

Agenda Item A8	Committee Date 7 March 2016	Application Number 16/00050/FUL
Application Site 113 White Lund Road Morecambe Lancashire LA3 3DX	Proposal Erection of 10 dwellings and creation of a new vehicular access	
Name of Applicant Mr Tom Hill	Name of Agent Martin Peacock	
Decision Target Date 14 April 2016	Reason For Delay None	
Case Officer	Mr Philip Megson	
Departure	No	
Summary of Recommendation	Approve with conditions and subject to the applicant entering into a S106 agreement.	

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. Other features include a drain which runs along the north-west edge of the site and a wooden pole-mounted electricity transmission line 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. Five houses are located on either side of the access road. The front elevations of the 5 southern properties 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.
- 2.2 The semi-detached houses would each have a hardstanding to accommodate one car, and the

detached houses would have an attached garage and hardstanding capable of accommodating 2 to 3 cars.

- 2.3 The existing access to the site from Oxcliffe Road would be closed. Access to the site would be from Oxcliffe Road via St Johns Terrace, a privately-managed pedestrian/vehicular access track. The application proposes improvements to St John's Terrace, 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 1.2m 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 1.8m wide footway would be provided on the east side of St John's Terrace to a depth of 7.0m from the existing footway on Oxcliffe Road.
- 2.4 It is proposed that surface water drainage would be dealt with by discharging to a watercourse that lies on the western boundary of the site. 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 was 15/00859/FUL, which also proposed 10 dwellings and a new vehicular access. This application was refused on 14 December 2015, for the following reasons:
- (i) *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.*
 - (ii) *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.*
 - (iii) *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.*

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments within statutory timescale.
Highways Authority	No objection subject to conditions and S278 agreement for offsite highway works
County Strategic Planning	Interim response: A request for a financial contribution towards education provision is not required at this stage, however, a re-calculation would be required at the point at which the application is determined. Any financial contribution to Education to mitigate the impacts of the proposed development will be reported verbally to Committee.
Lead Local Flood Authority	No comments within statutory timescale.
Forward Planning Team	No comments within statutory timescale.
Natural England	No objection in relation to statutory nature conservation sites.
Strategic Housing Policy Officer	Comments - The provision of 2 affordable dwellings would be required on site. The applicant has provided evidence from three Registered Providers that they are not interested in taking on 2 affordable houses. Based on the methodology in the Meeting Housing Needs SPD, a financial contribution of £46,805 has been requested as an alternative to on-site provision.

Lancashire Fire & Rescue Service	Comments - Refer to relevant building regulation requirements regarding access and water provision.
United Utilities	No objection subject to conditions
Environmental Health	No comments within statutory timescale.
Public Realm Development Manager	Comments - An off-site contribution of an amount of £8,164 would be required in respect of amenity space in lieu of on-site provision; contribution to parks and gardens; and compensation for the loss of part of the Oxcliffe Road Natural and Semi-Natural Open Space. The contributions above would go to planned improvements at Regent Park, Morecambe.

5.0 Neighbour Representations

5.1 At the time of writing, 1 neighbour representation has been received objecting to the proposed development on the basis of traffic (entering Oxcliffe Road it is difficult to see oncoming traffic from the west due to a bend, telecommunications pole and hedges blocking the view; and from the east, which is a blind corner, where traffic speeds up); and siting of the development on raised land, which could exacerbate flooding and a lack of privacy on 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

Core Strategy

SC1: Sustainable Development
 SC2: Urban Concentration
 SC4: Meeting the District's Housing Requirements

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:

- Planning Obligations;
- Access / highways;
- Open Space;
- Drainage; and
- Design and layout

7.2 Planning Obligations

The current planning application is similar to the proposal that was considered by Committee in December 2015 (15/00859/FUL). The refusal reasons are set out in paragraph 3.1. In summary, the applicant was unwilling at the time to enter into a Section 106 agreement in respect of the provision of two affordable houses, and was similarly unwilling to contribute towards the necessary off-site open space. Additionally the applicant was not prepared to fund a range of off-site highway works necessary to provide safe access to and egress from the proposed development. Without these measures the development was, and still would be deemed unacceptable in highways terms, giving rise to significant concerns regarding highway safety.

