra flow lane for cyclists in Blade Street. These will be discussed later in the report.

2.5 In order to facilitate the development a total of 19 individual trees and 12 groups of groups of trees are required to be removed. To mitigate for the loss of these trees, an extensive landscaping scheme has been proposed comprising 45 new standard trees, the creation of new hedging, shrub planting and bedding planting. Due to the topography of the site, log retaining structures are also proposed at the southern end of the site in order to lengthen some of the proposed gardens.

2.6 Given the location of the site adjacent to the railway line, the proposal also involves the provision of a 2.5m – 3m acoustic barrier along the western boundary of the site.

3.0 Site History

3.1 The site has a long history of use for vehicle parking in association with the commercial garage buildings at the northern end of the site, but this is of no direct relevance to the consideration of this application.

3.2 There are two previous applications relevant to this site. The first of these (03/01491/FUL) was for the erection of 100 one and two bedroom apartments and six offices. This application was refused in May 2004 for the following reasons:

- Housing land oversupply contrary to policies in the Regional Spatial Strategy and Local Plan SPG 16 'The Phasing of New Residential Development'.
- Overbearing impact on neighbouring residential amenity (Blades Street)
- Design and appearance of the acoustic barrier (considered to represent a discordant and prominent feature in urban landscape terms)

3.3 The application was later subject to an appeal and was dismissed on the grounds of housing land oversupply only. The development was not regarded an exception to the policy of restraint in operation at the time. The second application was for 112 two bedroom apartments. This application was withdrawn during consideration of the first application. More recently, an outline application was submitted and approved (10/00100/OUT) for up to 59 houses and apartments. Committee resolved to approve this application subject to a s106 requiring affordable housing to be negotiated at the reserved matters stage. This outline application is still pending awaiting the outcome of the subject application (10/01319/FUL).

Application Number	Proposal	Decision
10/00100/OUT	Outline application for residential development to provide a maximum of 59 houses and apartments	Approved subject to s106 legal agreement
03/01491/FUL	Erection of 100 one and two bedroom apartments and 6 no offices.	Refused and dismissed at appeal
03/00842/FUL	Erection of 112 no. two bedroom apartments	Withdrawn
99/00602/CU	Change of use of land to display of used cars, car valeting area, incorporating access alterations, landscaping and new security lighting	Approved

4.0 Consultation Responses

4.1 The following responses were received from statutory and internal consultees in 2010/2011:

Consultee	Response
County Highways	No objections subject to the following conditions: <ul style="list-style-type: none">▪ Constructional details of the access roads and connections▪ Scheme for off-site highway improvements to be provided and implemented prior to occupation▪ Parking restriction – amendment to Traffic Regulation Order▪ All car and cycle parking to be provided in full prior to occupation
Environmental Health	No objections subject to the following conditions; <ul style="list-style-type: none">▪ Hours of construction

	<ul style="list-style-type: none"> ▪ Scheme for noise mitigation to be submitted ▪ Standard contaminated land conditions
United Utilities	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ The site be drained on a separate system with only foul drainage connected into the foul sewer ▪ Scheme for surface water drainage to be submitted and agreed in writing. ▪ Development to be carried out in accordance with the Flood Risk Assessment
Environment Agency	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ Contaminated land conditions ▪ Surface water should be restricted to existing rates in order to prevent an increased risk of flooding – the use of SUDS is recommended.
Network Rail	<p>No objections to the principle of the development.</p> <p>Network Rail have highlighted that they have a right of access through the site – this is a matter they are negotiating with the applicants. A number of asset protection measures need to be considered by the applicant in order to protect operational railway infrastructure. The most significant for planning purposes relates to the provision of a suitable trespass proof fence erected along the boundary of the site. A copy of Network Rail's comments to be included as an advice note in the event planning permission is granted.</p>
Lancashire Constabulary	<p>No objections to the principle of the development.</p> <p>Lancashire Constabulary has raised one particular concern about the second means of access into the site, commenting that a single point of access would provide greater natural surveillance and self-policing. If the second access can not be removed from the scheme, dwellings close to this point of entry need to be secure and robust.</p>
Strategic Housing	<p>No objections.</p> <p>The Planning and Housing Policy Team fully support the proposed scheme as it offers a higher ratio of affordable housing than the current affordable housing policy would seek to achieve. The Housing Needs Survey identifies an undersupply of one, two, three and four bedroom units of affordable housing, and there is currently a significant demand on the Council's Housing Register for rented accommodation in this location.</p>
County Planning	<p>Request for a financial contribution, amounting to £29,760 towards waste management.</p> <p><i>NOTE: There was no such request from County planning at the time of determining the outline application. Planning policy has not changed since the grant of the last approval, and as such Officers do not feel this request can be supported in this instance.</i></p>
North Lancashire Bat Group	<p>No objections subject to the following condition:</p> <ul style="list-style-type: none"> ▪ The development is carried out in accordance with the submitted bat survey and recommendations.
Natural England	No objections.
City Contract Services	No comments received within the consultation period.
Lancaster Civic Society	No objections to the affordable housing scheme commenting that the scheme has been sensitively designed given the awkward nature of the site, despite concerns for traffic congestion on nearby Meeting House Lane.
Council's Access Officer	Disappointed that accessibility was not considered in the submitted Design and Access Statement. Although the proposal appears to meet the minimums

