

Agenda Item A14	Committee Date 27 June 2016	Application Number 16/00222/FUL
Application Site Land Between 24 And 25 Hestham Crescent Morecambe Lancashire	Proposal Erection of two dwellings and three garages with associated access	
Name of Applicant Mrs C Stebbing	Name of Agent JMP Architects Ltd	
Decision Target Date 1 June 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Approval subject to further information in relation to drainage and resolution of concerns regarding the proposed garage building	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that she is related to Councillor Brayshaw and, as such, the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 This application relates to an area of land off Hestham Crescent in Morecambe, which is a cul-de-sac and part of a larger residential estate. The site comprises an area of unused scrub land to the rear of numbers 23 and 24 and to the side of no. 25. There is an existing access from the highway to a hard surfaced area at the front of number 25 with a gate adjacent to the side wall into the land. To the north of the site is an area of open land and to the east is a railway embankment. The highway is at a higher level than the site and slopes upwards to the north towards the end of the cul-de-sac. As a result of this, the dwellings at no. 23 and 24 are at a much higher level than the land at the rear, and no. 25 is at a similar level to the site, although there are variations across the land. The site is heavily overgrown with various trees and shrubs.

2.0 The Proposal

2.1 Planning permission is sought for the erection of a pair of semi-detached bungalows with accommodation in the roof space. An access drive, approximately 20 metres in length, is proposed to a large area which also contains three garages sited towards the southern boundary. The dwellings are proposed to the north of the site, to the rear of 23 and 24 with garden areas to the rear.

3.0 Site History

3.1 Outline planning permission was granted in 1993 for the erection of five houses on land between no. 10 and no. 24 Hestham Crescent. This was renewed in 1996 and 1999. In 2004, full planning permission was sought for the erection of three terraced and two semi-detached dwellings (ref.

04/00467/FUL). Two of these dwellings were proposed to the rear of 23 and 24 Hestham Crescent. This application was refused and the appeal was dismissed. The Inspector's report set out that the two semi-detached dwellings would be only 11 metres at their nearest point from the rear of existing dwellings on the crescent. Although they would be at a much lower level due to the fall of the land, they would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties.

3.2 A reserved matters application (ref. 04/01701/REM), in relation to the outline consent for 5 dwellings, was granted in 2005. This permission consisted of a terrace of three dwellings and a pair of semi-detached dwellings all fronting onto the highway, set back a similar distance to the other buildings on this road.

3.3 Planning permission (12/01086/FUL) was refused in 2013 for the erection of three dwellings on the application site for the following reasons:

1. *By reason of its location to the rear of the existing development and its proximity to the adjacent dwellings, the proposal would present a cramped appearance detrimental to the character and appearance of the area and would harm outlook from the rear of the existing properties. As such it is contrary to the aims and objectives of Section 7 of the National Planning Policy Framework, Policy SC5 of the Lancaster District Core Strategy, Saved policies H12 and H19 of the Lancaster District Local Plan.*
2. *Due to an under provision in the overall width of the sites means of access from the adjacent public highway there would be a significant risk of over-flow parking onto the surrounding road network and into existing developed areas thus creating obstruction or conflict to the detriment of the operation and ultimately the safety of the public highway itself. The proposal is therefore contrary to Saved Policy H19 of the Lancaster District Local Plan.*
3. *The proposal will result in the loss of an area of land which is identified as urban green space in the Lancaster District Local Plan and as part of the green space network in the Emerging Local Plan. As such the development is contrary to Policy E1 of the Lancaster District Core Strategy, Saved Policies H19 and E29 of the Lancaster District Local Plan and Policy EN1.1 of the Draft 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 received
Environmental Health	No objection subject to conditions requiring: scheme for assessment and control of noise from the adjacent railway line; and hours of construction and standard land contamination conditions
County Highways	No objection subject to conditions requiring access constructed to a minimum width of 3.15 metres and surfaced with a bound material for a distance of 7 metres; and scheme for construction of offsite highway works (an improved metaled and kerbed vehicular drop crossing)
United Utilities	No objection. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
Network Rail	They do not support the proposal due to the layout potentially importing a risk of flooding or water saturation onto their land and could lead to de-stabilisation of land. They have set out measures that would allow the developer to take the proposal forward (and these are set out in the report).
Fire Safety Officer	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

5.0 Neighbour Representations

5.1 3 pieces of correspondence have been received which raise objections to the scheme. These set out the following concerns:

