

Agenda Item A12	Committee Date 11 th January 2016	Application Number 15/01278/FUL
Application Site Land at Coastal Road Bolton-le-Sands Lancashire	Proposal Erection of 30 dwelling houses with associated access and landscaping	
Name of Applicant Mr Gary Middlebrook	Name of Agent Mr Daniel Hughes	
Decision Target Date 26 January 2016	Reason For Delay None	
Case Officer	Mr Philip Megson	
Departure	No	
Summary of Recommendation	Approve subject to conditions	

1.0 The Site and its Surroundings

- 1.1 The site lies on the southern edge of Bolton-le-Sands. The site, approximately 1.29 hectares, is currently in agricultural use. The site comprises poor semi-improved grassland with stone walls, fences and hedges on its boundary.
- 1.2 The site is bordered to the North and West by residential use: 'The Orchards' is a housing development that is currently under construction (Ref: 13/00029/FUL). The southern and eastern boundaries of the site are marked by an existing hedgerow with trees. The Lancaster Canal, adjacent to the hedgerow, is 1.5m above the highest level of the site. The site slopes from the Canal embankment down towards Coastal Road (A5105). The Canal is a Biological Heritage Site.

2.0 The Proposal

- 2.1 The proposed development comprises 30 two storey dwellings (two 1-bed, eleven 2-bed, one 3-bed and sixteen 4-bed) with associated access and landscaping. Access to the site would be taken from the access to the 'The Orchards' from Coastal Road. The dwellings would be orientated along a spine road running from West to East parallel to the Lancaster Canal. The houses on this phase are mainly repeats of the ones being used on Phase One. The proposed materials would be stone facing, artstone and render walls, Kentdale slate roof, and white uPVC windows. It is intended that each house also has the ability for a downstairs room to be converted into a ground floor bedroom as required by the Lifetime Homes standards.
- 2.2 It is proposed that separate foul and surface water drains are constructed. Surface water would be discharged into soakaways, the size and location of which would be subject to detailed design.
- 2.3 The proposed development would modify 'The Orchards' planning permission as follows:
- Plot 30 would be built over a turning circle; and
 - Plots 27, 28 and 29 build over land approved as open space.

Proposed amenity green space would amount to 610 square metres and children's play space would amount to 400 square metres in the proposed development. The amount of amenity green space

across the proposed development and 'The Orchards' (when combined) would amount to 1,630 square metres.

- 2.4 Existing hedgerows and trees on the important boundary to the Canal would be retained. All other hedgerows would be retained except that within Plot 3 (to the rear of three properties - 53, 55 and 57 fronting Coastal Road) which would be cut back. As originally proposed an existing hedge would be removed within the site to allow construction of the spine road. Following comments from the Council's Tree Protection Officer, the layout has been amended to enable this existing hedge to be retained where possible. It is proposed to plant 21 new trees generally located to either side of the spine road and courtyard parking at the southern end of the development.
- 2.5 Twelve dwellings would be offered as affordable housing, subject to viability, which would represent a 40% contribution. The 12 affordable dwellings (two 1-bed dwellings and ten 2-bed dwellings) would be located to the West of the site (plots 1 – 12 inclusive on Drawing No: 1833-010 rev P13) orientated around courtyard parking. The remaining houses would be located to the south of the spine road with gardens to the rear facing the Canal, except for one which is located to the north of the spine road. The affordable housing would use the same palette of materials as the market housing.
- 2.6 A link would be provided between Coastal Road and the Canal towpath to the South West of the site within the red edge. The connection to the Canal (approval 13/00029/FUL) is relocated to a position where an access with a gradient of less than 1:20 is possible to the towpath. The previous position featured a stepped access link to the Canal, which was not fully accessible.
- 2.7 There is a 6m 'no-build zone', which includes a 3m 'exclusion zone', adjacent to the towpath. A mature hedge punctuated by trees marks the edge of the towpath.