	requirements of the Building Regulations, it would be a positive step to see lifetime homes criteria employed in this development.
Council's Tree Protection Officer	No objection subject to the following conditions: <ul style="list-style-type: none"> ▪ Arboricultural Method Statement to be submitted ▪ Tree Protection condition ▪ Landscaping to be implemented in accordance with submitted plans ▪ Maintenance regime to be provided
Sustrans	No objections. <p>SUSTRANS have commented that the development site is close to National Cycle Network routes through Lancaster. Given the sale of the development they wish to see improvements to walking and cycle links to the rest of the city.</p>

5.0 Neighbour Representations

5.1 At the time of compiling this report, 3 letters of objection have been received. The main areas of concern are as follows:

Amenity Concerns

- Three-storey buildings are excessive in scale. This will adversely affect views, outlook and privacy for neighbouring residents.
- Concerns regarding loss of light, particularly given the scale of buildings proposed and the site topography (especially towards the southern end of the site)
- Loss of open space. Concerns that the development of this site conflicts with the values of living in Lancaster for the city greenery and quality of life afforded by the smaller scale of civic life. The land has not been considered valuable because it is urban and 'waste'. The land in question, despite not being landscaped provides open space and is valuable to residents on Blade Street.

Highway Issues

- Congestion and associated on-street parking problems

Housing Issues

- Overdevelopment and overcrowding of the site
- There is no shortage of housing already available in Lancaster.

Biodiversity and Trees

- Potential environmental impacts associated with the development, in particular the loss of trees and the negative effects for the local environment and habitats.

Miscellaneous

- Dame to the value and quality of nearby properties
- "This is a long-term sacrifice for a small short-term gain".

6.0 Principal Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 sets out 12 core land-use planning principles which should underpin both plan-making and decision taking. The principles which are relevant to this application state that planning should: be genuinely plan-led; be a creative exercise in finding ways to enhance and improve the places in which people live their lives; secure high quality design and a good standard of amenity for all;

effective use of land by reusing land that has been previously developed; conserve heritage assets in a manner appropriate to their significance; take account of the needs of the residential communities; and improve health and social wellbeing for all.

Paragraphs 56 to 59, 61, 63, 64 and 66 (good design) is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Proposal should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Design codes should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Proposals should address the connections between people and places and the integration of new development into the natural, built and historic environment. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraphs 129 and 131 to 133 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 173 (ensuring viability and deliverability) - Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 205 (planning conditions and obligations) - Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

6.2

Regional Spatial Strategy (adopted September 2008)

Policy **DP2** (Promote Sustainable Communities) - fostering sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities, improving the built and natural environment, conserving the region's heritage, promoting community safety and security including flood risk, reviving local economies, promoting physical exercise through opportunities for sport and formal / informal recreation, walking and cycling.

Policy **DP5** (Reduce the Need to Travel, Increase Accessibility) - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy **DP7** (Promote Environmental Quality) - understanding and respecting the character and distinctiveness of places and landscapes, the protection and enhancement of the historic environment, promoting good quality design in new development and ensuring that development respects its setting, reclaiming derelict land and remediating contaminated land and use land resources efficiently, maximising opportunities for the regeneration of derelict or dilapidated areas, promoting green infrastructure and the greening of towns and cities.

Policy **L4** (Housing Provision) - address the housing requirements by ensuring the construction of a mix of appropriate house types, sizes, tenures and prices, encourage new homes to be built to Code

for Sustainable Homes standards, promote the use of the Lifetime Homes standard, ensure that the transport networks (including public transport, pedestrian and cycle) can accommodate additional demand generated by new housing; and maximise the re-use of vacant and under-used brownfield land and buildings.

Policy **L5** (Affordable Housing) - developments should secure the provision of affordable housing, which should remain affordable and available in perpetuity.

Policy **RT2** (Managing Travel Demand) - measures to discourage car use (including the incorporation of maximum parking standards) should consider improvements to and promotion of public transport, walking and cycling. Major new developments should be located where there is good access to public transport backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car.

Policy **RT9** (Walking and Cycling) - encourage the delivery of integrated networks of continuous, attractive and safe routes for walking and cycling to widen accessibility and capitalise on their potential environmental, social and health benefits.

Policy **EM1** (Integrated Land Management) - support conservation-led regeneration in areas rich in historic interest.

