

<b>Agenda Item</b> A5	<b>Committee Date</b> 2 March 2015	<b>Application Number</b> 14/01208/FUL
<b>Application Site</b> G And L Car Services Wheatfield Street Lancaster Lancashire		<b>Proposal</b> Erection of 41 houses and 24 apartments with associated access, roads and landscaping
<b>Name of Applicant</b> Mr Richard Harrison		<b>Name of Agent</b> Mr DK Seddon
<b>Decision Target Date</b> 25 February 2015 Extension of time for determination agreed to the 6 <sup>th</sup> March 2015		<b>Reason For Delay</b> Negotiations and committee cycle
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approve, subject to the submission of satisfactory amended plans to address design concerns.

## **1.0 The Site and its Surroundings**

- 1.1 The application site relates to a 1.46 hectare linear parcel of previously developed land, located approximately 0.3km west of the city centre. The site is orientated north/south with the western boundary abutting the West Coast Rail Line. To the north lies the curtilage of the two-storey Old Station House Bed and Breakfast, which is enclosed by high stone walls. 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 Blades Street. The southern end of the site tapers towards Carr House Bridge and is elevated above Villas Court and recreational land belonging to the Boys and Girls Club.
- 1.2 The site is currently vacant and was previously a car dealership to the north of the site and former railway sidings to the south. The northern end of the site accommodated a large brick built/metal clad car showroom and forecourt. These buildings are now demolished. Remnants from these buildings form part of the boundary with the railway line. To the south the land largely consists of hardstanding, albeit overgrown and extends approximately half way down the site. Beyond this point land is scrubland.
- 1.3 Access into the site is off Wheatfield Street, at the point of the 90° turn in the road. Other than the railway station and nearby schools, surrounding land uses are predominantly residential, comprising a mix of apartments and dwellings. 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 and Girls Club. Further south (along 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 above ordnance Datum (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 (TPO) running along the eastern boundary 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 sits adjacent to the western boundary of the Lancaster Conservation Area.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the erection of 65 residential units comprising 41 dwellinghouses and 24 apartments with an associated vehicular access off Wheatfield Street, pedestrian/cycle to Blade Street, an internal road and landscaping. All of the residential units proposed are for affordable rent (100% affordable housing scheme). The exact breakdown is as follows:

- 15 one bedroom apartments;
- 9 two bedrooms apartments;
- 14 two bedroom dwellings; and,
- 27 three bedroom dwellings

- 2.2 Due to the linear nature of the site, the development is essentially divided into three parts. The northern section (north of the vehicular access point) proposes two blocks of apartments and associated parking courts. The middle section (between the rears of 2–72 Blade Street) consists of one apartment block and a run of 6 terraces totalling to 25 dwellinghouses. The southern section (to the rear of the Boys and Girls Club) comprises a run of three terraces (total of 14 dwellinghouses) and a pair of semi-detached properties. Beyond this, an area of informal open space is proposed. The development consists of three-storey apartments at the northern end of the site dropping to two storey towards the southern end of the site. The proposed materials consist of reconstituted stone and roof tiles with grey UPVC windows and black UPVC rainwater goods.

- 2.3 Vehicular access would be via the existing Wheatfield Street access, with an additional pedestrian/cycle link proposed halfway down the site directly onto Blades Street. In terms of parking, 72 parking spaces are proposed, based on 100% parking provision with 7 visitor spaces. Secure and 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 In order to facilitate the development a total of 20 individual trees and 11 groups of trees are required to be removed. The group of protected trees along the eastern boundary are to be retained. A log retaining wall and cut and fill earth works to the rears of the properties are proposed to provide practical garden spaces to the units at the southern end of the site.

## **3.0 Site History**

- 3.1 There are four previous applications relevant to this site and the proposal. The first application (03/00842/FUL) proposed 112 apartments but was subsequently withdrawn. The second application later in 2003 (03/01491/FUL) proposed 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)

The application was later subject to an appeal and was dismissed only on the grounds of housing land oversupply. The development was not regarded an exception to the policy of restraint in operation at the time.

