

Agenda Item A11	Committee Date 11 January 2016	Application Number 15/01167/FUL
Application Site Land East Of Railway Line St Michaels Lane Bolton Le Sands Lancashire	Proposal Erection of 20 dwellings with associated new access	
Name of Applicant Mr Gary Middlebrook	Name of Agent Mr Daniel Hughes	
Decision Target Date 29 December 2015	Reason For Delay	
Case Officer	Mr Philip Megson	
Departure	No	
Summary of Recommendation	Approval (subject to the resolution of Network Rail's holding objection regarding their drainage assets, and the receipt of further comments from County Highways)	

1.0 The Site and its Surroundings

- 1.1 The site, 0.76 hectare, is currently undeveloped pasture land with a slight slope to the west. The site lies to the east of the West Coast Main Line (WCML) and is adjacent to residential development to the north and east. To the south is agricultural land designated as Green Belt. The boundary of the site is marked by hedgerows and trees, with a small drainage ditch located on the western boundary.
- 1.2 There is an open ditch on site which runs parallel to the WCML towards the middle of the site before turning north west and is culverted under the railway line. The ditch opens up again to the west of the WCML. There are two culverted watercourses on site at present: one runs into the open drainage ditch and one which connects to the culvert under the WCML.
- 1.3 St Michael's Lane, which runs along the northern boundary of the site, links to the A6 in the east with a level crossing with an automatic barrier (locally monitored) over the WCML immediately to the north west of the site. There is a junction between St Michael's Lane and Sunnybank Road to the north of the site.
- 1.4 The surrounding buildings are of varying styles and ages with no predominant architectural style.

2.0 The Proposal

- 2.1 The proposed development comprises 20 two-storey dwellings (2no.x 1-bedroom, 4no.x 2-bedroom, 2no.x 3-bedroom, and 12no.x 4-bedroom) with private parking spaces arranged around a cul-de-sac. The layout incorporates 20 dwellings arranged around a cul-de-sac layout.
- 2.2 All the proposed dwellings are two-storey with pitched roofs and would have a similar overall height and massing as the surrounding houses. The house designs are traditional in nature and reflect the character of existing properties in the surrounding area. The dwellings elevations would be facing brick and render, with concrete tiles on the roof.

- 2.3 The proposed development would deliver 8 affordable houses (two 1-bedroom, four 2-bedroom and two 3-bedroom) which represents 40% of the development, unless evidence as to the viability of the scheme has been provided that demonstrates that it would be appropriate to reduce this proportion.
- 2.4 The proposed access is from St Michael's Lane. A mini roundabout at the junction would assist vehicles entering and leaving the development if the gates to the level crossing of the railway are closed. A new 2m wide footpath would be provided along the site frontage to St Michael's Lane. The proposed access road is 5m wide with a 2m service strip down either side. A turning head is proposed at the southern end of the access road. An area of public open space would be located to the South and East of the turning head. A parking area for 10 cars is proposed to the rear of houses 1-6, which front St Michael's Lane. Plots 7–20 would have parking within the curtilage of each plot.
- 2.5 It is proposed to divert the culverted watercourses to take a route which is undisturbed by any of the proposed dwellings to prevent future maintenance issues and reduce the risk of future flooding. The existing soil conditions are predominantly peat and of clay. Due to the impermeable nature of clay, soakaways and infiltration are unlikely to provide a viable option for the disposal of surface water. It is proposed to discharge surface water to the on-site drainage ditch via a 225 cubic metres attenuation tank in order to regulate discharge to 5 litres / second.
- 2.6 To the east of the access on the north frontage it is proposed to remove a hedge to accommodate the new footpath. It is proposed to fell a 17m high mature ash tree on the boundary to the WCML: the tree exhibits signs of die back and evidence of stress. Measures will be taken to eradicate Japanese knotweed from a hedge on the South East boundary of the site. An area of public open space is proposed in the South East corner of the development.
- 2.7 The layout incorporates a 15m exclusion zone between the WCML and the rear of the properties facing west to assist in the mitigation of noise and vibration arising from passing trains. An acoustic barrier is proposed between the proposed dwellings (rear elevations facing west) and the WCML. The acoustic barrier would be constructed using 3.5m high heavy duty slotted timber posts which would support a 2.5m high acoustic fence constructed of timber boards with tongue and groove interlocking edges over a 1m high safety fence constructed of "hit and miss" timber boards. The acoustic barrier would wrap round the garden area of Plot 1 and, for the majority of its length, run parallel to the drainage ditch / WCML along the western boundary of the development, then parallel to the southern boundary of the site wrap round the garden area of plot 14.