Policy **EM16** (Energy Conservation & Efficiency) - ensure that the developer's approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of development and energy consumption.

Policy **EM18** (Decentralised Energy Supply) - new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources.

6.3

Lancaster District Local Plan - adopted April 2004 (saved policies)

Policy **H12** (Layout, Design and Use of Materials) - aims to achieve a high quality of design and local distinctiveness with new housing schemes.

Policy **H13** (Sustainable Living) seeks to promote the greatest densities of development in the more sustainable locations. (Density requirements have now been removed in PPS3)

Policy **T26** and **T27** (Footpaths and Cycleways) - Requirements to include cycle and pedestrian links for new housing and commercial schemes particularly where proposed development sites are close to the strategic cycle network.

Policy **E35** (Conservation Areas and their Surroundings) - development which would adversely affect views into and across a Conservation Area or lead to an unacceptable erosion of its historic form and layout will not be permitted.

Policy **E13** (Trees and Woodland) states that development which would result in a significant adverse effect on, or involve the loss of significant trees or significant areas of woodland will not be permitted.

Policy **R11** (Open Space in New Housing Developments) - housing developers will be required to provide open space within the housing scheme.

Policy **R21** (Access for People with Disabilities) - requires disabled access provision.

6.4

Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - Development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 90% of new dwellings to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC4** (Meeting the District's Housing Requirements) - housing development should secure units of "in perpetuity" affordable housing and support regeneration within Regeneration Priority Areas.

Policy **SC6** (Crime and Community Safety) - encourage high quality design, incorporating "secure by Design" principles, avoid car dominated environments, remove dereliction and eyesore sites, achieving greater use of pedestrian and cycle networks, parks and open spaces in particular the key greenspace systems.

Policy **SC8** (Recreation and Open Space) - new residential development to make appropriate provision for formal and informal sports provision in line with the Open Space and Recreation Study.

Policy **ER7** (Renewable Energy) - To maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

Policy **E1** (Environmental Capital) - Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

Policy **E2** (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

6.5 Relevant Supplementary Planning Guidance (SPG) / Documents (SPD)

- SPG 12 Residential Design Code
- SPD Meeting Housing Needs

7.0 Comment and Analysis

7.1 There is one principal issue for Members to consider in the determination of this application - the viability and deliverability of the proposed development.

Principle of Development

7.2 The site has historically been considered and remains previously development land. It is also in one of the most accessible locations in the District with extremely good access to public transport and the nearby strategic cycle network. The regeneration of this site would therefore meet the sustainability objectives set out in both national and local planning policy.

7.3 The delivery of housing is an important element of the National Planning Policy Framework. Securing 51 affordable residential units and a further 11 open market dwellings would assist the Council in seeking to meet their 400 per annum housing completions target as set out in the adopted Core Strategy. The application is therefore very much supported in terms of its contribution towards housing provision, especially the delivery of affordable housing.

7.4 In support of the above policy position, Planning Committee approved an outline scheme for up to 59 units on this site late last year. Resolution to approve the scheme was subject to the signing of a Section 106 legal agreement in relation to the affordable housing elements (which is also still outstanding). As noted in the history section of this report, the earlier (2003) application for a mixed use scheme incorporating a significant proportion of residential development was refused. Whilst both the application and the appeal were turned down, both the Local Planning Authority and the Planning Inspectorate supported the principle of the site's residential redevelopment given its previously developed status combined with its highly sustainable location. The 2003 refusal was justified largely due to an oversupply of housing at the time. As such, it is accepted that the regeneration of this vacant site for residential development is appropriate in planning terms and would adequately comply with fundamental objectives of the Core Strategy and national planning policy.

7.5

Affordable Housing

Addressing local housing needs through the delivery of affordable housing plays a fundamental role in achieving sustainable development. Policy SC4 and the SPD (Meeting Housing Needs) sets the Core Strategy target for on-site affordable housing of 30% for 15 or more units in urban locations. In this case, the proposal was submitted by the Regenda Group who were offering 80% affordable housing on the site. There is a significant shortfall in affordable units in the District and as such a scheme offering in excess of the Core Strategy requirement of 30% should be supported in principle.

7.6

In terms of the tenure mix of affordable housing, the Council generally seeks 65% social rented and 35% intermediate housing. Of the units that are being allocated as affordable units, the proposal will comprise wholly intermediate housing, of which 41 units (80.4%) are for intermediate rent and 10 units (19.6%) are for shared equity. Of the 41 rented units, 30 units are two bed and 11 three bed units. The remaining 10 intermediate units are a mix of three and two bed units. Whilst this does not meet the exact tenure criteria of our planning policy, it still offers a high level of affordable units on the site. The reason why intermediate rent is proposed rather than social rented units is because Regenda have had to respond to the new model of affordable rents on the basis that the Housing and Communities Agency are reducing the grant levels for new schemes, which will effectively bring an end to new-build social rented units if the Government's proposals go ahead.