- Existing congestion and parking issues on the highway will be exacerbated by the proposal
- Width of access is very narrow
- Loss of privacy and noise impacts
- Loss of view from property
- Impact on wildlife
- Site is green belt land
- Issues with subsidence
- Previous application on site has been refused

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Paragraph 32 – Access and Transport
 Paragraphs 49 and 50 – Delivering Housing
 Paragraphs 56, 58 and 60 – Requiring Good Design
 Paragraph 123 – Noise impacts

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
 SC5 – Achieving Quality in Design

6.3 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM35 – Key Design Principles
 DM39 – Surface Water run-off and Sustainable Drainage
 DM41 – New Residential Development

7.0 Comment and Analysis

- ### 7.1
- Principle of development
 - Design, appearance and scale of the development
 - Impact on residential amenity of neighbouring properties
 - Access and highway impacts
 - Loss of urban green space
 - Impact on Network Rail Infrastructure

7.2 Principle of development

- #### 7.2.1
- The site is located in a sustainable location, within the built up area of Heysham and, as such, the principle of residential development is acceptable.

7.3 Design, appearance and scale of development

- #### 7.3.1
- In 2004, permission was refused for the erection of five dwellings, two of which were positioned in a similar location to the current proposal. The appeal was dismissed and the Inspector concluded that the two semi-detached dwellings would present a cramped appearance detrimental to the character and appearance of the area and would therefore be contrary to Policy H19 of the Local Plan. The more recent proposal on the site in 2012/13 was slightly closer to the boundaries with 23 and 24 Hestham Crescent and comprised an additional dwelling. It also involved a large area of parking and turning to the front of the dwellings. As such, it was considered that the issues raised by the Inspector were relevant to that application, and the scheme would be likely to have more impact on the character and appearance of the area, as the previous scheme included an area of public open space where the parking and turning area was proposed.

7.3.2 The current application proposes a pair of semi-detached bungalows with a depth of 13.3 metres, a width of 10.95 metres and a height of 3.1 metres to the eaves and 6.3 metres to the ridge, at its highest point. There is a variation in levels across the site and as such a section has been provided. The walls are proposed to be finished in roughcast render and the roof in a thin edge flat concrete tile. The building will be at a lower level than the adjacent dwellings to the west (23 and 24), with the ridge height approximately in line with the ceiling of the ground floor of these properties, according to the submitted section. Although this type of development, to the rear of existing properties, is not usually desirable, it is unlikely that the proposal would have a significant adverse impact on the character and appearance of the area given the reduced scale of the proposal from previous proposals. Particularly given the orientation of the building, with the roof slope facing nos 23 and 24, it is not considered that the current scheme will result in an overly cramped appearance. It will result in a large area of hardstanding, but this should be mostly screened from the highway.

7.3.3 A detached garage is also proposed adjacent to the boundary with no 25. This would be 8.2m wide and 6m deep. As the land is sloping the building will be higher towards the east of the site, with a maximum height of 3.6m to the eaves and 5.3m to the ridge. It is set at a lower level than the highway, with the lower gable facing in this direction. It is considered appropriate in scale and design and should not have a detrimental impact on character and appearance of the area.

7.4 Residential amenity

7.4.1 The proposed dwellings will be approx. 9.4 metres from the rear of no. 24 at its closest, although they are positioned at an angle. The section shows the bungalows set into the site with a retaining wall close to the building and the side garden sloping up to the boundary. Boundary treatments can be conditioned to prevent overlooking from the garden area. Given the position of the bungalows, set away from the boundary, and their height, it is not considered that the proposal will have an adverse impact on the amenities of nos 23 or 24. There are rooflights proposed in the side roofslope, however these will serve the landing and as such, it is not considered that they would result in a significant loss to privacy. There were concerns with the previous scheme in relation to overlooking from the neighbouring properties to the rear garden areas of those proposed. However, the bungalows have been afforded relatively longer rear gardens, at least 10 metres in length, with a large area of this at least 15 metres from the rear wall of no. 23. As such it is considered that the future occupiers will be afforded sufficient private amenity space.

7.4.2 Number 25 is to the south of the site and has been identified as being under the same ownership as the application site. However, there are some concerns with regards to the height, size and position of the garage block adjacent to the boundary with this property, whose garden is at a lower level. Although the building would be site to the north, it is likely that it would exert an overbearing impact on this property, in particular relation to the use of the garden area. It is not clear whether there are any habitable room windows in the rear wall, and as such clarification will be sought regarding this. It may be possible to set the building into the site more, like the dwelling, in order to reduce its overall height, although this may affect the parking area.