More recently, an outline application was submitted and approved (10/00100/OUT) for upto 59 houses and apartments. Committee resolved to approve this application subject to a Section106

Agreement requiring affordable housing to be negotiated at the reserved matters stage. A full application (10/01319/FUL) was submitted (before the 10/00100/OUT outline was approved) for 62 dwellings comprising 51 affordable units and 11 open market homes. This application was refused on the 4 March 2013 despite a committee resolution to approve two years previous on the grounds that the scheme was undeliverable.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objections subject to off-site highway works involving improvements to nearby bus stops, investigation and amendments to the existing Traffic Regulation Order to ensure the site is restricted to resident only parking and a two-way cycle route is delivered at Blade Street. Other conditions required in relation to the access, internal road details, the cycle/pedestrian link and parking provision.
<b>Environmental Health Service (EH)</b>	Noise and vibration assessments are adequate provided the precise details of the mitigation are secure and controlled by condition. Dust control should be secured by condition and measures to encourage the use of electric cars.
<b>EH Contaminated Land Officer</b>	Initially objected due to inadequate information submitted to assess the impacts. A Phase 2 Investigation report has been provided. At the time of compiling this report no comments from the Contaminated Land Officer had been submitted. A verbal update will be provided.
<b>Network Rail</b>	No objection in principle. They provide general advice to the applicant regarding the need for separate approval from the Network Rail Operational Property Team, as the site layout plan does not appear to adhere to separate access rights Network Rail currently hold. Separate (i.e. non-planning) risk assessment and method statements will also be necessary, and no planting of trees along the Network Rail boundary would be permitted. Landscaping scheme to be agreed by Network Rail. The following conditions are recommended: <ul style="list-style-type: none"> <li>• Details of a suitable trespass proof fence and acoustic fencing mitigation adjacent to the boundary with the railway line;</li> <li>• Drainage details</li> <li>• Excavation, ground levels and earth works proposed by the railway line</li> </ul>
<b>Conservation Officer</b>	Recommends amendments in relation to building materials and fenestration to improve the design to reflect its position adjacent to the Conservation Area.
<b>Strategic Housing Officer</b>	The scheme offers 100% affordable housing and has attracted government funding from the Homes and Community Agency. It provides good mix of housing types having regard to local needs and demands. Full support for the proposal.
<b>United Utilities</b>	A public sewer crosses the site and the layout should be revised to account for this or for the development to agree to a diversion at their expense. Otherwise no objections subject to a condition requiring surface water discharge to the public sewer at greenfield rates and precise details to be controlled by condition.
<b>Environment Agency (EA)</b>	No objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, limiting surface water run-off generated by the 1 in 100yr plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase flood risk elsewhere. A further condition required for surface water drainage. The EA also raised concerns over the contaminated land assessments and recommend further intrusive investigations are carried out. Further information has been provided and the EA re-consulted. A verbal update will be provided.
<b>County Planning Contributions team</b>	No objections. Country Education have assessed the scheme and do not require a contribution.
<b>Tree Protection Officer</b>	No objections subject to a number of planning conditions which ensure adequate protection of protected trees on site, including a tree works schedule.
<b>Civic Society</b>	Comment that the design is bland and unimaginative and needs revisions to improve the architectural offering on a key route (via rail) into the city. They also question the proximity of the development to the railway line and traffic congestion at the junction

	with Meeting House Lane.
<b>Parking (City Council)</b>	The site is occupied between two residential parking zones (F & J). Subsequently, visitors to the proposed properties will not be able to park on surrounding streets.
<b>Natural England</b>	No objection in relation to statutory nature conservation sites. Standing Advice provided in relation to protected species. Biodiversity and landscaping enhancements should be incorporated into the development.
<b>Lancashire Constabulary</b>	Recommends that the development is completed to Secured by Design standard and refers to comments made in 2010. The main concern back in 2010 was the additional pedestrian access point. The police have a preference for a single access point only.

## **5.0 Neighbour Representations**

5.1 At the time of compiling this report, 15 letters of objection have been received. The main areas of concern are as follows:

- Excessive scale of buildings (3-storey) affecting views, outlook and privacy;
- Overdevelopment of the site; fewer dwellings may alleviate concerns;
- Proximity to railway line;
- Lack of on-site car parking and the potential for commuter car parking here due to parking restrictions elsewhere locally;
- Highway safety concerns, including proximity to bend in an area used by children (play area, school, nursery, mosque);
- Inadequate assessment of traffic, parking and road safety
- Lack of supporting infrastructure (school and play area) and need for open space/allotments;
- Impacts upon Conservation Area (more imaginative scheme should be pursued);
- Better housing mix is advocated (i.e. not all rented);
- Loss of trees and wildlife; and need to retain landscape buffers;
- Separate concerns regarding tenant mix; impacts upon cultural diversity of area/social structure of neighbourhood;
- Disturbance during the construction phases of development.