7.7

The Housing Needs Survey identifies an under supply of one, two, three and four bedroom units of affordable housing. Evidence also currently suggests that there is a significant demand on the Council's Housing Register for rented accommodation in this location. The Council's Strategic Housing team fully supported the scheme and would have supported Regenda's bid to the Housing and Communities Agency for grant funding to part fund the scheme. Conditions of grant funding for such schemes involve the development meeting Code Level 3 of the Code for Sustainable Homes and 'Secure by Design' status. Conditions which are fully supported by the Council.

7.8

In view of the above, the tenure mix proposed as part of this scheme is considered acceptable from a planning point of view and will certainly help redress current imbalances in the housing market in this District. On this basis the proposal is considered compliant with NPPF, Core Strategy policy SC4 and SPD (Meeting Housing Needs).

7.9

Design, Layout and Materials

The development of the site has been heavily dictated by the constrained linear shape of the site and the proximity of the site to the adjacent railway line. The noise and vibration assessments have also heavily dictated how and where the residential units are sited.

7.10

The mitigation measures identified in the acoustic assessment, which have been subsequently incorporated into the design of the scheme, include:

- a 10m buffer zone from the boundary with the railway line;
- the orientation of dwellings on the site to ensure that private gardens are protected from noise and vibration;
- provision of a continuous built form to reduce opportunities for noise to infiltrate into the site; and
- the provision of an acoustic fence/barrier

7.11

Other design constraints relate to the proximity of the development site to nearby residential properties, in particular Blades Street and properties on Villas Court, and the proximity of development to protected trees.

7.12

The submitted proposal has taken these constraints into account and like the indicative plans provided with the outline, as resulted in a linear form of development with a strong building line facing the railway line. The houses will front the internal road with off-street parking along the frontage, broken up with landscaping to reduce the impact of hardstanding and the clutter of vehicles forward of the building line.

There are three main elements to the scheme, each will be assessed individually as follows:

7.13

Northern Section

The northernmost section of the site relates to all the development to the north of the main access. This comprises 21 apartments contained within 3 three-storey buildings. The northernmost building

(Block A) is a three storey building of very simple form with a traditional pitched roof with narrow gable projections to the front and rear. The overall ridge height measures approximately 10.7m with an eaves height of 7.7m with the frontage of the building facing into the site and the rear elevation facing Wheatfield Street. The design of the building lacks character and although the developers have attempted to keep the overall appearance simple, the detailing of the elevational treatment is architecturally weak given the strong context of its surroundings. This building is sited opposite an existing four storey building which forms part of St James Court. The separation distance between the two units is less than 15m. This is contrary to the Council's Residential Design Code, which seeks to ensure new development does not adversely affect the amenities of existing and future residents, although there are significant level differences between the two buildings. Amendments have been sought to address the concerns expressed about the interface distances, together with modest amendments to the fenestration on this building. It would be necessary to condition obscure glazing for the first floor kitchen window in order to minimise the risk of overlooking,

7.14 The larger of the two buildings north of the access, is a combination of Block A and Block C (as shown on the elevations). The height of this building is the same as Block A which adjoins the block to the north. The roof configurations then turns 90 degrees at the southern end of the building to form a large gable end to the front and rear where the ridge height increases to approximately 12m. Whilst the scale of the building may be acceptable, the overall form, design and fenestration of this building was originally considered unacceptable. The rear elevation in particular had an extremely poor treatment with an unbroken, solid and rather inactive elevation, punctured with an inconsistent variety of window sizes. Amendments have been sought to address the above concerns. The elevations have been improved through the introduction of gable features, bonnet hips, string course details and improved fenestration. The separation distance between this block and existing properties, which are only two-storey, is however acceptable and compliant with the Council's Design Guide being just over 21m.

7.15 The remaining apartment block is positioned to the south of the access to the rear of Nos. 14-22 Blade Street with a separation distance of 18-19.5m to the rear of 14-18 Blade Street and 21m to the rear of 20 and 22 Blade Street. The former interface distance is strictly speaking below the minimum standard however given the strong belt of protected trees between the site and neighbouring properties and a slight difference in land levels it is contended that the interface distance is just shy of the required standards, would not warrant a refusal of planning permission. The protected tree belt will help mitigate any overbearing impact or loss of privacy. The scale of this building is three-storey with a maximum height of approximately 11.3m (at the flat roof) and 10.8m at the ridge. The outline accepted three storey developments to the rear of the first section of Blade Street and as such the principle of three-story is not, in itself, a particular concern. The original design issues discussed above are echoed in relation to this apartment block, although the concerns were exacerbated by the awkward roof configuration. Again, the amended plans have resolved these concerns.

