

Agenda Item A9	Committee Date 16 November 2015	Application Number 15/01119/FUL
Application Site Land To The South Of Aldcliffe Hall Drive Lancaster Lancashire		Proposal Erection of 6 dwellings with associated access and landscaping
Name of Applicant Mr Michael Stainton		Name of Agent Mr Stuart Booth
Decision Target Date Extension of time until 30 November 2015		Reason For Delay Committee Cycle
Case Officer		Mrs Eleanor Fawcett
Departure		None
Summary of Recommendation		Approval subject to amendments and appropriate contribution towards affordable housing

1.0 The Site and its Surroundings

- 1.1 This application relates to part of an agricultural field adjacent to the small settlement of Aldcliffe, which is situated to the south west of Lancaster City Centre. The site is located between Aldcliffe Road and Aldcliffe Hall Drive. The land is at a slightly higher level than both roads and there is some variation in levels across the site. There is a post and wire fence along the boundary with Aldcliffe Road with mature trees close to this and the south/south west boundary. Separating Aldcliffe Hall Drive and the field is a grassed area and a row of mature trees, with a post and wire fence along the field boundary. The trees close to both highway boundaries are protected by a Tree Preservation Order.
- 1.2 To the north of the site are some detached properties fronting onto Aldcliffe Hall Drive. There are bollards part way along this road preventing vehicle access along its whole length. To the south, on the opposite side of Aldcliffe Road, are two detached properties sets quite far back from the highway. Also to the south/south west are three detached dwellings adjacent to the site, two of which front onto Aldcliffe Road with the other fronting a courtyard with access onto Aldcliffe Hall Drive. The land has most recently been used for grazing and is part of a larger field which extends to the north east up to a Grade II Listed property known as the Lodge, on the junction with Aldcliffe Road and Aldcliffe Hall Drive. Opposite this junction is the Lancaster Canal and its tow path and beyond this, to the east is a residential estate known as Haverbreaks.
- 1.3 The site is located within the Countryside Area, as identified on the Local Plan Proposals Map. It is also within a Mineral Safeguarding Area. The Lancaster Canal is designated as a Biological Heritage Site (BHS) and is approximately 180m from the site at its closest point. The Lune Estuary is located approximately 740m to the west and is designated as a Site of Special Scientific Interest (SSSI). It is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of 6 two storey detached dwellings, all with attached

garages with accommodation in the roof space. Three of the properties are proposed to share a new access from Aldcliffe Road, whilst the other three would have individual accesses off Aldcliffe Hall Drive.

3.0 Site History

3.1 Outline planning permission for residential development was granted in January 2015 (Ref: 14/00671/OUT), following the resolution at Planning Committee in November 2014. As part of the application, approval was sought for access and layout with appearance, landscaping and scale reserved. The consent was subject to a legal agreement to secure a financial contribution towards affordable housing within the district, equivalent to the provision of 20% on-site, to be calculated at the reserved matters stage based on the open market value of the dwellings.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections subject to: the creation of a footway at the site's access with Aldcliffe Road; a minimum width of 5.5 metres for the access road to allow two vehicles to pass; visibility splays of 2.4 by 60 metres and off-site highway works to influence vehicle speeds along Aldcliffe Road.
Environmental Health	No comments received.
Tree Protection Officer	Object. A reconsideration of the design to enable the safe retention and protection of important landscape tree T12 is required in addition to clarification of the nature and extent of construction works proposed within the RPAs of trees, T2, T5, T6 and T7 and detailed specification of tree works affecting the canopies of T1 & T4. Repositioning of some of the plots would reduce the shading potential and pressure on these trees for inappropriate management or removal in the future.
Natural England	No objection
County Council Mineral Planning	The site is in a Mineral Safeguard Area and indicates that the economic mineral resource of sandstone may be present. Under Policy M2 development will not be supported that is incompatible with mineral safeguarding. A mineral resource assessment should be submitted.