## **6.0 Principal National and Development Plan Policies**

- 6.1 National Planning Policy Framework (NPPF)  
 Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles  
 Paragraph 32 and 34 – Transport Considerations  
 Paragraphs 47-55 - Housing  
 Paragraphs 56, 57, 58, 60, 61 and 64 – Design  
 Paragraph 69 – Promoting Healthy Communities (place making)  
 Paragraphs 109, 117 – 119 and 123 – Conserving the Natural Environment  
 Paragraphs 131 – 134 – Conserving and Enhancing the Historic Environment  
 Paragraph 173 – Ensuring Viability and Deliverability  
 Paragraphs 186, 187, 196, 197, 203 -206 – Decision making
- 6.2 Lancaster District Development Management DPD (DM DPD)  
 Policy DM20 – Enhancing Accessibility and Transport Linkages  
 Policy DM21 – Walking and Cycling  
 Policy DM22 - Vehicle Parking Provision  
 Policy DM27 – The Protection and Enhancement of Biodiversity  
 Policy DM28 – Development and Landscape Impact  
 Policy DM29 – Protection of Trees, Hedgerows and Woodland  
 Policy DM32 – The Setting of Designated Heritage Assets  
 Policy DM35 – Key Design Principles  
 Policy DM38 – Flood Risk  
 Policy DM39 – Surface Water Drainage  
 Policy DM41 – New Residential Development
- 6.3 Lancaster District Core Strategy (LDCS)  
 SC1 – Sustainable Development  
 SC4 – Meeting the Districts Housing Requirements

6.4 Supplementary Planning Guidance (SPG)  
SPG 12 – Residential Design Code  
SPG – Meeting Housing Needs

6.5 Other Material Considerations include the National Planning Practice Guidance (NPPG)

## **7.0 Comment and Analysis**

7.1 The principal issues to consider in the determination of this application are:-

- Principle of development and housing need
- Layout, design and residential considerations
- Access and parking considerations
- Landscaping and Biodiversity
- Other considerations – drainage, flood risk, contamination

### **7.2 Principle of Development**

The site is in a highly sustainable position within Lancaster with extremely good access to public transport and the nearby strategic cycle network. It is previously developed land and has been vacant for some considerable time. The regeneration of this site would meet the sustainability objectives set out in both national and local planning policy. The site has also been the subject of previous residential proposals. Whilst the earlier scheme was dismissed by the Inspectorate this was only on the basis of the oversupply of housing at the time, not because the site was unsuitable or the scale of development was inappropriate. More recently this Council has approved outline planning permission for up to 59 dwelling units.

7.3 The delivery of housing is an important element of the NPPF. Specifically, paragraph 49 states that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*. Where the Council cannot demonstrate a five-year housing supply relevant housing policies should not be considered up-to-date. In which case the key test is set out in paragraph 14 which states that for decision making: *'where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole'*.

7.4 This Council cannot demonstrate a five-year housing land supply and as such the above test applies. Securing 65 affordable units would positively contribute to the District's housing and significantly boost the Council's affordable housing targets set out in the LDCS. Addressing local housing needs through delivering affordable housing is a fundamental role in achieving sustainable development. The Council's policy seeks a mix of tenures for affordable housing, mainly 50% social rented and 50% intermediate, such as shared ownership. This proposal is slightly unique, firstly in the sense that it is a 100% affordable housing scheme and secondly as it is supported and funded by the Government's Homes and Communities Agency (HCA). The scheme housing mix and tenure have been driven by the HCA Affordable Housing Programme, specifically that their funding regime is based on affordable rented units. The local housing demand for affordable rented units in the city is most acute and the scheme will also help address the impacts of the Welfare Reform. Despite the absence of a detailed development appraisal, it is clear from past cases that viability of this site is difficult. The applicant has indicated that the viability of the scheme is marginal and relies on central government funding. Introducing a proportion of shared ownership properties within the development proposal is not considered a feasible proposition by the registered provider as it would introduce commercial risk and uncertainty.

