1.0 The Site and its Surroundings

1.1 The site is a derelict parcel of land (area 2.3 hectares) located to the east of St John’s Terrace and to the north of Oxcliffe Road, Morecambe. The site has been raised in the past and levelled with hardcore. As a consequence the western edge of the site is approximately 1.5m above adjoining properties (342 Oxcliffe Road and the rear of five properties on St John’s Terrace). No. 342 Oxcliffe Road is a derelict bungalow with a garage that has its roof missing. A drain runs along the north-west edge of the site. A wooden pole-mounted electricity transmission line runs along the western edge of the site. The eastern edge of the site is defined by a 3m wall with a fence on top which is the rear boundary to properties fronting White Lund Road. A paddock abuts the northern edge of the site with fields beyond. The site was previously used for storage.

1.2 The existing access to the site is from Oxcliffe Road. The nearest bus stops from the site are located on Westgate and are accessible via White Lund Road and Banbury Avenue, a walk of approximately 650m.

1.3 The western part of the site is identified as a PPG17 Open Space (Oxcliffe Road Natural and Semi-Natural Site) in the PPG17 Open Space Assessment 2010. The designation extends to the paddock to the north. The raising and levelling of the site has resulted in the loss of the natural and semi-natural interest in the site.

2.0 The Proposal

2.1 The proposal is for 10 dwellings comprising eight semi-detached, 3-bed houses and two detached 4-bed houses. Indicative materials are rendered walls and natural slate roofs. The semi-detached houses would each have a hard standing to accommodate one car, and the detached houses would have an attached garage and hardstanding capable of accommodating 2 to 3 cars. The proposed layout incorporates approximately 100 square metres of amenity space.

2.2 The existing access to the site from Oxcliffe Road would be closed. Access to the site would be from St Johns Terrace – a privately-managed pedestrian/vehicular access track with such egressing onto Oxcliffe Road public highway. The application proposes improvements to St John’s Terrace,
currently unmade, along the length between Oxcliffe Road and No 1 St John’s Terrace, by widening it to 5.5m and re-constructing the carriageway to Lancashire County Council’s adoption specifications. A new 1.0m wide footway would also be provided on the west side of St John’s Terrace between Oxcliffe Road and No.1 St John’s Terrace. A 2.0m wide footway would be provided on the east side of St John’s Terrace to a depth of 10m from the existing footway on Oxcliffe Road. It is proposed to seek a reduction in the speed limit on Oxcliffe Road from 40 mph to 30mph subject to Highways Authority approval.

2.3 It is proposed that surface water drainage would be dealt with by a soakaway to each plot, with foul drainage being connected to existing mains.

3.0 Site History

3.1 There have been a number of planning applications for development on the site, including dwellings, park homes, and park homes for Gypsy residential accommodation. The most relevant to the proposed development are set out below:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/00906/CU</td>
<td>Erection of a detached dwelling (use class C3) and alterations to existing access</td>
<td>Approved</td>
</tr>
<tr>
<td>09/00494/FUL</td>
<td>Alterations to existing dwelling and construction of two new dwellings</td>
<td>Approved</td>
</tr>
</tbody>
</table>