5.0 Neighbour Representations

5.1 34 pieces of correspondence have been received at the time of compiling this report, objecting to the application which raise the following concerns:

- Traffic and highway related objections, including impacts upon highway safety from unsafe access point; inadequate road infrastructure; impacts upon cyclists, horse-riders and pedestrians; and increase in traffic
- Sustainability objections – including no access to services/public transport and detachment from main urban part of Lancaster;
- Landscape objections, damaging impact upon the area between Aldcliffe and the western edge of Lancaster; loss of character of area; loss of important open space; impact on historic settlement; prominent development
- Loss of outlook;
- Design objections, including scale of dwellings; inappropriate for size of plot; design not in keeping with the predominantly rural character; inappropriate boundary treatments; courtyard design inappropriate; garden size reduced from previous application
- Environmental objections, including loss and damage of trees; impact on nesting birds, bats and other wildlife; proximity to local nature reserve; impacts from lighting; disrupt the interconnectedness of habitats
- Surface water run-off concerns and capacity of sewerage system;
- Housing supply objections, including brownfield land should be developed first; no evidence of need for type of housing proposed;

- Failure to provide affordable housing;
- Could lead to pressure for further development;
- No economic benefit
- Another development refused within Aldcliffe

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
- Paragraphs 7, 14 and 17 - Sustainable Development and Core Principles
 - Paragraph 32 – Access and Transport
 - Paragraphs 49 and 50 - Delivering Housing
 - Paragraphs 56, 58 and 60 – Requiring Good Design
 - Paragraph 118 – Conserving and Enhancing Biodiversity
 - Paragraphs 131 – 134 and 137 – Designated Heritage Assets
- 6.2 Lancaster District Core Strategy (adopted July 2008)
- SC1 – Sustainable Development
 - SC2 – Urban Concentration
 - SC3 – Rural Communities
 - SC5 – Achieving Quality in Design
- 6.3 Lancaster District Local Plan - saved policies (adopted 2004)
- E4 – Countryside Area
- 6.4 Development Management Development Plan Document (adopted December 2014)
- DM20 – Enhancing Accessibility and Transport Linkages
 - DM22 – Vehicle Parking Provision
 - DM27 – Protection and Enhancement of Biodiversity
 - DM28 – Development and Landscape Impact
 - DM29 – Protection of Trees, Hedgerows and Woodland
 - DM32 – The Setting of Designated Heritage Assets
 - DM35 – Key Design Principles
 - DM41 – New Residential dwellings
 - DM42 – Managing Rural Housing Growth
- 6.5 Other Material Considerations
- Meeting Housing Needs Supplementary Planning Document
 - Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies - Policy M2 – Safeguarding Minerals

7.0 Comment and Analysis

- 7.1 The main issues to be considered in the determination of this application are:
- Principle of residential development
 - Layout, scale and design
 - Impact on residential amenity
 - Access and highway impacts
 - Impact on Trees
 - Ecological Impacts
 - Drainage
 - Contaminated land
 - Affordable housing contribution and housing need
 - Minerals Safeguarding

7.2 Principle of residential development

- 7.2.1 Core Strategy Policy SC1 requires new development to be as sustainable as possible, particularly in terms of convenience to access services and facilities. Whilst there was some debate during the outline application - and indeed during this application - about the sustainability of the proposal, a Planning Inspector's commentary during a recent appeal decision on another site in Aldcliffe

provides useful policy direction (Ref: 14/00626/OUT).