7.5 There have been concerns raised by the local community about the density and type of housing proposed, specifically the lack of different housing types and tenures which would subsequently fail to deliver a mixed, cohesive and sustainable community. To provide some clarity on this issue, the development will be owned and managed by Chorley Community Housing (CCH). CCH operates a Local Lettings Policy which is a policy agreed with the City Council and aims to achieve an appropriate and mixed balance of tenants. It is possible to impose a planning condition requiring the developer to enter into a local Lettings Policy for the avoidance of doubt. Despite some concerns from neighbouring residents, the application is very much supported in terms of its

contribution towards housing provision, especially the delivery of affordable housing and this carries significant weight in the determination of the application. The proposal in this regard is compliant with SC1 of the LDCS, DM41 of the DM DPD and paragraphs 17, 49 and 50 of the NPPF.

## 7.6 **Design, Layout and Residential Amenity**

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 assessment has also heavily dictated how and where the residential units are sited. The site is also constrained by a 1000mm-diameter sewer running east-west across the site and protected trees along the eastern boundary. Other design constraints relate to the proximity of the site to nearby residential properties, in particular those on Wheatfield Street, Blades Street and properties on Villas Court, and the proximity of the development site to the adjacent conservation area.

7.7 The proposal has taken these constraints into account and like previous applications it proposes 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 hard standing and the clutter of vehicles forward of the building line.

7.8 One of the core planning principles of the NPPF is to “*always seek to secure high quality design*” (paragraph 17). It continues by stating that “*good design is a key aspect of sustainable development and should contribute positively to making places better for people*” (paragraph 56). Development should respond to “*local character and history and reflect the identity of local surroundings and materials*” (paragraph 58). Development Plan policy requires new development to positively contribute to the surrounding townscape and reflect local distinctiveness. The site occupies a prominent gateway position (for people visiting the city via rail) and sits adjacent to the Lancaster Conservation Area. It is essential that any new development in this location appropriately reflects or positively contributes the adjacent designated heritage asset and constitutes high quality design.

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

### **Northern Section**

This relates to all the development to the north of the main access. It comprises 15 apartments contained within 2 three-storey buildings. The northernmost building (Block A) is of very simple form with a traditional pitched roof with principal gables forming front and rear elevations. A smaller hipped gable projection added to the side provides the stairwell. The overall ridge height measures approximately 10.3m with an eaves height of approximately 8.2m. The design of the building has been revised, though Officers are still negotiating the final design and fenestration. At present the main area of concern relates to architectural detailing and the proportion and scale of the stairwell element. This building is positioned opposite an existing, larger four-storey residential building comprising residential apartments on the corner of Wheatfield Street and Meeting House Lane. The separation distance between the two units is less than 15m. Where habitable windows face habitable windows a separation of 21m should usually be provided. However, planning policy indicates there may be cases where minimum distances can be reduced or increased based on site specific circumstances. A sectional drawing has been provided which demonstrates that Block A will be positioned over 3m lower than Wheatfield Street. The level differences are such that the development would not lead to a significant overbearing impact on future occupants of this property or those of St James Court. Amendments have been requested to ensure the rooms facing Wheatfield Street are the bathroom/kitchen windows only. If amendments are provided to this effect there would be no residential amenity grounds to refuse the development.

7.8 Block B is a significantly larger building positioned south of Block A facing Wheatfield Court – a complex of two-storey residential units. The height of this building (at its highest point) is approximately 11m dropping to approximately 10.2m with an overall eaves height of 8.2m. This block has a building length of approximately 30m and it results in a large mass of building extending along Wheatfield Street. To help articulate and break-up the mass of building, wide gable projections extend forward of the smaller central/end elements on both the front and rear elevations. The design of the building has been revised though Officers are still negotiating the final design and fenestration. The main area of concern relates to the appearance of the central staircase element and the need to improve architectural detailing. This building has an interface

distance to the front elevation of Wheatfield Court of approximately 18.7m. The sections show the proposed building at the same level as Wheatfield Street and the properties opposite. At a storey higher than the properties opposite and just under the required separation standard, amendments have been sought to try and improve this relationship though given the separation distance is almost compliant this would not significantly and demonstrably outweigh the benefits of the proposal set out in this report.

#### 7.9 **Middle Section**

The middle section of the site comprises the remaining three-storey apartment block (9 units) and 25 two-storey dwellings, with ridge heights approximately 8m, provided in six linear terraced blocks with associated off-street parking and private garden areas.