4.0 Consultation Responses

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Highways</td>
<td>No objection subject to conditions relating to access arrangements, visibility splays and off site highway works. County consider that the range of off-site highway works are essential to make the application acceptable in highway terms.</td>
</tr>
<tr>
<td>Lead Local Flood Authority</td>
<td>Objection on the basis of not having enough sufficient information to make a decision on the drainage proposed on the site. The objection may be overcome if more detail regarding the soakaway design and calculations are submitted.</td>
</tr>
<tr>
<td>Parish Council</td>
<td>No comments received.</td>
</tr>
<tr>
<td>Fire Safety Officer</td>
<td>Comments - The Fire Authority will make a detailed report on fire precautions at building regulation application stage.</td>
</tr>
<tr>
<td>Lancashire Constabulary</td>
<td>Comments - The development should be built in accordance with Secured by Design Standards.</td>
</tr>
<tr>
<td>United Utilities</td>
<td>No objections subject to condition relating to drainage of the should be on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way prior to the commencement of development.</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>The proposal appears to be in Flood Zone 1 - no comments.</td>
</tr>
<tr>
<td>Public Realm Manager</td>
<td>Comments - As there are 10 houses on site there will need to be a provision for amenity space on site and arrangements for the ongoing maintenance of the space. Contributions off site would include Parks and Gardens.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Comments - The proposed development warrants specific planning controls to prevent adverse impacts. Recommend conditions relating to hours of construction; scheme for dust control; contaminated land conditions; and bunding for tanks.</td>
</tr>
</tbody>
</table>

5.0 Neighbour Representations

5.1 At the time of writing 1 objection has been received. The grounds for objection may be summarised as follows:

- Substandard access – turning movements and visibility
- Land raising has occurred in the past – any additional land raising would have impact on privacy and possible drainage problems to St John’s Terrace
- Proposed drains / sewerage may be to a septic tank that serves St John’s Terrace.

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

6.2 Core Strategy
SC1: Sustainable Development
SC2: Urban Concentration
SC4: Meeting the District’s Housing Requirements

6.3 Development Management DPD
DM20: Enhancing Accessibility and Transport Linkages
DM25: Green Spaces and Green Corridors
DM35: Key Design Principles
DM36: Sustainable Design
DM38: Development and Flood Risk
DM41: New Residential Dwellings

7.0 Comment and Analysis

7.1 The main issues relating to the proposed development concern:
- Principle of development;
- Access / highways issues;
- Viability;
- Design; and
- Drainage.

7.1 Principle of Development

7.1.1 This part of Morecambe is deficient in services and facilities within a comfortable walking distance with the nearest bus stops (with services to Morecambe and Lancaster) all approximately 650m from the site. As a consequence occupants of the proposed development would be reliant on the use of the car, with significantly more private vehicle, visitor and work related traffic movements over surrounding lengths of the public highway network. However, the site falls within the urban area and as such a residential scheme can be supported in principle on this site. This is reinforced by the fact that the site has been previously developed.

7.2 Access/Highways Issues

7.2.1 The application site is designed around the principles laid out in the document "Manual for Streets" with an emphasis on shared space, change of surface finish and an indication to motorists entering the site’s residential surroundings that careful driving at low speeds would be the norm.

7.2.2 The current access to St John’s Terrace from Oxcliffe Road, currently substandard, would be improved to give access to the proposed development. The access would be constructed to a minimum width of 5.5 metres in accordance with good design practice thereby allowing two vehicles to pass each other unhindered. While the site’s means of access from Oxcliffe Road may be considered for adoption to be maintained at public expense, it must be constructed/comply with Lancashire County Council's standards. The Highway Authority is seeking visibility splays of 2.4m by 100m at this junction given the 40mph speed limit along Oxcliffe Road (and that vehicles travel at greater than the speed limit). It is not clear if these splays can be delivered within land in the applicant’s and Highway Authority’s control. A response is waited from County in this regard. Members will be updated at the Committee meeting.

7.2.3 The proposed footway arrangements do not accord with good design practice but represent an improvement over the current lack of footway provision. Beyond the limit of the development’s
proposed footway arrangements, a physical means of demarcation is to be introduced into the overall carriageway layout to emphasise a change in nature from independent vehicle running lanes to one incorporating a shared pedestrian/vehicular surface. To this end, the Highways Authority recommend the use of proprietary hot rolled asphalt macadam incorporating coloured coated chippings into the surfacing as an acceptable alternative "contrasting" construction material for the access road with a rumble strip.