- 7.2.2 As part of the appeal decision for 14/00626/OUT, the Inspector agreed with the Council's approach regarding sustainability in concluding that Aldcliffe was "*not wholly geographically unsustainable*". The same Inspector also noted that whilst DM DPD Policy DM42 identified sustainable rural settlements, the fact the Council did not have a five-year land supply of deliverable housing sites (as advocated by NPPF Paragraph 49) meant that DM42 should not act as an "*...in-principle constraint on further housing growth in other rural settlements*". Taking this into account, and the fact that the Council has previously accepted the principle of residential development on the application site, the proposal is considered acceptable in principle and will provide a contribution to the Council's five-year housing supply.
- 7.3 Layout, scale and design
- 7.3.1 The scheme proposes six two-storey detached dwellings, similar to the scheme proposed by the approved outline application. However, the proposed footprint of the dwellings is larger and the layout has altered slightly. The site also includes a small additional area to the west than the previous application. The submitted plans show the dwellings to be 13.6m wide and 9.7m deep with an attached garage, which varies in size depending on the plot, and a single-storey flat roofed projection at the rear. A two-storey porch is also proposed at the front of each dwelling. The garages are proposed to have a room in the roof space and all have flat roof dormer windows, which again vary in size. The two storey element of the dwellings is proposed to be 6m to the eaves and 8.4m to the ridge. The walls would be finished in render with stone surrounds to the windows which would be grey UPVC sliding sash. The roof would be hipped and finished in slate with a central flat area and the dormer windows would be leaded.
- 7.3.2 There is no objection in principle to the erection of dwellings with a large footprint. However this has resulted in a poorer scheme when compared with the outline consent in terms of the associated amenity space. In particular, for the scale of dwellings proposed, concerns have been raised regarding the adequacy of the amenity space associated with plots 1, 6, and, to a lesser degree 2 and 3, and that it resulted in an overly-cramped form of development. Plot 1 has its main rear outlook across the adjacent field (a field which is outside the applicant's ownership), with only a short distance between the rear dwelling wall and the field boundary. The outline proposal showed the rear of this dwelling facing south. The main garden for this property would be heavily overshadowed by trees and did appear to be larger as part of the previous proposal. Plot 6 is also heavily constrained by a large tree and has limited useable garden space. The outline layout provided much more space around the dwellings and as such it was advised that dwellings with a similar footprint to these was considered, on at least plots 1, 2, 3 and 6 or, alternatively, that they reduce the number of dwellings.
- 7.3.3 In response to these concerns some amendments have been submitted. The length of the garage on plot 1 has been reduced, moving the dwelling further to the north away from the trees along the southern boundary. The rear single storey projection has also been removed, giving approximately 6.5m between the rear wall and the eastern boundary. The rear projections on plots 2 and 3 have also now been removed, which has increased the area of external amenity space. However, a large mature tree on plot 2 is now proposed to be retained, at the request of the Officer, but it will result in a significant level of overshadowing and could lead to pressure for its removal. Plot 3 now appears to be more proportionate in terms of the amount of built development and garden area, however there are still some concerns with regards to plots 1, 2 and 6, and in particular the potential pressure for the removal of protected trees which provide an important contribution to the character of the area. Some aspects of the layout appear to result in relatively large parts of the domestic curtilage that are impractical to use, either being adjacent to driveways or overshadowed by trees.
- 7.3.4 In terms of design, the buildings appear to be taking on a Palladian style, however the symmetry is interrupted by the detached garages. This is particularly the case where the garages are perpendicular to the main part of the dwelling (plots 2, 5 and 6) and they cut across part of the front wall. The garages also have flat roof dormers in order to provide space in the roof slope and some of the plots have a flat roof link between the garage and the main part of the dwelling. It was suggested that it would be more in keeping with the overall design if the dormers were removed and the garages that are particularly long were detached to reduce the overall bulk and massing of the dwellings. At the time of writing the report, with the exception of the above-mentioned changes to the garage on plot 1, no alterations have been made to the garages on the other plots.