7.16 With regards to all three of the apartment blocks, the standard of accommodation proposed is acceptable and compliant with the Council's minimum roof sizes and amenity standards. The scheme proposes surface parking, bin storage and cycle storage within this section of the site. The submitted landscaping scheme proposes to soften the eastern boundary with tree planting with more domestic planting internally, which will help tone down the overall massing of the development in this location as well as providing some visual 'greening' to the area which currently does not exist.

7.17 **Middle Section**
The middle section of the site comprises 25 two-storey dwellings, with ridge heights circa 8.3m, provided in six linear terraced blocks with associated off-street parking and private garden areas. Here the separation distances between the properties on Blade Street and the proposed dwellings are between 21.6m and 25m. The majority of the western boundary is also made up of some significant tree planting and landscaping and as such this element of the scheme is unlikely to adversely affect the residential amenities of properties on Blade Street. The designs of the dwellings are generally very simple, with no complex or unnecessary architectural features which are uncommon to Lancaster. The traditional vernacular is reflected in the design of these buildings. Amendments have been received addressing minor concerns about the fenestration to make the design simpler but with character, such as the exposure of the spar feet at eaves, removal of gables and simple window details. With regards to the housing types, the internal standard and layout of the accommodation adequately complies with policies H12, H19 and SPG 12. Externally however, some of the rear garden areas are below the recommended 10m in length. The garden lengths range from 7.5m to approximately 11.7m. Whilst some of the gardens may be below the minimum

requirements outlined in planning policy, regard should be paid to the dense built-up nature of the surrounding area where many of the properties, in fact the majority, have only a small yard as private amenity space. In this respect a refusal of planning permission on these grounds alone would not be substantiated.

7.18

Southern Section

The southernmost section of the site comprises a further 14 two-storey dwellings provided in three terraced blocks of a similar design to the middle section. There is however a smaller pair of semi-detached properties at the southern most section of the site, with a ridge height of approximately 6.8m. Due to the topography of the site and the relationship this property has with properties on Villas Court, the developers were advised at the pre-application stage that a pair of bungalows would be more appropriate in this location. The outline application had also purposefully removed a block of properties from this location due to concerns relating to the visual impact when viewed from Dallas Road, and the impact of the development on nearby residential properties. However it is noted that that there is an adequate 21m separation between plots 61/62 and Villas Court. Notwithstanding this, Officers remain concerned about the overall impact of these last two units and have therefore requested amendments to address these concerns. The standard and layout of the accommodation located in the southern section of the site adequately meets the requirements of policy H12, H19 and SPG12, with all the gardens (except plot 47) being of a satisfactory size. The garden sizes have been increased from previous plans (pre-application) by introducing a log retaining structure along the eastern boundary with the timber fencing erected above. This will be partly screened by proposed landscaping. Car parking is proposed to the front of the terraces and a small parking/turning area at the southern tip of the site, similar to that shown on the indicative plan submitted with the outline application.

7.19

All of the buildings/dwellings are intended to be built in high quality reconstituted stone, imitation slate roofing material, some render and UPVC windows and rainwater goods. The materials in this location are critical and clearly the most desirable materials would be natural stone and slate. The developer is fully aware of Officers concerns relating to materials; however the use of natural stone and slate, together with remediation needed to address contaminated land issues would render the development unviable. There is a high demand for affordable housing in the city and as such, Members are advised that on balance the use of reconstituted stone and imitation slate would be acceptable, provided extremely good-quality products are used. This can be carefully controlled by condition. For information, Harrier Court on Fenton Street (the large apartment development) and Villas Court on Dallas Road are developments located within the Conservation Area. Both of these schemes have been built using reconstituted stone and are appropriate in terms of appearance for the Lancaster setting. The use of UPVC is more of a concern, however given the site is not located within the Conservation Area it would be difficult to oppose. However, Officers would be seeking to use a good quality UPVC, preferably with a thinner profile and an off-white or grey colour.

7.20

In addition to the proposed residential development, the scheme also involves the erection of a high acoustic barrier along the eastern boundary of the site. Aside from the functional requirements of this structure, it will also form an important visual feature of the development. This barrier needs to be aesthetically pleasing when viewed from within the development site, as it will provide an important outlook of future residents, and when viewed from outside the site, in particular the railway line and the bridge over on Meeting House Lane. The developers are aware of Members and Officers desire for this barrier to have a more solid appearance to reflect other stone boundary features in the vicinity of the site (the appearance and form of this barrier was assessed as an issue during consideration of the last planning application - 10/00100/OUT).

7.21

With regards to residential amenity, the proposed development has in most cases adhered to the standard interface distances required in the Council's Residential Design Code. The existing screening along the embankment together with additional planting will also help reduce the impact of the development on nearby residents on Blade Street, although it is understood that there will inevitably some impact in terms of reduction of outlook and loss of evening sunlight, however these impacts are not considered to be sufficiently significant to justify a refusal of the scheme,. With regards to design, the overall character and appearance of the development is fundamental to achieving high quality new housing in the City. The amended plans address earlier concerns about design.