3.0 Site History

- 3.1 The only site history relates to the request for pre-application advice (15/00774/PRETWO) to inform the current planning application.

4.0 Consultation Responses

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

Consultee	Response
Network Rail	Holding objection - lack of detail of proposed drainage of the site, including potential scour to a culvert owned by Network Rail. Discussions between Network Rail and the Applicant are ongoing - a verbal update will be given to Committee. In respect of the level crossing, Network Rail require that no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing.
Highways Authority	Holding objection re: lack of comments from Network Rail in relation to the impact of the proposed development on the level crossing. It is anticipated that the holding objection will be withdrawn by the Highways Authority. A verbal update on the status of the holding objection and other highways and traffic matters will be given to Committee.

Parish Council	Comments - Acknowledge that housing development is acceptable in principle, but express concerns regarding the access, increased number of cars and parking. Object to the mini roundabout. Consider measures are required at junction of St Michael's Lane and A6 to enable vehicles to turn right (i.e. towards Lancaster). Request a Construction Traffic Management Plan.
Environmental Health	No objection – based upon the receipt of Phase 2 Geo-Environmental Assessment and the Noise and Vibration Assessment Report (November 2015) conditions are recommended relating to any bunding of tanks; the provision of adequate glazing and ventilation systems; and no development until scheme setting out noise mitigation for residential development is submitted and approved. On Air Quality, they recommend provision of electrical charging points for electric vehicles at each dwelling.
Strategic Housing Policy	Comments - The main market housing needed at Bolton-le-Sands are two bedroom bungalows, two bedroom houses and 4 bedroom houses. The affordable housing need is 1 bedroom flats or houses, two bedroom houses and then three bedroom houses. The affordable housing should be a mixture of 50% social rented and 50% intermediate housing (which is normally provided as intermediate rented or shared ownership delivered through Registered Providers). A cascade provision normally applies for affordable housing in a rural parish, which gives priority to applicants who have a local connection to the immediate and then surrounding parishes, and this is usually contained in the legal agreement. All affordable units must comply with the HCA's design and quality standards (and if possible lifetime homes standards).
Tree Protection Officer	No objection , subject to condition requiring a detailed landscaping scheme. Consideration should be given to replacement hedge planting adjacent to the public highway and adjacent to the railway line to produce a continuation line of hedgerow trees. Consideration should also be given to the relationship of trees to plot 14.
United Utilities Water PLC	No objection to the proposed development subject to conditions regarding separate foul and surface water drainage, and surface water drainage scheme being submitted.
Lead Local Flood Authority (LLFA)	No objection – subject to conditions regarding a Surface Water Lifetime Management Plan; and no development within 8m of an ordinary watercourse. The LLFA also advise that a Land Drainage Consent is also required. This falls within a separate consenting regime.
County Education Authority	No objection - they seek a financial contribution for 5 primary school places and 1 secondary school place.
Lancashire Fire & Rescue Service	Comments - Advice that LFRS will comment at the building regulation stage.

5.0 Neighbour Representations

5.1 At the time of writing, 14 representations objecting to the proposals have been received. The issues raised may be summarised as follows:

- Drainage matters, including increased surface water run-off; displacement of surface water due to level differences; reduced effectiveness of existing surface water storage; flooding and risk of pollution by sewage;
- Traffic and highway matters, including additional traffic exacerbating problems (especially at the adjacent automated level crossing, and especially during summer months); construction-related traffic; absence of pavement on St Michael's Lane; mini-roundabout could increase accident risk and would be difficult for larger vehicles; poor visibility splays at the junction of St Michael's Lane and Hillcrest Avenue; need for traffic lights at junction with A6; warning signage required.
- Tree and hedgerow matters, including loss of hedgerow on St Michael's Road frontage; loss of access by residents on Hillcrest Avenue to maintain boundary hedge; concerns about the potential damage to the dividing hedge between 36 St. Michaels Lane and the new building plot in the adjacent field; and presence of Japanese Knotweed in the hedgerow on the south east boundary of the site.
- Nature Conservation: loss of potential habitats for bats and nesting birds (protected species).
- Infrastructure: erection of family type houses would put pressure on local school places; and demand for parking in the village would increase.