- 7.3.5 Only one of the dwellings (plot 4) proposes to front onto the road that off which it has access. The dwellings on plots 5 and 6 have the side wall facing Aldcliffe Hall Drive, on plot 1 the side wall faces Aldcliffe Road and on Plot 2 the rear wall faces Aldcliffe Road. All the plots, with the exception of 4, have been designed around an internal courtyard. There were concerns raised with regards to the appearance of some of the elevations fronting highways and it was suggested that they had more of a frontage appearance. Additional windows have been inserted in the side elevations of the dwellings on plots 6 and 1 which face onto the highway. However, given the depth of the dwellings, this does leave a large expanse of wall between the windows in comparison to the front and rear elevations. On plot 5 there are three windows above two windows and a dummy door in the centre which gives it more of a frontage.
- 7.3.6 Following the amendments, three of the dwellings are proposed to have flat roof, orangery-style extensions to the rear, projecting 3.1m. Together with an outside covered area, these would extend across the majority of the rear elevation and both would have a flat roof with lantern roof lights. On plot 1, an external covered area is proposed on the southern side elevation. In terms of their appearance, they seem to conflict with the design of the main part of the dwellings, with much more horizontal fenestration and distract from the grand simplicity. However, they will mostly be screened from external views by boundary treatments, although the lantern roof will be 4.2m high.
- 7.3.7 The buildings are proposed to be finished solely in render and it was suggested that some stone was included within the boundary treatments to link it more to the character and appearance of the rural area. A low stone wall, with simple railings above, is proposed on the boundary with Aldcliffe Road, adjacent to the access serving three of the dwellings. This ties in with the adjacent boundary treatments along the highway. The boundaries to plots 1 and 2, next to the access drive, are proposed to be hedgerows, which is acceptable. The main concerns related to the other site boundaries. In particular, rendered walls were proposed to the internal courtyard with some having a height of 1.5m and others being lower with railing above divided by piers. One of these walls has now been replaced with a hedgerow and the others are all now 0.75m high, with a stone coping, and more simplified railings above. The intermediate piers have been removed which has improved the overall design of the boundary treatment and made it less oppressive.
- 7.3.8 Concerns have also been raised to the erection of a timber fence along the plot boundaries with Aldcliffe Hall Drive. The existing verge has been retained, however, with the exception of the three entrances, all the boundary was originally proposed to be horizontal fencing. Although there is a mix of boundaries to the front of the properties on this road, it is considered that this fencing would have an adverse impact on the character and appearance of the locality. It was suggested that this boundary could be hedgerow, and that it was set in from the trees, as with the current boundary. It was accepted that it would be difficult to establish close to the Beech tree, but with proper maintenance it could establish along the remainder of the boundary and it was suggested that a temporary fence could be installed whilst this matures in order to provide immediate privacy. This has now been amended to be a mix of hedge and fencing and there are still concerns the fence, particularly given the visual amenity value of the site and the avenue of mature trees along this boundary. It is also still considered that the hedge and fencing should not try to abut the trees, but be on the inside of the trunk. The eastern boundary was also proposed to be a post and wire fence but has now been amended to be a hedgerow. All other internal boundary treatments are fencing, with the exception of one side of the footway which has been amended to be hedgerow.
- 7.3.9 All of the hard surfacing, with the exception of the internal courtyard, was proposed to be asphalt concrete (tarmac) and concerns were raised with regards to the visual impact of this. The majority of the entrance drive onto Aldcliffe Road has now been shown as block paving, which is considered to improve the visual appearance of the scheme. However it is still considered that other areas of hard standing would be more appropriate in block paving.
- 7.3.10 Overall the design of the scheme is one of six large detached dwellings which have a generally grand appearance. It is accepted that they are not typical to the area, however there are a mix of styles and designs within Aldcliffe, and many large properties. Although the plots are relatively large, they are heavily constrained by trees which have important amenity value for the area, and it is still considered that the scheme would be improved if the footprints were reduced. Officers continue to discuss further possible amendments with the applicant, and any amendments will be reported verbally to Members.