7.22

Access and Connectivity

The application site is highly accessible being located within easy walking distance of the city centre.

It is also only 250m north of the application site entrance to the West Coast mainline railway, 120m to bus stops on Meeting House Lane only 600m to the Lancaster Bus Station. In the immediate area there is a cycle route along Carr House Lane to the south and an off-site cycle lane along the other side of the railway line to the west providing access to the residential area of Fairfield.

7.23 Whilst Wheatfield Street is a relatively minor road it is heavily used providing a connection between Meeting House Lane to the north and Dallas Road to the east. The street is situated in a 20mph speed limit zone and is traffic calmed by means of a single speed hump halfway along the route. The proposed development will be served by the established access off Wheatfield Street at the point at which the road bends from north to east; at this junction visibility is good in both directions. In the vicinity of the site, the street is approximately 7.8m-8m wide with footways of around 1.8m width on each side. This access will form the main vehicle access for the development, but will also be open to pedestrians and cyclists. The submitted Transport Assessment has adequately assessed the appropriateness of the access and provided evidence to indicate the access and internal layout is suitable for large vehicles such as a refuge vehicle. A secondary access is proposed for emergency vehicles only. This is located halfway down the site onto Blade Street (similar to the previous approval last year). A further pedestrian and cyclist access will be provided in this location.

7.24 Internally, the site is designed around the principles laid out in 'Manual for Streets' and the County's own 'Creating Civilised Streets'. The internal road system has been designed to form frequent changes and deviations in the road surface treatment in order to help reduce vehicle speeds and encourage a sense of shared space between users. The road will be designed and built to adoptable standards up to the turning head at the secondary emergency access. In terms of parking provision, 68 parking spaces are proposed within the site, equating to just over 1 space per dwelling. In such a sustainable location this level of parking would be more than adequate and is highly unlikely to result in any increase in on-street parking on surrounding streets, which has been a concern raised by some residents. Secure covered cycle parking storage shall be provided adjacent to each of the apartment blocks and for the houses cycle parking will be available within the curtilage of each unit.

7.25 With regards to off-site highway improvements, the applicant of the previous outline planning application had committed to provide a cycle/pedestrian link onto the cycle network at Carr House Lane. This link was envisaged to be provided at the southern tip of the site. However, following further investigation by the current developers, as part of their preparations for submitting a detailed planning application, this direct link would not be possible due to landownership issues and the physical constraints of the site, in particular the difference in land levels. Subsequently, it was agreed with Officers and the Highway Authority that improvements would still be required to help improve connectively to the cycle network, particularly given the city's Cycle Demonstration Town status. This will be achieved through off-site highway works involving alterations to Blades Street to form a secondary access for pedestrians, cyclists and emergency vehicles including a contraflow cycle lane in the south section of Blades Street. This element shall be delivered via a Section 278 Agreement. As part of the scheme for off-site highway works, signage will be required along Dallas Road to direct cyclists to the designated cycle network at Carr House Lane.

7.26 In addition to the above s278 works, the Traffic Regulation Order for the existing 20mph zone in the area will need to be amended so that the proposed new highway can be incorporated into the zone. This shall be funded by the developer under Section 38 of the Highway Act. In addition, and more importantly, the Highways Authority has also highlighted the need for the proposed development to have parking restrictions introduced on the site in order to prevent commuter parking for the city and train station. The developer will be responsible for the Highway Authority's costs of investigating and implementing a scheme of waiting limitations.

7.27 In highway terms, the application is very similar to the previous application for outline consent and as such County Highways is satisfied that the proposed development will not have a significant adverse impact on the local highway network and is satisfied that the access to the site can be provided off Wheatfield Street. As a consequence, there are no highway objections to the proposal, provided to conditions are imposed concerning the access, internal layout, parking provision and a scheme for off-site highway works. County Highways has also more recently confirmed that they would be willing to adopt more of the internal road than previously considered possible, which reduces the Registered Providers' ongoing costs and therefore allows them to consider the scheme more positively.

7.28

Landscaping and Biodiversity

Whilst most of the site is now derelict, there are some protected trees (groups of trees) on the site. These trees are protected by Tree Preservation Order 301 (1999) and Tree Preservation Order 397 (2006) covering the group of trees along the eastern boundary to the rear of part of Blade Street and a small group of trees to the rear of the open space between the Lancaster Boys Club and Villas Court. The application has subsequently been supported by an Arboricultural Implications Assessment, which has identified 23 individual trees and 16 groups of trees within or in close proximity to the site. The majority of the trees surveyed are self-grown and have colonised on the fringes of the site and the steep embankment along the south-eastern boundary. Most of these trees have been categorised as Category C trees; trees of low value. Along the north-eastern boundary there is an area of mixed planting comprising Sycamore, English Oak, Ash, Willow and Alder. These trees have been categorised as Category B trees; trees of moderate value that collectively may form distinct landscape features.