6.0 Principal National and Development Plan Policies

6.1 Development Management DPD Policies

DM27 (Protection and Enhancement of Biodiversity); DM41 (New Residential Development);
DM41 (New Residential Development)
DM42 (Managing Rural Housing Growth)

Lancaster District Core Strategy Policies

SC1 (Sustainable Development);
SC2 (Urban Concentration);
SC3 (Rural Communities)
SC4 (Meeting Housing Requirements); and
SC8 (Recreation and Open Space)

Joint Lancashire Minerals and Waste Local Plan DPD Policy

M2 (Safeguarding Minerals)

7.0 Comment and Analysis

7.1 Bolton-le-Sands is a settlement in which proposals for new housing will be supported (Policy DM42) Although Bolton-le-Sands is not defined (in planning terms) by a settlement boundary, the site has been excluded from the Green Belt and so can be considered to be part of the settlement. Existing housing lie to the north and east of the site. The site is suggested for allocation for housing development in Policy Res1 (Meeting the District's Housing Requirements) in the Land Allocations DPD Preferred Options and appears in the Strategic Housing Land Availability Assessment (SHLAA) 2015. It is considered that the principle of housing development of the site is acceptable.

7.2 The remaining key material considerations arising from this application are:

- Access and highway safety;
- Affordable housing;
- Drainage;
- Noise and vibration; and
- Impacts on boundary trees and hedges and boundary treatments.

Access and Highway Safety

7.3 Network Rail initially raised concerns over the potential increase in use of the level crossing as part of the development but has subsequently confirmed that there no objections in relation to this, subject to a condition that maintains sight-lines for users of St Michael's Lane of any existing level crossing road signs or traffic signals or the crossing itself during the construction / operational period and as a permanent arrangement. The same consideration applies to the rail approaches to the level crossing. (Network Rail have retained a holding objection on drainage matters, and this is discussed later in this report)

7.4 A mini roundabout is proposed at the entrance to the site to facilitate access to and egress from the proposed development. This would assist vehicles entering and leaving the development if the gates to the level crossing of the railway are closed. A new 2m wide footpath would be provided along the site frontage to St Michael's Lane.

7.5 County Highways have raised a holding objection to the proposed development in the absence of comments from Network Rail. As Network Rail have now commented on the impact of the development on the highway, it is anticipated that the County Highways holding objection will be lifted. A verbal update on the status of the holding objection and other highways and traffic matters will be given to Committee.

Affordable Housing

7.6 As the proposed development would be for 20 units on a greenfield site, Policy DM41 requires the provision of up to 40% affordable housing.

7.7 The main market housing needed at Bolton-le-Sands are 2-bedroom bungalows or houses and 4-

bedroom houses. The affordable housing need is 1-bedroom flats or houses, 2-bedroom houses and then 3-bedroom houses.

- 7.8 The proposed development offers 8 affordable homes (40%). The contribution would comprise two 1-bedroom dwellings, four 2-bedroom dwellings and two 3-bedroom dwellings. This mix of housing is considered appropriate and the delivery of the affordable housing would be secured through a Section 106 Agreement.
- 7.9 Subject to the requirements of Registered Providers, the affordable housing provision would be a mixture of 50% social rented and 50% intermediate housing. As a rural parish, cascade provision would normally apply, which gives priority to applicants who have a local connection to the immediate and then surrounding parishes.