7.2.4 The Highways Authority requires parking provision to fully comply with the Council’s Parking Standards because of the need to rely on private car to access services. The car parking standards require a maximum of 2 car parking spaces for 3-bed houses and 3 spaces for 4-bed houses. The proposed parking provision complies with the car parking standards. Minimum covered parking facility guidelines stipulate 3m x 6m thereby allowing for secure cycle storage as well as sufficient space for the parking of an average sized vehicle. The proposed garages for the two 4-bedroom detached houses comply with the guidelines.

7.2.5 A development of 10 houses would lead to an increased frequency of pedestrian/vehicular movements along lengths of the public highway network – in particular Oxcliffe Road and White Lund Road. Oxcliffe Road in the vicinity of the application site is a relatively straight stretch of carriageway with high actual speeds considering its 40 mph speed classification. As a consequence, off-site highway improvement works would by necessity include implementation of a range of carriageway improvement measures comprising road markings and street lighting. It is also considered that a 20 mph zone Traffic Regulation Order should be implemented on Oxcliffe Road. The applicant would be responsible for the Highway Authority’s costs with regards to making and implementing the Order. County Highways consider that the range of off-site highway improvement works outlined above are “essential to make the application acceptable in highway terms”. Without their inclusion they advise that there is the potential for the consequences of a development of this nature to adversely affect the operation of surrounding lengths of the public highway network, increasing the likelihood of risk to all of its users.

7.3 Open Space

7.3.1 The western part of the site is identified in the Council’s PPG17 Open Space Assessment as part of the Oxcliffe Road NSN. The raising of the land with hardcore has destroyed this interest. It is therefore appropriate that this loss is compensated for, as well as adequate provision of open space is provided for the development’s future residents. The Council’s Planning Advice Note Amenity Space in Lancaster (Lancaster District) requires the development to provide on-site amenity space amounting to 190 square metres. The site layout as proposed would provide 100 square metres of amenity space albeit directly in front of the 2 detached properties so it would appear more private than public space, and in reality would probably be incorporated into the ownership of those 2 properties. If it remained public it could also give rise to a loss of privacy to the 2 houses. During consultation it was considered by the Public Realm Officer that there should be a financial contribution of £5,000 to contribute to a project to develop the woodland and wildlife habitat at Happy Mount Park. However, Happy Mount Park is over 3.25km away from the site and therefore this request would fail to meet the planning obligation tests (i.e. the request is not directly related to the development). However, if funding were required to make improvements at Westminster Close amenity area or Oxcliffe Road pond this would be an appropriate request. A response is awaited from the Public Realm Officer at the time of writing.

7.4 Viability

7.4.1 As the site is brownfield land within an urban location, Policy DM41 requires an affordable housing contribution of up to 20% (2 units). Other than in the most exceptional of circumstances new housing development such as this must contribute to the provision of affordable housing on-site.

7.4.2 The applicant has commissioned an affordable housing viability assessment. The assessment has been undertaken on the assumption that there are no Section 278 highway works and no Section 106 payments. The assessment concludes that the development would only deliver 7.38% profit which is unlikely to be acceptable to the majority of smaller development companies. However, the house values set out in the appraisal appear to be significantly lower than that being achieved this year for similar-sized properties. Given that the Local Planning Authority has serious misgivings about the content of the appraisal, it lacks confidence in its findings. It is therefore the Local Planning Authority’s view that the applicant has failed to meet the requirements of the policy by not
robustly evidencing that the delivery of 2 affordable houses on the site would make the scheme unviable.

7.4.3 The appraisal makes it clear that the applicant is seeking neither to pay the off-site open space contribution to compensate for the loss of the site’s natural/semi-natural area, nor to enter into a s278 agreement to fund the delivery of the required off-site highway works. Both are required to make the development acceptable in planning terms. Therefore without the securing of these two elements the application cannot be supported.