3.0 Site History

- 3.1 There are two planning applications that are directly relevant to the development:

Application Number	Proposal	Decision
10/00830/OUT	Outline application for the erection of up to 77 dwellings and creation of new access onto Coastal Road	Approval subject to signing of a S106 agreement (subsequently not signed)
13/00029/FUL	Full application for erection of 37 dwelling houses with associated new access and landscaping	Refused, but Allowed on Appeal by Planning Inspectorate.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection - subject to conditions relating to the submission of a scheme for the construction of a canal pedestrian footway link prior to commencement of development; and the link to accord with the Specification for Construction of Estate Roads (LCC, 2011). No occupation of the units until the canal pedestrian footway link is constructed, completed and open for use.
Bolton le Sands Parish Council	Comments – The Parish Council's previous comments (13/00029/FUL) still apply. Those observations included reference to vehicle movements taking access from and egress to Coastal Road and drainage matters. A comment relating to the inclusion of the private road to Thortindale Cottage within the red-edge has been resolved by the applicant submitting a revised plan.
United Utilities PLC	No objection subject to conditions relating to: <ul style="list-style-type: none"> • Foul and surface water to be drained on different systems; • Drainage to be carried out in accordance with principles set out the submitted

	Drainage Strategy P5523 Issue 2 - dated 02/10/2015.
Environment Agency	No observations.
Lead Local Flood Authority	No objections subject to conditions relating to completion of Sustainable Urban Drainage Systems (SuDS) Scheme and Management and Maintenance Plan; submission of details for an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development; and attenuation tank to be constructed and operational prior to main construction phase/occupation.
Environmental Health	No objection subject to conditions relating to: <ul style="list-style-type: none"> • Scheme for dust control – earth moving and construction activities • Hour of construction – 0800-1800 Monday to Friday and 0800- 1400 Saturday • Scheme for the control of noise and vibration
Strategic Housing Officer	Comments to be reported verbally at the meeting.
Planning Policy Team	The site is located in a settlement where the Council would look to promote residential development and is included within an allocated housing site within the adopted Local Plan. Whilst supporting in principle development you will need to be satisfied that the proposals meet the wider requirements of the Local Plan. Notwithstanding this assessment the Council's lack of a five year housing land supply is of course a consideration in the determination of this application. Opportunity to address this can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. It may be the case that this application could be supported on this basis provided of course that the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district.
City Contract Services	No comments received.
Greater Manchester Ecology Unit	No significant ecological constraints were identified. No further survey information is required. The development would however have a negative ecological impact unless mitigation is provided. This currently does not appear to be being provided. Therefore they recommended that mitigation be provided adjacent to the Lancaster Canal within the 3m exclusion zone through planting of low growing shrubs species. This would strengthen the functionality of the wildlife corridor and provide adequate mitigation for the loss of hedgerow and low value grassland.
Natural England	Statutory Nature Conservation Sites: no objection. Protected species: refer to Standing Advice. Green Infrastructure: the site is in an area that Natural England considers could benefit from enhanced Green Infrastructure. Measures to enhance the biodiversity of the site and landscapes should be sought.
Canal and River Trust	No comments received.
Lancaster Canal Trust	The Trust seek to protect the mature hedge and trees which form the boundary between the rear gardens of the proposed houses and the canal towpath by constructing a 1.8m high close boarded fence. The Trust have requested a developer contribution of £8,000 - £10,000 towards repairs to the wash wall: and towpath maintenance works along the length of the site due to anticipated greater usage arising from the development.
Public Realm Officer	[Background: Development Plots 27, 28 and 29 would build over land identified as public open space under 13/00029. The Public Realm Officer and the applicant agreed to consider the provision of amenity space over the proposed development and 13/00029/FUL] Having regard to Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note and to Policy DM26 (DM DPD), an assessment of need identifies that the following would be required: <ul style="list-style-type: none"> • Amenity space of 1,236 square metres (658 square metres for phase 1 and 577.5 square metres for the proposed development); • On-site play area to be maintained through a management plan (not to be adopted by the Council)