Drainage

- 7.10 Whilst there have been public reservations regarding drainage matters, the Lead Local Flood Authority (LLFA) has no objection to the proposed development subject to the inclusion of a condition relating to the submission and approval of an appropriate management and maintenance plan for the proposed attenuation system for the lifetime of the development prior to first occupation of any of the proposed dwellings. The LLFA has provided detailed advice regarding sustainable drainage systems, infiltration and permeability testing. It encourages the developer to work with the topography of the site when designing drainage systems.
- 7.11 The LLFA also provides advice to the developer regarding the provisions of the Land Drainage Act 1991 and the separate consent regimes that will be required from the LLFA.
- 7.12 The LLFA advise that there should be no structures constructed within 8 metres of the open/culverted watercourse. This is because access for maintenance is required, and also because it has the potential to pose an undue flood risk to those structures should fluvial flooding occur.
- 7.13 Network Rail currently maintain a holding objection to the proposed development on the grounds of potential impacts on Network Rail's drainage assets. Network Rail and the applicant are engaged in discussions to address the issue: a verbal update will be given to Committee.

Noise and Vibration

- 7.14 Due to the proximity of the WCML consultants have undertaken Noise and Vibration Assessments for the proposed development. The Noise Assessment concludes that with regard to external noise levels, the proposed site is considered suitable for residential development, subject to the incorporation of appropriate noise mitigation measures. The measures proposed to mitigate noise impacts include acoustically attenuated ventilation systems/units to allow habitable room windows to remain closed whilst achieving satisfactory ventilation rates. Non-habitable room windows, and side elevation windows to circulation spaces would not require noise attenuation measures.
- 7.15 Effective noise mitigation for garden areas would be provided by the proposed acoustic barrier. To achieve guideline noise limits within gardens, an acoustic barrier with a minimum height of 2.5m above the level of the railway (not the ground level where the dwellings are to be located) is required. The difference in levels has resulted in a 3.5m high barrier. The barrier would also help to reduce the external noise levels directly outside ground floor windows, which in turn would lead to lower internal noise levels.
- 7.16 The Environmental Health Officer is satisfied that conditions relating to the provision of adequate glazing and ventilation systems and a scheme setting out noise mitigation for residential development is submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.
- 7.17 With regard to train vibration levels, the Assessment concludes that adverse comment is unlikely during the daytime period and that a low probability of adverse comment is anticipated during the night time period.

7.18 Trees, Hedges and Boundary Treatments

A total of 14 individual trees (T1-T14) and 1 group of trees (G1) and 4 hedgerows (H1-H4) have been identified in relation to the proposed development. Species include ash, sycamore, poplar, beech hawthorn and elder.

7.19 A mature ash tree (T14) growing along the western boundary, adjacent to the railway line, is the only individual tree proposed for removal, because of its poor overall condition. A hawthorn hedge (H1) is also proposed for removal in order to accommodate the new access and new dwellings to the northern boundary.

7.20 Whilst there are few significant individual trees, the greatest value of trees around the site is the collective visual greening and partial screening that they generate. They are entirely in keeping with the character and appearance of the site and wider locality.

7.21 There are no existing proposals to establish new replacement hedge planting within the curtilage of plots no.1-6 and no 20 which are located adjacent to the public highway; and plot nos. 12 & 13 proposed to the immediate east of the main line railway. A detailed landscape scheme will be required detailing new tree and hedge planting, which must be appropriate to the site use and wider locality. The condition requiring the landscape scheme shall also require the applicant to consider hedgerow replacement at plots 1-6 and 20. It is acknowledged that the hedge is proposed to be removed to provide the new footpath, but replacement hedgerow forming the front boundary could be an attractive feature.

7.22 There are a range of boundary treatments marked on the plans, ranging from a 1.8m high brick wall, to a similar height of close-boarded fence, and a 0.9m high wall with a fence above. There needs to be consistency in boundary treatment, and condition number 4 will ensure that details are agreed with the local planning authority.

Other Matters

7.23 Air Quality: the Environmental Health Officer recommends provision of electrical charging points for electric vehicles at each dwelling as per draft planning advisory guidance. Whilst such provision may be desirable, it is not necessary for the following reasons: there was no need identified for an air quality assessment at validation; there is no existing air quality concern at the site; and the site is not adjacent to an Air Quality Management Area.