7.4 Residential Amenity

- 7.4.1 Most of the proposed dwellings are at least 26m from existing dwellings surrounding the site, which is a sufficient separation distance to prevent inappropriate overlooking or loss of light or outlook. The properties facing the site, which front onto Aldcliffe Hall Drive, are at a slightly lower level but would be separated from the new dwellings by at least 15m at their boundary with the road, and 26m at the closest point of the dwelling. However, the two-storey element of the dwelling on plot 4 would be located approximately 3.7m from the boundary with the adjacent dwelling to the southwest, Rydal Mount, and 11m from the closest part of the dwelling. This neighbouring property comprises a bungalow, with accommodation in the roof space, and has a high boundary treatment, approximately 2m, with the site. Given this, and the orientation of the property, it is unlikely that the proposal would result in a significant loss of light; however, there is the potential for overlooking from first floor windows in the rear of the proposed dwelling into what appears to be the main garden area of Rydal Mount. This could be overcome by rotating the building slightly away from this property. This would result in the front of the dwelling facing more towards Munisouth, but given the separation distance, it is not considered that this would have a detrimental impact on privacy or outlook at this property.
- 7.4.2 There is some potential for the overlooking of garden areas from the dwellings on plots 2 and 3. This relates specifically to the garden of Inglewood. In respect of plot 2, this is closer to the access from the highway and the rear wall will face towards this rather than across the neighbouring garden. There is one window proposed at first floor in the side elevation, however this is to serve a bathroom so would be obscure-glazed. There will also be some screening provided by the existing trees. As such, it is considered that this property will not have a significant impact on privacy. Plot 3 would be approximately 7m from the boundary with Inglenook at its closest point, but is not parallel to this so the remainder of the elevation will be further than this. Given this, and that the window in the side elevation would again serve a bathroom, it is considered that this dwelling will not result in a significant loss of privacy to what is a large area of garden. The dwelling at Inglewood would be at least 26m from the proposed dwelling.

7.5 Access and Highway Impacts

- 7.5.1 A single access is proposed from Aldcliffe Road to serve three of the dwellings, with three separate accesses off Aldcliffe Hall Drive to serve the remainder. This is a similar arrangement to that approved on the outline consent. County Highways have raised no objections to this subject to: the creation of a footway at the site's access with Aldcliffe Road; a minimum width of 5.5 metres for the access road to allow two vehicles to pass; and visibility splays of 2.4 by 60 metres. The first of these is shown on the submitted plan, the access has been moved slightly so that the visibility splays can be achieved within land controlled by the applicant and the width of the access road has been increased to 5.5 metres. A condition has also been requested requiring off-site highway works to influence vehicle speeds along the Aldcliffe Road in the vicinity of the site's access point and gateway treatment measures located at the change of speed classification on Aldcliffe Road.
- 7.5.2 No objections have been raised from County Highways to the three proposed accesses from Aldcliffe Hall Drive which is privately maintained. Through-access is restricted on this road by bollards. As such, two of the proposed dwellings will have access from Aldcliffe Hall Drive onto Aldcliffe Road adjacent to the Lodge, and the other will have access onto Aldcliffe Hall Road. Currently only two dwellings use the access adjacent to the Lodge which is opposite the canal. Concerns have been raised by residents regarding the suitability of this access as there is limited visibility in one direction due to a bend in the road. This point was raised with County Highways when considering the previous application, who confirmed that there was no objection as the proposal would provide extremely limited additional vehicular movements from this junction. However it was set out that, as a condition of any planning permission, the erection of a warning sign could be erected to say "junction on bend ahead" in addition to the laying of a length of transverse white thermoplastic major/minor road junction stop line as a means of warning motorists. It is not considered that the additional movements along this road will have a significant adverse impact on users of this route, including pedestrians and cyclists. The nature of the road is such that vehicles are likely to travel slowly and have good views of other users.
- 7.5.3 As part of the scheme, the dwellings with access onto Aldcliffe Road will have pedestrian access onto Aldcliffe Hall Drive, via a new footway designed into the scheme, in order to reach pedestrian routes into Lancaster. There were initial concerns regarding the width of this, particularly as fences

were proposed to enclose the route on either side. The width of the surfaced path has been retained at 1.8m but a 1m grassed strip has been included and one of the boundary treatment has been changed to a hedgerow. It is therefore considered that this is now acceptable, and the alterations should encourage its use by occupiers of the dwellings.

7.6 Impact on Trees

7.6.1 There are extensive numbers of large, mature landscape trees to the north, north-east, south and south-east of the site. These trees are highly visible landscape features, enjoying important amenity value and are a valuable resource for wildlife especially for birds and bats. Trees growing along the northern and southern boundaries of the site are subject to a Tree Preservation Order. There are no trees within the central area of the site.