7.10 The remaining apartment block (Block C) is positioned to the south of the access to the rear of 14-22 Blades Street with a separation distance of 17.5m to the rear of 14–18 Blades Street and 21m to the rear of 20 and 22 Blades Street. At the northernmost part of the building this is slightly below the usually accepted minimum standard. However, in this case there is a strong belt of protected trees between the site and neighbouring properties that will help mitigate any perceived overbearing impact. Given this the degree of separation is acceptable. These trees are proposed to be retained. The scale of this building is three-storey with a maximum height of approximately 11.3m dropping to approximately 9.7m with an eaves height of 8.3m dropping to 6.3m. It consists of two main building blocks linked by a central component. Each of the components have a different roof arrangement which does not create a cohesive design. Officers are continuing negotiations with the developer in order to ensure the development is of a design appropriate to the locality.

7.11 With regards to all three of the apartment blocks, aside from the outstanding design issues, the standard of accommodation is acceptable and compliant with the Council's minimum room sizes set out in Appendix E of the DM DPD. The scheme proposes surface parking, bin storage and cycle storage within this section of the site. The site plan indicates areas of landscaping will be provided around the proposed buildings. This will help soften the appearance of the development and provide some visual greening to the area which currently does not exist.

7.12 Beyond Block C, 6 terraces of two-storey dwellings are proposed. The separation distances between the properties on Blades Street and the proposed dwellings are between approximately 21.5m 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 simple. Amendments have been received to improve their overall appearance, including the removal of gable features and the incorporation of full front gables at the end of selective terraces. Windows have been simplified and fascia/verge and soffit details amendment to remove the overly bulky detailing originally proposed. The standard and internal layout of the accommodation adequately complies with policy (DM35 and SPG12). 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 could not be substantiated.

#### 7.13 **Southern Section**

The southernmost section of the site comprises a further 16 two-storey dwellings provided in three terraced blocks of a similar design to the middle section and a pair of semi-detached dwellings at the far end of the site. Due to the topography of the site and the relationship this property has with properties on Villas Court, Officers remain concerned about the design and visual appearance of the last two units and have requested amendments, particularly given their elevated position and prominence from Dallas Road. This section of the site shall be served via a private road as the geometry required to make this section of road adoptable is not achievable due to the proximity to Network Rail infrastructure. The precise details of surfacing materials can be controlled by condition. Despite concerns over the design of the last two units, the standard and layout of the accommodation adequately meets policies DM35 and SPG12. The garden lengths are achieved by the introduction of a log retaining structure along the eastern boundary for the southern section of the site. With this in place the gardens will provide sufficient private amenity space for future occupants. 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 previously considered via the former outline application.