7.3 In respect of the current planning application, the applicant has agreed to enter into a Section 106

agreement to provide the required off-site open-space contributions. The applicant has demonstrated that 3 Registered Providers are not interested in taking on the proposed two affordable houses that a development of 10 houses would require, and has agreed in principle to making a financial contribution towards the provision of off-site affordable housing. The financial contribution in lieu of on-site affordable housing provision has been calculated using the methodology in the adopted Meeting Housing Needs SPD.

- 7.4 The applicant has also agreed to enter into a Section 278 agreement in respect of the off-site highway contributions required (see section below).

Access/Highways

- 7.5 This part of the district is deficient in services and facilities that exist 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 heavily-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.
- 7.6 The current access to St John's Terrace from Oxcliffe Road, a privately managed pedestrian and vehicular access track, 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 73m in each direction at this junction given the 40mph speed limit along Oxcliffe Road.
- 7.7 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.
- 7.8 The Highways Authority requires parking provision to 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.
- 7.9 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 (road markings to be agreed) would be necessary to mitigate the effects of the development on the operation of surrounding lengths of the public highway network.
- 7.10 The Highways Authority, in considering the previous application (15/00859/FUL), required the implementation of improved street lighting arrangements in the immediate vicinity of the application site and its junction with Oxcliffe Road and White Lund Road. New columns and lighting heads have recently been erected in the vicinity of the Oxcliffe Road and White Lund Road junction. The Highways Authority Lighting Services recognise that it would be preferable to light the junction from the southerly kerb line of Oxcliffe Road/Mellishaw Lane, but are aware of limitations to the extent of service strips along that particular edge of the carriageway – such that a lighting column could not be placed in the most suitable location with regards to illumination of the junction. Therefore a request

for improved street lighting arrangements is not being pursued with the current application.

Open Space

- 7.11 Natural England considers that this application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.
- 7.12 The Council's Planning Advice Note Amenity Space in Lancaster (PAN) requires the development to provide on-site amenity space amounting to 190 sq.m. The site layout as proposed does not include provision of on-site amenity space. A financial contribution towards the provision of, or improvement to, off-site open provision is required. As 10 dwellings are proposed, the PAN also requires a financial contribution towards Parks and Gardens.
- 7.13 The western part of the site is identified in the Council's PPG17 Open Space Assessment as part of the Oxcliffe Road Natural and Semi Natural Open Space (NSN). The raising of the land with hardcore has destroyed this interest. It is therefore appropriate that this loss is compensated for.

Drainage

- 7.14 It is proposed that surface water drainage would be dealt with by discharging to a watercourse that runs along the western boundary of the site. Generally, the aim should be to discharge surface water run-off as high-up the following hierarchy of drainage options as reasonably practicable: into the ground (infiltration); to a surface water body; to a surface water sewer, highway drain, or another drainage system; to a combined sewer. The Lead Local Flood Authority (LLFA) have not provided a consultation response at the time of writing this report. In their consultation response to the previous planning application (15/00859/FUL), the LLFA commented that soakaways or infiltration drainage are not considered feasible or appropriate due to the presence of relatively impermeable silty clays, peaty clays and peat on site to a depth of approximately 4.0m. The proposed means of surface water drainage was acceptable to the LLFA, subject to the imposition of a condition stating that development shall be carried out in accordance with the approved Flood Risk Assessment. It is considered the same condition is appropriate with the current planning application. The proposed connection of foul drainage from the development to existing mains is acceptable.