7.4.3 The site is located adjacent to the railway line to Heysham. Environmental Health have raised no objection but have advised that noise levels associated with this will need to be determined to ensure that adequate mitigation measures are put in place to protect residential amenity. They have advised that this can be dealt with by condition requiring an assessment to be carried and appropriate mitigation installed.

7.5 Access and highway impacts

7.5.1 The scheme proposes a parking space for each unit, with three visitor spaces and three garages. It is not clear if this parking is proposed in conjunction with the adjacent properties and clarification is being sought regarding this, to ensure that their precise use is understood. This also relates to the garages as there is no information regarding which properties will utilise these. There is certainly sufficient parking proposed for the two bungalows. The application also appears to show a reconfiguration of the parking for the adjacent properties to the south west, so that unrestricted access can be provided to the site. The hardstanding is already there so it does not involve development and can therefore be conditioned to be implemented, as within the applicant's ownership.

7.5.2 The proposed access is wider than the previous application which was refused, and will have a width of 3.15 metres adjacent to the pavement. The Highways officer originally set out that there should be a width of 5.5 metres but has now considered the submitted plan and consider this acceptable. A drop crossing has been requested, but this already appears to be in place, and the first part of the access is already surfaced in tarmac. It is not considered that the proposal will have an adverse impact on highway safety.

7.6 Impact on Urban Green space

7.6.1 The site is identified as Urban Green space on the Local Plan proposals map. The loss of this was one of the reasons for refusal on the previous application. However the site comprises an overgrown piece of private land that does not appear to be functionally linked to any other space. Given its position behind the houses it provides little in terms of amenity value, except possibly by those whose properties overlook it. It is also a relatively small proportion of a larger identified area. As such, its loss is not considered to be a substantial reason to refuse the application.

7.7 Impact on trees

7.7.1 There are a number of trees within the site but mainly around the edges. None of these appear to be especially large and most should be capable of retention. Ideally a Tree assessment would have been submitted with the application, however one was not submitted on the previous one and this was not a reason for refusal. However, given the predominant position of the trees around the site it is considered that this information can be adequately conditioned, with a detailed landscaping scheme submitted prior to commencement, with any loss of trees adequately mitigated and protection measures detailed during works.

7.8 Impact on Network Rail Infrastructure

7.8.1 As already set out, the site is in close proximity to a railway line. Network Rail have raised some concerns regarding drainage in the site as the land slopes down towards the railway boundary and embankment. They have advised that the application raises concerns on the impact of water draining down to the embankment and they cannot support the proposal due to the layout of the site potentially importing a risk of flooding or water saturation onto their land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to destabilisation of land through water saturation. They have set out the following advice:

1. That soakaways are not installed between the dwellings, driveways and garages and the railway boundary. Any water that flows into a soakaway cannot be controlled and due to the slope of the site will drain in the direction of the railway itself.
2. Details of the excavation works for piped drainage and the direction of the flows to be submitted to and agreed by the Network Rail Asset Protection Engineer.
3. Details of inspection chambers where the pipes connect to be submitted to and agreed by the Network Rail Asset Protection Engineer.
4. A Risk Assessment and Method Statement (RAMS) is to be submitted by the applicant to by the Network Rail Asset Protection Engineer for all works within 10m of the railway boundary (note not the railway tracks themselves) as the embankment is part of the critical infrastructure of the railway and there may also be lineside equipment and buried services on our land.

7.8.2 All of the issues outlined could be dealt with by way of condition. However there does need to be some level of comfort that there is a solution to the drainage issue. As such, further information has been sought and will be reported at the meeting.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The scheme will provide two houses within a sustainable location. Although this is a form of backland development, it is not considered that the proposal will have a detrimental impact on the

character or appearance of the area, highway safety or parking and residential amenity, subject to the resolution of the concerns regarding the garage building. It is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the resolution of the concerns regarding the garage building and drainage onto the adjacent railway land, and following conditions:

1. Standard time condition
2. Approved plans
3. Scheme for disposal of surface water
4. A Construction Risk Assessment and Method Statement in relation to the adjacent railway line.
5. Contaminated land assessment and remediation is necessary
6. Landscaping scheme showing existing and proposed trees/shrubs and protection for retained trees during works.
7. Assessment of noise from railway line and mitigation measures
8. Materials/details including – render, roof tiles, windows/ doors, eaves and ridge details, surfacing materials
9. Creation of access, parking and turning prior to occupation, including reorganisation of parking on adjacent site
10. Use of garages and parking area
11. Removal of permitted development – extensions, outbuildings and alterations to the roof

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 taken 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 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