7.5 Design

7.5.1 Whilst it is tempting to consider that any redevelopment of this site is preferable to the current situation, the proposed layout of the development is poor. The site turns its back onto Oxcliffe Road resulting in a long inactive frontage to this highway. In design terms, this would have an adverse impact on the streetscene. However, this can be easily rectified by re-orientating the 5 southern properties so their front elevations face Oxcliffe Road with a low boundary treatment to the street broken up with pedestrian access points created onto footpaths that lead up to the properties’ front doors. Parking could still be provided to the rear, though the spaces would need to be extended to 5m in length to adequately accommodate a vehicle. Similarly the parking spaces serving the northern row of semi-detached properties would need extending to the same length. These properties and the detached unit at the end of this northern group of houses need pulling forward (to the south). This will maintain the necessary separation distance between the 2 rows of properties whilst extending the rear gardens to the required length so they meet the Council’s adopted standards. Finally the bin stores should be located in locations that would not adversely impact on the streetscene of the proposed access road. Bin stores associated with the northern row of properties should be located to the rear of these properties. Those serving the southern row of properties should be located closer to the rear elevations (once re-orientated) of those properties.

7.6 Drainage

7.6.1 Proposed drainage is by means of soakaways. The use of soakaways is acceptable in principle, as it accords with the surface water drainage hierarchy. However, the applicant has not submitted sufficient information for the Lead Local Flood Authority (LLFA) to ascertain if the proposal is achievable. The LLFA has, therefore, submitted an objection, though helpfully set out what can be done to overcome the application’s shortcomings.

8.0 Planning Obligations

8.1 This development should be delivering 2 affordable houses on site and a contribution towards off-site open space. These would be secured by way of a legal agreement, but the applicant is seeking to provide neither based on a questionable viability appraisal. Separate off-site highway works have been requested from County Highways.

9.0 Conclusions

9.1 The proposed development will bring a redundant site back into beneficial use, and would also contribute to the District’s housing supply. This is clearly a significant benefit of the scheme.

9.2 The proposal excludes any affordable housing based on viability grounds. Unfortunately the Local Planning Authority has significant reservations about the content of the viability appraisal and as such has no confidence in its conclusions. Therefore the application has failed to meet the necessary policy requirements.

9.3 However, a range of off-site highway improvements are considered necessary to make the proposed development acceptable in highways terms, as is the payment of an open space contribution and the provision of 2 affordable houses on site. The applicant is unwilling to contribute to any of these and as such the development is unacceptable in planning terms as it does not deliver the required highway measures or adequate compensate for the loss of open space or adequately provide for its future residents.

9.4 The proposed access to the site would result in improvements to a substandard access that currently serves St John’s Terrace, though whether the required visibility splays can be achieved is still in
question. Similarly it is not known at this time whether the layout will be amended by the applicant to address the Local Planning Authority’s concerns. Update will be provided at the Committee meeting. What is clear is that the applicant has failed to satisfy the LLFA that the site can be appropriately drained of surface water.

**Recommendation**

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

1. The proposal fails to deliver the required 2 affordable units on site, supposedly due to viability reasons. However, the content of the viability assessment submitted is considered by the Local Planning Authority to be flawed and therefore its conclusions cannot be relied upon. The omission of the required affordable housing provision and the lack of a robust viable rationale is contrary to policy DM41 of the Development Management DPD.

2. To form a safe access to serve the proposal it must be supported by a range of off-site highway works. Without these measures the development is deemed to be unacceptable in planning terms, giving rise to significant concerns over highway safety. Therefore the proposal is contrary to policy DM35 of the Development Management DPD.

3. The proposal fails to adequately compensate for the loss of open space provision and to adequately provide for the needs of its future residents by not contributing towards the provision or enhancement of off-site open space. Therefore it is contrary to policy DM25 of the Development Management DPD.

4. The residential scheme as proposed would result in a substandard form of development and a poor quality of design. The layout proposes substandard rear gardens to most of the properties and a blank frontage to Oxcliffe Road. Therefore the proposal is contrary to policy DM35 of the Development Management DPD and paragraphs 56, 58 and 60 of the NPPF.


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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

**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.