7.29

In order to facilitate the development a total of 19 individual trees and 12 groups of groups of trees are required to be removed. The trees between the application site and the first terrace of Blade Street (Group 13 as shown on the tree protection plan) will be retained and protected throughout the development, as will a small group of trees on the eastern boundary (Group 1 as shown on the tree protection plan) which are predominately located outside the application site to the rear of Lancaster Boys Club. Whilst some of these trees are visible from the public realm and make a contribution to the amenity of the area, a number of them have limited remaining life potential and could reasonably be considered for removal, provided adequate mitigation and replacement planting is proposed. An extensive landscaping scheme has been submitted as part of the proposal. This includes replacement planting comprising 45 new standard trees, creation of new hedging, shrub planting and bedding planting, all of which will contribute significantly to the overall amenity of the area. The landscaping proposals identify the retention of the bulk of the protected trees along the eastern boundary. This together with extensive structure planting along this boundary and on the steep embankment will help soften the appearance of the development where the level differences are quite significant. The overall landscaping of the site will equally enhance biodiversity in the area. The extent of tree removal will be adequately mitigated by the proposed landscaping scheme and as such Officers are satisfied that the development adequately complies with saved policy E13 and PPS9. It should be noted that the extent of tree removal is very similar to that agreed when the outline application was determined. The Council's Tree Protection Officer has no objections to the proposed tree protection measures and landscaping, provided an arboricultural method statement is submitted and approved prior to determination. This statement is due to be submitted in advance of the committee meeting and as such Members will be verbally updated on this matter.

7.30

In addition to the submitted Arboricultural Implications Assessment, a series of ecological surveys have been carried out to demonstrate that the development of the site will not have an adverse impact on biodiversity. Natural England and the North Lancashire Bat group have raised no objection to the development and confirm that there will be no risk to protected species as a result of this proposal.

7.31

Noise and Vibration Assessment

Given the proximity of the site to the adjacent railway line, the application has been submitted with a thorough noise and vibration assessment. This assessment is required to inform the design and layout of the scheme to ensure noise and vibration levels are within acceptable limits for residential development in accordance with NPPF. The noise exposure category (NEC) of the site without any noise mitigation measures falls within Category B (55-66 dB_{L_{Aeq}}) during the day and Category C (66-74 dB_{L_{Aeq}}) at night. Good practice requires that in NEC C areas '*Planning permission should not normally be granted. Where development is permitted, steps should be taken to ensure a commensurate level of protection against noise.*

7.32

Noise mitigation has in the first instance informed the layout of the site, as noted in the design and layout section of the report. The position of the road, location of gardens and the linear nature of the development all contribute to noise mitigation. In addition a 2.5m-3m acoustic barrier should be installed along the western boundary between the application site and the railway line. This should be a wholly imperforate barrier. The assessments submitted indicate that a close boarded timber fence would typically be acoustically compliant, although this does not address the design and visual impacts of such a structure. To further help reduce noise levels inside dwellings, high specification double glazing and ventilation measures will be required. A scheme for noise mitigation and implementation will need to be formalised by an appropriately worded planning condition, as was the

case on the previous outline consent.

7.33 In terms of vibration, whilst there will be some vibration for passing trains the vibration levels from the passing trains assessed have been found to be below the threshold levels outlined in BS6472 'Guide to the evaluation of human exposure to vibration in buildings' and as such would not prohibit the regeneration of the site for residential purposes. Based on the assessments carried out and the fact that Committee approved the recent outline planning permission for residential development, there are no objections to the development on the grounds of vibration.

7.34 The Council's Environmental Health Service have raised concerns about the appropriateness of residential development in this location so close to the railway line, but have recommended a condition for noise mitigation. An updated acoustic assessment has been submitted to help demonstrate what mitigation can be made to demonstrate that the proposed residential development will be adequately protected. Members will be verbally updated of Environmental Health's position at the time of the committee meeting. Notwithstanding this, the appeal Inspector had not raised noise as a issue which would render the principle of residential development unacceptable. Equally so, the outline consent was approved with a condition for a scheme for noise mitigation. Circumstances have not changed and as such Members are advised that this would not be a reason to refuse the application.

7.35 Contaminated Land, Drainage & Flooding

The application has been supported by the submission of a Geotechnical Survey and a Preliminary Risk Assessment concerning contaminated land. These reports have been inspected by the Councils Contaminated Land Officer who has recommended planning permission be granted subject to the Councils standard conditions.