- 7.14 All of the buildings/dwellings are intended to be built in a high quality reconstituted stone, imitation slate roofing material, with grey UPVC windows. The materials in this location are critical and clearly the most desirable materials would be natural stone and slate. However, it is acknowledged that the use of natural stone and slate, together with contaminated land remediation are likely to render the development unviable. There is a high demand for affordable housing in the city and so on balance the use of reconstituted stone would be acceptable, provided extremely good quality products are used. For information, Harrier Court on Fenton Street (the large apartment development) and Villas Court on Dallas Road are developments located within the Conservation Area which have been built using reconstituted stone and are acceptable in form and setting. As for the roofing material, finding an appropriate imitation slate is more difficult. Officers are still negotiating this element and a verbal update will be provided.
- 7.15 The scheme proposes a high boundary fence along the western boundary of the site that will form an important visual feature of the development. This boundary detail needs to be aesthetically pleasing from all aspects including residential property and from the adjacent railway line. There has been longstanding concerns over the precise details of the boundary, particularly given its length extends over 400m, and previously a “green” boundary solution appeared to be the most favourable. Regrettably, Network Rail have indicated to the developer that no vegetation can be planted on their side of the boundary, so ruling out prospects for a more “green” boundary. A timber fence solution has been proposed which is not unattractive but certainly not typical of Lancaster’s vernacular. However, it would appear that there is little viable alternative. The precise details of the boundary fence can be controlled by condition to ensure there is some variation along its full length and that it of an appropriate colour and finish.
- 7.16 In terms of the architectural detail, scale and appearance, despite the submission of recent amendments, the scheme needs further improvement to positively contribute to the character and appearance of the adjacent Conservation Area. Paragraph 132 of the NPPF is particularly relevant and states that when considering the impact of a proposed development on the significance of a designated heritage asset, “*great weight*” should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the asset or its setting. In this case, whilst the existing vacant site currently does not positively contribute to the setting of the Conservation Area, its redevelopment should be high quality and sensitive to its surroundings, bearing in mind it will form the foreground to the Conservation Area and the Castle. Amendments are required to secure a development proposal which would sufficiently comply with the design and heritage related policy set out in the NPPF and the DM DPD. The developer is cooperating and it is anticipated suitable amendments will be received. If amended plans are not submitted or the plans submitted fail to address Officer concerns, Members will need to carefully balance the impacts of the proposal, namely poor design, against the benefits of delivering much needed affordable housing in the city.
- 7.17 **Amenity of Future occupants – Noise and Vibration Assessment**  
Given the proximity of the site to the adjacent railway line, the application includes a noise and vibration assessment.
- 7.18 Noise mitigation measures have been incorporated into the design of the development. These are predominantly consistent with previous noise assessments and proposals for this site. The measures included are as follows:
- Maximise the separation between the adjacent railway and new dwellings;
  - Position noise sensitive rooms of closest dwellings so as not to directly overlook the railway line;
  - Incorporate facade components with acoustic properties;
  - Acoustic screening – though the assessment indicates that the acoustic properties of such a barrier would still require glazing and ventilation mitigation.
- 7.19 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. The Council’s Environmental Health Officer has raised no objections.
- 7.20 In terms of vibration, whilst there will be some vibration from passing trains, the vibration levels



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 residential redevelopment. Based on the assessments there are no objections to the development on the grounds of vibration. It should also be highlighted that the Inspector when considering the 2003 case had not raised noise or vibration as a significant issue which would render the principle of residential development unacceptable.

7.21 **Access and parking**

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.

7.22 Wheatfield Street is a relatively minor road but it is used to provide a connection between Meeting House Lane to the north and Dallas Road to the east. This route is regularly used by vehicles and pedestrians accessing the primary school, the mosques, the community centre and nursery on Dallas Road. The street is situated in a 20mph zone with restricted parking (residential permits) on surrounding streets. At the proposed access the 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 proposed access is consistent with the outline permission which also sought consent for the access. The Highway Authority have also raised no objection. In this regard, it is contended that the proposal is acceptable and compliant with section 4 of the NPPF and policy DM20 of the Development Management DPD (DM DPD).

7.23 The internal road system is basically a straight length of carriageway with no narrowing or chicanes to help reduce vehicles speeds. Whilst the use of road calming would generally be supported it is quite difficult on this site due to the position of the parking bays. Notwithstanding this, Officers have asked the developer to consider the options suggested by the Highway Authority. It is contended that the careful use of surfacing materials could help improve the appearance and encourage a sense of shared space between users thus also providing a mechanism to help limit vehicles speeds on site. Such detail can be controlled by condition. The road will be designed and built to adoptable standards up to the turning head, beyond which the road will remain in private ownership. To improve legibility and accessibility for pedestrians and cyclists, a second pedestrian/cycle access point is proposed directly onto Blades Street. This will involve significant engineering works given the change in levels between the site and Blade Street. Sections have been provided to demonstrate the scale of the works proposed, though full details can be controlled by condition to ensure it is a suitable route for pedestrians and cyclists alike. Historically there have been aspirations for a link at the southern tip of the site to the Carr House Lane cycle route. Unfortunately this route is unlikely to be feasible due to the changes in land levels. This was sufficiently evidenced and accepted during consideration of the previous full application (10/01319/FUL) and so there is no reason to explore this matter further under this application.

7.24 In terms of parking provision, 72 parking spaces are proposed within the site, equating to 100% parking with 7 visitor spaces. The Highway Authority have not objected to the level of parking proposed and the proposal is compliant with policy DM22 of the DM DPD. 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. Precise details to be controlled by condition.