7.6.2 The loss of a mature sycamore tree adjacent to the southern boundary with the highway is proposed to create the access onto Aldcliffe Road. It is not considered that this loss would have any medium to long term adverse impact on the site or wider locality, and it was proposed as part of the outline application. Another tree close to this boundary was also proposed to be removed, but is now proposed to be retained following discussions with the applicant. Further information has been provided to address concerns raised by the Tree Officer with regarding to potential structures within root protection areas and works to canopies of protected trees. It is likely that the development could take place without impacting on the retained trees, however there are still concerns that the proximity to trees and shadowing to external areas could result in pressure for the removal or inappropriate management of trees in the future, as discussed above. Discussions continue and any further amendments will be verbally reported.

7.7 Ecological Impacts

7.7.1 The Lune Estuary is located approximately 740m to the west and is designated as a Site of Special Scientific Interest (SSSI). It is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. The former is a national designation with the latter covered by European legislation. Natural England have raised no objections to the proposal and have advised that the Local Authority is not required to undertake an Appropriate Assessment to assess the implication of the proposal of the site's conservation objectives.

7.7.2 An extended Phase 1 Habitat Survey has been submitted as part of the application, which was submitted with the previous application. In addition to this, an up to date bat survey has been submitted. The habitat survey concludes that, with the exception of the mature trees, the ecological value of the habitats on the site is low. It recommends that new hedgerow planting is proposed within the site to offset the loss of the grassland habitat, and this has now been proposed through the amendments to the scheme.

7.7.3 All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981. The tree identified as having potential to support bats, within the habitat survey, has been inspected for evidence of bats. The bat survey sets out that no features that could be used by bats were identified within the trees proposed for removal, and that it is highly unlikely that in the immediate future that situation will change. Several other trees that offered bat roost potential were also identified, the most notable features for bats being Woodpecker holes, however these will not be affected by the development. It is therefore not considered that the proposal will have a detrimental impact on bats and foraging links will not be lost. However it has been recommended that any lighting is appropriately designed to avoid light spill towards the tree line and guidance has been given within the report.

7.7.4 It is not considered that the proposal will have a significant impact on breeding birds, and additional trees and hedges are proposed as part of the scheme. The report recommends that, if any tree is removed or pruned, all clearance should be undertaken outside of the bird nesting season to ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended). An additional recommendation is that six bird-nesting boxes should be installed on the mature trees along the southern boundary of the site.

7.8 Drainage

- 7.8.1 The application states that development will be served by the mains sewer. United Utilities have not provided any comments in relation to this application and, unless any adverse comments are received, there is no reason to believe that there is insufficient capacity in this location.
- 7.8.2 No specific details have been provided with regards to surface water drainage. However it is considered that there is sufficient space within the site for this to be adequately dealt with and can be controlled by condition requiring the information prior to the commencement of development. There are large areas of garden proposed and the surfacing could be permeable.

7.9 Contaminated Land

- 7.9.1 In relation to the previous application, the Council's Contaminated Land Officer requested that the application be rejected as no Desk Study had been provided to assess the potential for contamination. The site has been historically used for grazing and there is no evidence to suggest that the land has been subjected to levels of contamination. As such, there is unlikely to be any risk to future occupants from contaminated land. In this instance an unforeseen contamination condition is considered to be appropriate.