Design and layout

- 7.15 The site layout would be two rows of houses to the north and south of the proposed access, which terminates at a turning head. The front of the houses to the north of the proposed access would look within the development, and front of the houses to the south would have views over Oxcliffe Road and the fields beyond. There is an adequate separation distance between the two rows of properties. The two detached houses would be located either side of the turning head: each would have an attached garage and a hardstanding for 2/3 cars. The eight semi-detached houses would have a hardstanding for parking 1 car, which is less than the Car Parking Standards required provision of two spaces. The rear gardens of the properties are of the required length to comply with the Council's adopted standards. Each house would have a bin store: these are sited in locations that would not adversely impact on the street-scene of the proposed access road.
- 7.16 The proposed materials for the development are blockwork walls with render and paint finish and natural blue or grey slate roofs. Windows would be uPVC double glazed units, with the paint finish and colour to be agreed. Boundary treatments would be 1.8m high hit and miss timber fences.
- 7.17 The site is elevated relative to St John's Terrace. It is considered unlikely that the proposed development would give rise to issues of privacy through overlooking. The side elevations of the nearest property to St John's Terrace would have one window in the side elevation at ground floor level, the view from which would be partly screened by a 1.5m boundary wall; and a window at first floor level would be to a non-habitable room (landing to staircase). The 1.5m boundary wall would also partially screen views from the rear garden area. This arrangement is considered acceptable.

7.18 Other Matters

Environmental Health have not provided a consultation response at the time of writing this report. In their consultation response to the previous planning application (15/00859/FUL), Environmental Health requested conditions relating to hours of construction, dust control during construction, contaminated land and bunding of tanks. The imposition of the same conditions is considered appropriate.

8.0 Planning Obligations

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

- £46,805 in lieu of on-site affordable housing provision;
- £8,164 in lieu of on-site amenity space provision; contribution to parks and gardens; and to compensate for the loss of part of the Oxcliffe Road NSN.

8.2 Separate off-site highway works have been requested by the Highways Authority are to be secured by a S278 agreement. The land referred to in Conditions 3 and 4 would be the subject of a dedication agreement under S38 of the Highways Act.

9.0 Conclusions

9.1 The proposed development will bring a redundant site back into beneficial use by contributing to the District's housing supply.

9.2 The applicant has provided evidence that 3 Registered Providers have no interest in taking on 2 affordable houses on site. A financial contribution in lieu of on-site affordable housing provision has been requested.

9.3 The proposed access to the site would result in improvements to a substandard access that currently serves St John's Terrace. While the proposed footway arrangements do not accord with good design practice, they represent an improvement over the current lack of footway provision. A range of offsite highway improvements are considered necessary to make the proposed development acceptable in highways terms: these measures would be secured through a Section 278 agreement with the Highways Authority.

9.4 A financial contribution in lieu of on-site amenity space provision, contribution to parks and gardens and to compensate for the loss of part of the Oxcliffe Road NSN have been requested. The proposed means of drainage and design and layout are considered to be acceptable.

Recommendation

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

1. Standard time condition.
2. Development to accord with approved drawings.
3. Sample of external elevation and roof materials to be agreed (including precise render colour)
4. No development shall commence until full detailed plans, including construction details pertaining to the site's internal pedestrian/vehicular carriageway surface and connection to the existing highway network, are submitted to, and approved in writing by, the local planning authority.
5. Internal pedestrian/access road to be constructed in accordance with LCC Specification for Construction of Estate Roads to at least base level.
6. No part of the development shall commence until a scheme for the construction of all off-site highway improvement works is submitted to, and approved in writing by, the local planning authority.
7. No development shall take place including any form of excavation activities until a construction method statement has been submitted to and approved in writing by the local planning authority.
8. No development above 1m in height in the visibility splay (removal of PD rights).
9. No part of the development shall be occupied until the off-site highway improvement works have been constructed and completed in accordance with approved scheme details.
10. The development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures detailed within the FRA.

11. Landscaping details to be agreed in writing (including proposed planting beds and low level planting/hedge) and maintained thereafter to the satisfaction of the local planning authority.
12. Hours of construction – 0800-1800 Monday to Friday, 0800-1400 Saturday.
13. Scheme for dust control – earth moving and construction activities.
14. Standard contaminated land condition.
15. Contaminated land - importation of soils, materials and hard core.
16. Contaminated land - prevention of new contamination.
17. Bunding of tanks.
18. Foul and surface water to be drained on separate systems.
19. No part of the development shall commence until a scheme for surface water drainage is submitted to, and approved in writing by, the local planning authority.

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.