	<ul style="list-style-type: none"> Off-site contribution of £24,216 (£14,920 for young people's facilities and £9,276 to parks and gardens) <p>The developer has advised the Council that maintenance of all the green spaces within the development would be through a Management Plan.</p>
Tree Protection Officer	The Tree Protection Officer objected to the proposals as originally submitted. The applicant has submitted amended plans, which has resulted in the Tree Protection Officer withdrawing the objection , subject to the imposition of conditions.
The Wildlife Trust For Lancashire	No comments received.
Dynamo (Lancaster and District Cycle Campaign)	Object on the grounds that it does not provide adequate cyclist and pedestrian access to the canal towpath. It appears that the plan has only one access route onto the towpath for cyclists and pedestrians. There should be access points at both ends of this strung-out development to facilitate and promote walking and cycling in line with the County Council's sustainable transport policy.

5.0 Neighbour Representations

5.1 At the time of writing, eight neighbour representations have been received objecting to the proposed development. These may be summarised as follows:

- Brownfield sites should be used in preference to greenfield sites.
- Visual impact of the proposed development from existing properties.
- Concerns about overlooking existing properties.
- Concerns about density of the proposed development in local context.
- Concerns over access to the Canal from the rear gardens of the proposed houses.
- Issues regarding the use and abuse of the Swing Bridge.

5.2 One of the representations sought clarification in respect of whether a private "lane" between the A5105 and the Lancaster Canal is included within the site, as thickness of the red edge on the location plan originally submitted lacked clarity. The applicant has confirmed that the private "lane" falls outside the site and they have now submitted a revised location plan.

6.0 Principal National and Development Plan Policies

6.1 NPPF:
Section 4 Sustainable Transport
Section 6 Choice of Homes (paragraphs 47, 49 and 55)
Section 11 Conserving and enhancing the natural environment (paragraph 109)

Lancaster Local Plan Saved Policies:
H5 Housing Development Sites
E4 Open Countryside

Lancaster Core Strategy Policies:
SC1 Sustainable Development
SC3 Rural Communities
SC4 Meeting the District's Housing Requirements
SC5 Achieving Quality in Design

Lancaster Development Management DPD Policies:
NPPF1 Presumption in Favour of Sustainable Development
DM20 Enhancing Accessibility and Transport linkages
DM21 Walking and Cycling
DM22 Vehicle Parking provision
DM23 Transport Efficiency and Travel Plans
DM26 Open Space, Sports and Recreational Facilities
DM27 The Protection and Enhancement of Biodiversity
DM28 Development and Landscape Impact
DM29 Protection of Trees, Hedgerows and Woodland
DM35 Key Design Principles

DM36 Sustainable Design
DM39 Surface Water Runoff and Drainage
DM40 Protecting Water Resources
DM41 Affordable Housing
DM42 Managing Rural Housing Growth

7.0 Comment and Analysis

7.1 The land to which the application was approved in outline subject to a S106 agreement (10/00830/OUT) which sought to establish the principle of developing this parcel of land for housing.

Relationship between the proposed development and 13/00029/FUL

7.2 Planning application 13/00029/FUL proposed 37 dwellinghouses on land adjacent to the current application site. The application was recommended for approval by Officers but refused by the Planning Committee. On 14 February 2014, a Planning Inspector allowed the appeal, and awarded costs against the City Council for unreasonable behaviour in refusing the planning application.

7.3 In reaching the decision to allow the appeal, the Inspector concluded that the appeal site was a sustainable location adjacent to public transport links and close to village facilities. It had a longstanding housing allocation and reports demonstrated that a sustainable urban drainage system would adequately drain surface water. Whilst piecemeal development of the wider site was not ideal, the Inspector stated that there were no significant disbenefits of a phased approach. The development would accord with the NPPF's presumption in favour of sustainable development and the need to boost housing supply. Therefore the principle of developing the site identified within 13/00029/FUL was established.

7.4 There is some overlap between the proposed development and that approved by planning approval 13/00029/FUL in terms of the land forming the respective planning applications. Development would see Plot 30 build over a turning circle and Plots 27, 28 and 29 build over land identified as public open space.