7.10 Affordable Housing contribution and housing need

- 7.10.1 The Council's affordable housing policy, set out in DM DPD Policy DM41, requires a provision of 20% of affordable housing on rural sites for this scale of development (9 dwellings or less). On the previous outline application, the submission set out that an equivalent financial contribution would be provided in lieu of this as they were not been able to successfully engage a Registered Provider for the purposes of owning and managing a dwelling on site. Given the likely open market values of the proposed dwellings, it was unlikely that any Registered Provider would be in a position to acquire one of the proposed units even if there was a substantial level of discount applied. Secondly, they would have to take account of the geographical location of any new dwellings that they acquire and the ongoing management arrangements. There is no existing social housing stock in close proximity and on this basis, there would be little or no appetite for a single dwelling in this location. As such, when the previous application was determined, it was considered acceptable to accept a commuted sum equivalent to providing 20% of affordable housing on site, to be used towards the provision of affordable housing elsewhere in the district. A Legal Agreement was signed on this basis.
- 7.10.2 No contribution is currently proposed towards the provision of affordable housing. The applicant based this on the national policy position that was in force at the time that he purchased the site. However the Government's position on affordable housing was quashed following a judicial challenge, and as a consequence the affordable housing position reverts back to that contained in Policy DM41. The applicant will now submit a financial viability appraisal to determine the level of affordable housing contribution that will accompany the proposal, and Members will be updated on this matter at the meeting.
- 7.10.3 Concerns have been raised regarding the type of housing proposed in relation to how this meets local housing needs. On the previous application, a letter from a local chartered surveyors was submitted which sets out that it is considered that the development would be well received being of low density within Aldcliffe and would perceive the marketability to be very strong. The Housing Needs Survey 2011 does not provide specific data that relates to Aldcliffe itself. The main need for new dwellings in the Lancaster South area is for one and two bedroom properties to take account of the needs of the ageing population and the degree of under-occupation that exists across all housing sectors. However, the headline recommendations from the Survey support that 60% of new market housing should be 1 and 2 bedrooms and 40% should be three and four bedrooms. Given the size and scale of the proposed development, it is considered that the development would still contribute towards the identified housing need and there is no strong policy justification for a greater mix in this instance.

7.11 Minerals Safeguarding

- 7.11.1 The site is located within a safeguarding area for minerals. The County Council, who are the minerals authority, have raised an objection setting out that development will not be supported that is incompatible with mineral safeguarding as set out in Policy M2 of the Joint Lancashire Minerals and

Waste Local Plan. The NPPF sets out that local authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. There is a considerable area in this location which is identified for mineral safeguarding.

7.11.2 Policy M2 of the Minerals and Waste Local Plan sets out that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the local planning authority that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

7.11.3 Having had full regard to the requirements of this policy, it is considered that given the lack of housing land supply, as discussed above, there is an overarching need for the development which outweighs the need to avoid sterilisation of the mineral resource. In addition, in relation to this particular site, it is considered unlikely that this site would be developed for mineral extraction given its size, the constraints of the two roads to either side and the proximity to residential properties.

8.0 Planning Obligations

8.1 A Unilateral Undertaking will be required for the financial contribution towards the provision of affordable housing in the District unless a financial viability appraisal is submitted which demonstrates that a contribution would make the scheme unviable.

9.0 Conclusions

9.1 The site is not within a settlement which has been identified as being suitable for growth. However, the site is well related to the existing housing within Aldcliffe and in relative close proximity to Lancaster. The principle of residential development comprising six dwellings has already been established on this site by the granting of a previous outline application. There are still some concerns in relation to the layout, the footprint of some of the dwellings and potential future pressure on the removal of trees. However, providing that these concerns, and the contribution towards affordable housing, can be adequately addressed it is not considered that the proposal will have a detrimental impact on the character of the area, residential amenity, highway safety or ecology.

Recommendation

That Planning Permission **BE GRANTED** subject to the appropriate amendments to the scheme set out in the report, including confirmation of a contribution towards affordable housing, the signing and completing of a Unilateral Undertaking relating to affordable housing provision, and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans
3. Scheme for the construction of the site accesses
4. Visibility splays
5. Scheme for offsite highway works - warning sign and laying of a length of transverse white thermoplastic major / minor road junction stop line, gateway treatment measures
6. Arboricultural Method Statement
7. Tree Protection
8. Landscaping scheme
9. Lighting scheme
10. Additional bird nesting and bat roosting opportunities
11. Method statement for felling of tree
12. Surfacing materials
13. Scheme for disposal of surface water drainage

14. External materials including: windows, doors, finish to walls and roof, rainwater goods, eaves, verge and ridge details
15. Boundary treatments
16. Construction method statement including hours of construction
17. Finished floor levels
18. Unforeseen soil contamination

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

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

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

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