7.24 Education: There would be a shortfall of school places directly resulting from the impact of the proposed development. The Education Authority are seeking a financial contribution to fund 5 primary school places and 1 secondary school place to mitigate the impact.

7.25 Public Amenity Space: the amount of amenity space required for this number and type of dwellings is 356 square metres. Public amenity space is to be provided in the South East corner of the development. Due to a shortfall in on-site provision, the applicant is also making off-site contributions as required by the City Council's Open Space Contributions from Residential Development Planning Advisory Note (June 2015).

7.26 Minerals Safeguarding: The 1:100,000 scale Lancashire Mineral Resources Map shows that there is a sandstone resource located beneath the site, which forms part of the County's strategic resource of crushed rock aggregate. The aggregate resource present on-site would be safeguarded by the depth of the superficial deposits present on-site, which the local borehole information (above) indicates to be at least 6.1m in thickness. This depth is likely to be deeper than the majority of the foundations to be employed on-site; so a minimal amount of bedrock would be disturbed during the building process, if any. The quarrying of the aggregate is not currently feasible due to the WCML and existing residential properties.

8.0 Planning Obligations

8.1 The following Section 106 contributions are required to make the development acceptable in planning terms:

- 40% affordable housing;

- Contribution to education provision - based on current information a financial contribution for 5 primary school places and 1 secondary school place (figure to be finalised by LCC Education); and
- Off-site contributions as required by the *City Council's Open Space Contributions from Residential Development Planning Advisory Note (June 2015)*. The following contributions apply: £10,000 for equipped play areas; £10,000 for children and young people; and £5,000 for parks and gardens.

A Section 278 Agreement under the Highways Act will enable delivery of any to off-site highways works as required by County highways. Confirmation of the precise details will be reported verbally.

9.0 Conclusions

- 9.1 Bolton-le-Sands is a settlement in which proposals for new housing will be supported. The proposed development of 20 houses would deliver a mix of house types and 8 affordable houses.
- 9.2 It is considered that material considerations arising from the proposed development have been satisfactorily addressed for all issues except drainage (in relation to Network Rail's assets) and the final requirements of County Highways, in their role as Highways Authority.
- 9.3 The Lead Local Flood Authority has not objected to the proposed drainage arrangements. Network Rail have submitted a holding objection pending discussions with the applicant about potential impacts on Network Rail's drainage assets. The outcome of discussions will be reported verbally to Committee.
- 9.4 Network Rail's objection relating to the impacts of the proposed development on the railway level crossing have been alleviated, and it is anticipated that the Highways Authority will remove their holding objection as a consequence. The views of the Highways Authority will be reported verbally to Committee.
- 9.5 If the matters regarding Network Rail's drainage assets and the highway response are not satisfactorily resolved before the Committee Meeting, then Officers will verbally advise the most appropriate course of action.

Recommendation

That subject to the satisfactory resolution of the issues regarding Network Rail's drainage assets, and the receipt of further comments from County Highways, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard time condition.
2. Development to be in accordance with approved drawings.
3. Notwithstanding plans, details of all external materials to be agreed (and samples where necessary)
4. Notwithstanding plans, details of all boundary treatments and footway surfaces to be agreed
5. Foul and surface water to be drained on separate systems.
6. Surface water lifetime management and maintenance plan
7. Notwithstanding plans, no structures within 8m of an ordinary watercourse (the open/culverted watercourse)
8. Landscaping scheme to be provided
9. Bunding of tanks
10. Provision of adequate glazing and ventilation systems.
11. Scheme for noise mitigation to be submitted, agreed, implemented and maintained thereafter
12. Construction Management Plan, including a scheme for control of dust and agreed route for all construction vehicles.
13. Hours of construction - 0800 – 1800 Monday to Friday, 0800 – 1400 Saturday.
14. Landscaping scheme to be provided (including replacement hedge planting where possible)
15. Maintenance of visibility to level crossing, including existing level crossing signage
16. Bunding of tanks
17. Electric car charging points
18. Further conditions as required by County Highways – following report of their further comments.

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 applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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.