7.36 In addition, a Flood Risk Assessment (FRA) and Drainage Strategy have been carried out which confirms the site is within flood zone 1 where residential development is accepted in accordance with NPPF. This Assessment indicates an increase in impermeable areas (including the roof, hardstanding and road areas) from 0.48 ha to 64ha and as such accepts the need for sustainable drainage measures to be incorporated into the scheme. Both United Utilities and the Environment Agency have raised no objections to the proposed development, subject conditions relating to discharge rates and surface water management.

7.37 Open Space

The proposal involves the provision of informal open space at the southern end of the site which is unsuitable for development. This space is intended to be used as a 'natural play space' rather than the conventional play space expected with housing schemes. The reason for this is due to the proximity of nearby play areas (one at the end of Blade Street and the other over the railway line near the Fairfield Allotments) and the linear nature of the site and topography, which makes it unsuitable for kickabout space. Furthermore, the erection of standard play equipment at this elevated position could equally have a harmful impact on the character of the area. As such, leaving this section of land as informal open space with sensitive landscaping and natural play equipment would be more appropriate. It would equally offer a different type of play space to residents that could be enjoyed by all age groups. The details and provision of this play space can be appropriated controlled by condition. More recent discussions regarding this element of the development has investigated a less expensive option of having a community orchard with fruit trees rather than having an equipped play space.

8.0 Planning Obligations

8.1 The application is for 51 affordable dwellings and 11 dwellings for outright sale. The mix of units includes 21 x 2 bedroom (3 person) flats; 27 x 3 bedroom (5 person) houses and 14 x 2 bedroom (4 person) houses. The tenure mix is as follows:

- 21 x 2 bedroom (3 person) flat for intermediate rent at £112.15 per week
- 9 x 2 bedroom (4 person) house for intermediate rent at £122.36 per week
- 3 x 2 bedroom (4 person) house for 35% equity share full Open Market Value (OMV) £130K

- 2 x 2 bedroom (4 person) house for 50% equity share full OMV £130K
- 11 x 3 bedroom (5 person) house for intermediate rent at £132.46 per week
- 3 x 3 bedroom (5 person) house for 35% equity share full OMV £142.5K
- 2 x 3 bedroom (5 person) house for 50% equity share full OMV £142.5K
- 11 x 3 bedroom (5 person) house for outright sale at £142.5K

The s106 shall cover affordable housing provision only. All off-site highway improvements shall be delivered via s278 of the Highway Act and a condition imposed relating to the provision and maintenance of the informal open space. This is in line with the recent outline consent.

9.0

Conclusions

9.1

The regeneration of this brownfield, centrally located site for residential development is considered acceptable from a planning point of view and has previously been accepted by the Planning Inspectorate (despite the refusal of permission) and Members when determining the two 2010 planning applications (10/00100/OUT and 10/01319/FUL).

However, despite the Local Planning Authority's best efforts to negotiate a deliverable scheme for this site, the applicant has been unable to secure adequate interest from developers and Registered Providers to achieve the land price sought by the landowners. At a meeting in August 2012, the applicant, Registered Providers, the Highway Authority, Planning and Housing Officers discussed the cost implications of various aspects of the scheme including road adoption, materials, acoustic barrier, affordable housing provision, open space and cycleway linkages. With the exception of the acoustic barrier (for heritage and design reasons), compromises were considered acceptable to the Highway and Local Planning Authorities (including a reduction in the percentage of affordable housing to be provided across the site, which would have significant cost saving implications). This is in line with Paragraph 205 of the National Planning Policy Framework. Notwithstanding this, the applicant has been unable in the subsequent 6 months to secure the interests of Registered Providers to deliver the scheme as submitted or even submit a revised scheme for the Local Planning Authority's consideration based on the compromises agreed with the City and County Councils.

In conclusion, regrettably Officers are reporting this application back to Committee with a recommendation for refusal given that the proposal is undeliverable and unviable and therefore does not meet the requirements of the National Planning Policy Framework.

Recommendation

That Planning Permission **BE REFUSED** for the following reason:

1. The local planning authority first considered this application in March 2011 when it resolved to grant full planning permission subject to conditions and a legal agreement. During the intervening period since this resolution, Local Authority Officers (both Planning and Housing) have continued to negotiate with the applicant and seek compromises which would have resulted in a reduction of the total costs of delivering the site, in an effort to ensure scheme viability without undermining the core principles of developing this parcel of land. Such flexibility accords with Paragraph 205 of the National Planning Policy Framework. However, despite this the applicant has been unable to provide the Local Planning Authority with revised plans or secure the interests of Registered Social Housing Providers to deliver a scheme based upon the negotiated compromises at this site. Given the absence of any further meaningful progress, the Local Planning Authority has to conclude that the scheme cannot be viably delivered. As a consequence, the proposal is contrary to Paragraphs 50 and 173 of the National Planning Policy Framework.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.