7.5 The submitted Transport Statement illustrates, through a swept path analysis, that suitable turning is available for the proposed development and that approved under 13/00029/FUL.

7.6 Despite the loss of open space from that approved by 13/00029/FUL, the total amount of amenity space required by the *Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note* is delivered across the proposed development and 13/00029/FUL. The request for an off-site contribution of £24,216 (£14,920 for young people's facilities and £9,276 to parks and gardens) has been agreed by the developer. The on-going maintenance of these areas can be dealt with by condition.

Housing

7.7 It is considered that the proposed housing meets the criteria of Policy DM41. The density is appropriate to the local context of the site and the impacts of the development can be accommodated by existing infrastructure and services. The dwelling mix as described in Section 2 of this report is considered appropriate for the locality. The proposed materials would match the materials as approved for the first phase of the site (13/00029/FUL and Discharge of Conditions approval 14/00061/DIS).

7.8 The proposed affordable housing contribution of twelve dwellings (two 1-bed dwellings and ten 2-bed dwellings) meets the required contribution in Policy DM41 for a 40% affordable housing contribution on a greenfield site in a rural location. At the time of writing the Strategic Housing Officer has not commented on the planning application, however, the adopted *Meeting Housing Needs SPD* has a district-wide affordable target of 50% rented and 50% intermediate. The comments of the Strategic Housing Officer will be reported verbally at Committee.

7.9 Due to the sloping nature of the site, the applicant has submitted indicative finished floor levels and road levels. The final levels will be determined by Structural and Civil Engineers. Details of finished floor levels and road levels will be controlled by an appropriate condition.

Impact on the Lancaster Canal

- 7.10 A Canal Bank Inspection Report has been submitted in support of the planning application. On the basis of a walkover inspection of the north bank of the Canal, the inspection concluded that the embankment is in stable condition with no significant structural issues currently evident; and that there is no evidence of leakage from the Canal on to the application site. The Report notes that the embankment is heavily vegetated and that the roots to existing bushes and shrubs are believed to be adding stability and should therefore be maintained. The applicant is proposing to retain the existing hedging and planting to the Canal side.
- 7.11 The Lancashire Canal Trust seek to protect the mature hedge and trees which form the boundary between the rear gardens of the proposed houses and the Canal towpath. The Trust is concerned that within a short time, the owners will create their own access to the towpath through the hedge, eroding the banking and cutting back the screening vegetation. In response to this comment (and comments made in neighbour representations) the applicant has agreed to construct a 1.8m high close boarded fence along the rear boundary of the proposed gardens to protect the integrity of the Canal embankment.
- 7.12 The canal link path, described in paragraph 2.6, will be provided and a planning condition will ensure that this link is open and operational prior to first occupation of any of the dwellings subject to the current application.

Traffic and Highway Matters

- 7.13 The proposal would utilise the recently constructed access off Coastal Road to serve the proposed dwellings (Swallow Court). This is a privately-maintained road and so would not be adopted under Section 38 of the Highways Act.
- 7.14 County Highways have no objections to the scheme. They advise that no surface water be permitted to discharge into existing sewerage systems. They also provide advice regarding the surface of the proposed footway link to the canal (a hard surface is recommended). Finally, they raise the point that there may be overflow vehicle parking on Swallow Court, but that this would have "little or no significant bearing on the surrounding public highway network". The proposed car parking is considered to accord with DM DPD Policy DM22.

Impact on wildlife

- 7.15 An Ecological Appraisal was submitted with the planning application. No significant ecological constraints were identified. The Appraisal recommends the following measures:
- Badgers: precautionary mitigation is considered appropriate during construction. The landscaping scheme should include species such as Apple or other fruit trees which would provide a food source in winter.
 - Bats: ensuring that the foraging habitat on site is for use by bats during development.
 - Birds: precautionary mitigation is considered appropriate. The landscaping scheme should include species such as rowan which are seed bearing and would provide food for birds in the winter.
 - Otters: precautionary mitigation would be appropriate in respect of construction activities which would need to be restricted at night.
- 7.16 The Local Planning Authority's ecology adviser notes that the development would result in the loss of around 1.3 ha of ecologically low value semi-improved grassland and it appears around 80-90m of hedgerow. No mitigation is being offered/provided. Without mitigation or compensation the development would be contrary to section 109 of the NPPF. It is recommended that mitigation be provided adjacent to the Lancaster Canal within the 3m exclusion zone through planting of low growing shrubs species. This would strengthen the functionality of the wildlife corridor and provide adequate mitigation for the loss of hedgerow and low value grassland. Details of mitigation of ecology impacts can be secured by planning condition.