7.25 Despite the above, the Highway Authority and local residents have highlighted concerns over parking in the area surrounding the site. Until relatively recently, the streets surrounding Wheatfield Street, including Blades Street, were used by commuters seeking to avoid car parking charges. The surrounding streets are now predominately restricted to residents only. The Highway Authority have indicated that the proposed development would also need to restrict on-street parking to prevent commuter parking. The developer will be responsible for the Highway Authority's costs of investigating and implementing a scheme of waiting limitations if they wish for the roads to be adopted. Similarly, the existing 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 this zone. The developer has raised no objections to this. Both would be controlled by planning condition. With such restrictions in place, the inclusion of 7 visitor parking spaces on site in addition to an accepted level of private parking (100%) is a positive addition to the development.

7.26 In addition with the above requirements, the Highway Authority have indicated further off-site works are required to make the development acceptable, primarily in the form of accessibility enhancements and works to encourage the use of more sustainable travel. The works required involve the following:

- Improvement of existing bus stops facilities (ref 2500IMG1252 & 2500DCL3062 Meeting House Lane) to County Council quality bus stop standards; and,
- Alterations to Blades Street to form a secondary access for pedestrians and cyclists including a contra flow cycle lane in the southerly section of Blade Street with amendment to the existing Traffic Regulation Order to allow two way access for bicycles.

7.27 In highway terms, the application is similar to the previous outline consent. The Highway Authority are satisfied that the proposed development will not have a significant adverse impact on the local highway network and are 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 conditions are imposed concerning the access, internal layout and pedestrian/cycle links, parking provision and management, construction method statement and a scheme for off-site highway works.

### 7.28 **Landscaping & 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 (TPO) 301 (1999) and TPO 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 identifies 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 eastern boundary.

7.29 In order to facilitate the development a total of 20 individual trees and 11 groups of groups of trees are required to be removed. The trees between the application site and the first terrace of Blades Street (Group 13 as shown on the tree protection plan) will be retained and protected, as will a small group of trees on the eastern boundary (Group 1) to the rear of the proposed plots 54–61. The extent of tree removal is consistent with early proposals on this site and is considered acceptable provided a suitable replacement tree-planting scheme is delivered via planning condition. The southern tip of the site could accommodate replacement planting with additional planting along the eastern embankment to bolster the existing tree belt. This will enhance biodiversity and sustain an important visual amenity resource. The Tree Protection Officer has raised no objections to the proposal subject to the imposition of a number of conditions to secure adequate tree protection and landscaping. The scheme would not conflict with policy DM29 of the DM DPD.

7.30 Turning to biodiversity, the principle of development on this site is well established, however the natural environment and biodiversity can change so the developer has undertaken an up-to-date ecological assessment for the site and an additional bat report. There is a significant amount of built development and transport infrastructure which separates the site from statutory nature conservation sites (such as Morecambe Bay). Natural England have raised no objections to the proposal and have indicated an Appropriate Assessment (Habitat Regulations) is not required.

7.31 The application has assessed the site for protected species and has made a number of recommendations, these include badger and bat surveys, native species landscape planting, protection of existing trees, timing of site clearance (in relation to potential reptile habitats and breeding birds), and works for the safe eradication of invasive species.

7.33 On the whole these recommendations are acceptable, with the exception of the recommendations set out for protected bats. The Council have a statutory duty in relation to assessing the implications of development proposals on the conservation status of protected species under European legislation. The authority cannot determine an application without understanding the true impacts of the proposal on bats and whether mitigation is required.

7.34 The developer has undertaken a bat report which is not consistent with the recommendations set out in the Phase 1 ecology statement. Officers have sought clarification about this matter. The

developer's ecology consultant (for the bat report) has provided a further response which sets out that in accordance with the Phase 1 report there were no bats recorded on site. The trees identified in the phase 1 report as having low potential have been reassessed by a professional ecologist and licenced bat consultant. Their surveys concluded the semi-mature trees on site offer no significant opportunity for bats roosts and no evidence of any roosts were recorded. Subsequently, in accordance with the Bat Conservation Trust guidance (figure 4.1) no survey effort is required. This conclusion is consistent with the conclusions drawn when considering earlier schemes on this site. On this basis, Officers are satisfied that the development will not impact the status of bats in the area. Recommendations set out in the bat report shall be secured by condition to enhance the biodiversity value of the site, such as the incorporation of bat bricks and bat boxes.