Other matters

- 7.17 Canal Towpath: Dynamo (The Lancaster and District Cycle Campaign) consider that there should be access to the Canal Towpath both ends of the proposed development. The pedestrian and cycling connection to the Canal under planning approval 13/00029/FUL featured a stepped access link to the Canal, which was not fully accessible. A second pedestrian and cycling connection to the Canal towpath would need to be a stepped access due to the gradient. For pedestrians and cycle users such an arrangement would be less than ideal. The proposed connection would have a gradient of less than 1:20 and be fully accessible to pedestrians and cyclists. The additional distance to cyclists seeking to gain access to the towpath from the northern end of the development would be lengthened but not unreasonably so.
- 7.18 The Lancaster Canal Trust have requested a financial contribution of approximately £8,000 - £10,000 towards repairs to the wash wall and towpath maintenance works along the length of the site. The Trust argue that the contribution is justified due to anticipated greater usage arising from the development. It is considered that because the proposed works have not been fully-costed a developer contribution should not be sought. Additionally, the other planning contribution matters listed below (affordable housing, open space and play area) are considered to be the primary obligation matters relating to the proposal.

8.0 Planning Obligations

- 8.1 The following Section 106 contributions are required to make the development acceptable in planning terms:
- 40% affordable housing comprising 12 affordable dwellings (two 1-bed dwellings and ten 2-bed dwellings).
 - 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: £14,920 for young people's facilities and £9,276 to parks and gardens

9.0 Conclusions

- 9.1 The land to which the application was approved in outline subject to a S106 agreement (10/00830/OUT) sought to establish the principle of developing this parcel of land for housing. Phase 1 of the development of the site ('The Orchards') is currently under construction (13/00029/FUL) and the Planning Inspector's report makes clear that the wider location at this Coastal Road site is suitable for the delivery of housing.
- 9.2 It is considered that material considerations arising from the proposed development have been satisfactorily addressed, and this latest development of the wider site can now be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard time condition.
2. List of approved plans.
3. All external materials to be agreed (samples where necessary)
4. All boundary treatments and footway surfaces to be agreed
5. No development shall commence until details of finished floor levels and road levels have been submitted and approved.
6. No development shall commence until a scheme for the control of all dust arising from demolition, site clearance and construction has been submitted and approved.
7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted and approved.
8. No development shall commence until an Ecology Management Plan, including mitigation measures has been submitted and approved.
9. No development shall commence until a scheme for the control of noise and vibration during site preparation and construction has been submitted and approved.
10. No development shall commence until details of the hard and soft landscaping of the site have been submitted and approved. If trees/hedgerows are identified for removal, replacement planting will be

required at a minimum ratio of 3:1 (3 new trees for each tree removed or damaged). The approved scheme shall be maintained for a period of not less than 10 years.

11. No occupation of development until completion of SUDS in accordance with agreed SUDS Scheme and Management and Maintenance Plan.
12. Public Realm Management and Maintenance Plan to be agreed and implemented.
13. Attenuation tank to be constructed and operational prior to main construction phase / occupation.
14. Standard unforeseen contamination condition (as per condition 4 on the approval for 13/00029/FUL).
15. Hours of construction: 0800-1800 Monday to Friday, and 0800-1400 on Saturdays.
16. The development shall be carried out in accordance with the submitted Tree Protection Plan and Arboriculture Method Statement (AMS) (August 2015).
17. The development shall be carried out in accordance with the approved Tree Survey, dated August 2015.

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.