### 7.35 **Other issues – Drainage, Flood Risk and Contamination**

The developer has considered options to deal with surface water drainage in accordance with the hierarchy set out in the response from United Utilities and policy requirements to incorporated sustainable urban drainage systems (SuDS) where it is possible. Unfortunately ground conditions and the proximity to Network Rail infrastructure means infiltration of surface water is unlikely to be an option. Similarly, the ability discharge to Lucy Brook is considered difficult as the watercourse is located on the opposite side of the railway line. Subsequently, the applicant has sufficiently demonstrated that an above-ground SuDS scheme is not feasible and so the proposal is for surface water to discharge to the public sewer. With the lengthy vacancy on the site, United Utilities, wish the discharge rate to the sewer to be based on greenfield rates (despite the site being a brownfield site), calculated at 11.7l/s. Attenuation storage will be required. This is most likely to be delivered via over-sized pipe tank systems underground and an outlet flow control device. The precise details of the surface water drainage scheme can be controlled by condition now the discharge rates and attenuation requirements are established. The Flood Risk Assessment and Drainage Strategy sufficiently demonstrate the site can drain without causing a flood risk on site or elsewhere. United Utilities, the Environment Agency and the City Council's own drainage engineer have raised no objections subject to the imposition of conditions. The development is considered compliant with Development Management policies DM38 and 39.

7.36 With regards to contamination, a Phase 2 report has been submitted and is in the process of being considered by the Environment Agency and the Council's Contaminated Land Officer. It is anticipated that contamination concerns can be adequately addressed either through the remediation measures set out in the submitted report or in the event the report is not sufficient through the imposition of conditions. A verbal update will be provided on this matter.

## **8.0 Planning Obligations**

8.1 There have been no requests for financial contributions that would need to be secured by legal agreement. Specifically, County Education have not requested any contribution towards school places. In terms of securing the affordable housing, this is an application for 100% affordable housing and as such Officers are satisfied that securing the affordable housing can be controlled by condition. Similarly, all the off-site highway works can be secured by s278 and condition rather than by a s106 agreement.

## **9.0 Conclusions**

9.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development encompasses an economic, social and environmental role and that these roles are mutually dependant. This proposal presents an opportunity to redevelopment a vacant brownfield site in a highly sustainable location. It is also a site where the Council have previously accepted the principle of redeveloping the site for residential purposes. The proposal will contribute to the District's under supply of housing and will provide much needed affordable housing in the city. In accordance with paragraph 49 and 14 of the NPPF, the delivery of housing in a sustainable location carries significant weight and for decision making this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrable outweigh the benefits of the proposal. As the application stands, the main outstanding issue relates to design and the impact of the proposal on the adjacent Conservation Area. Officers are confident that these concerns can be resolved and if that is the case (prior to Committee) that the proposal can be supported.

## **Recommendation**

Subject to the receipt of satisfactory amended plans, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Time Limit
2. Amended Plans (TBC)
3. Development to be carried out in accordance with approved plans
4. Affordable Housing condition
5. Local Lettings Plan
6. Construction Method Statement
7. Construction of new access and cycle/pedestrian connection
8. Protection of visibility splays
9. Adoptable highway details required and to be implemented prior to occupation
10. Details of secure cycle storage to be provided and implemented prior to occupation
11. Provision of car parking
12. Off-site highway works involving alterations to the access on Blade Street and provision of two-way cycle traffic
13. No occupation until the approved scheme referred to in condition 11 have been constructed and completed
14. Condition requiring a traffic management plan for parking and speed limits within the site
15. Tree protection condition
16. Development to be carried out in accordance with Arboricultural Method Statement
17. Tree Works schedule
18. Landscaping condition including a replacement planting scheme and hard landscaping to be submitted implemented
19. Maintenance regime for landscaping to be provided prior to the commencement of development
20. Precise details of all boundary treatments and plot enclosures including the acoustic barrier
21. Precise details/samples of all external materials including stonework details
22. Precise architectural details (windows /doors/porch/ balustrades/eaves/verge/ridge/rainwater goods)
23. A scheme for open space provision and maintenance
24. Development to be carried out in accordance with Noise and Vibration Assessment and precise details of mitigation to be submitted and agreed.
25. Development to be carried out in accordance with the submitted FRA and Drainage Strategy
26. Precise details of surface water drainage
27. Details of refuse storage
28. Development to be carried out in accordance with submitted ecological surveys/recommendations

## **Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010**

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has and continues to proactively work with the applicant/agent in negotiating amendments which should positively influence the proposal and secure a development that accords with the Development Plan and 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