

Agenda Item A6	Committee Date 6 February 2017	Application Number 16/01310/REM
Application Site TNT Garage Hornby Road Caton Lancaster	Proposal Reserved matters application for the erection of 30 dwellings with associated accesses and internal roads	
Name of Applicant Mulbury Homes Limited & Regenda Limited	Name of Agent Miss Emily Robinson	
Decision Target Date Extension of time agreed until 15 February 2017	Reason For Delay Negotiating amendments to the scheme	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval subject to the receipt of amended plans	

1.0 The Site and its Surroundings

- 1.1 The site is located on the north eastern edge of the village of Caton adjacent to Hornby Road, within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is currently vacant industrial land, with an area of approximately 1.2 hectares and comprises large areas of hardstanding, a large building towards the south west boundary, some smaller buildings and grassed areas. The Thirlmere Aqueduct crosses the site in a north/south direction and has an associated easement which is undeveloped. There are large mature conifer trees along the eastern and southern boundaries which provide effective screening when approaching along Hornby Road from the east. The site is mostly within Flood Zone 3, with the remainder in Flood Zone 2.
- 1.2 To the west of the site is a detached residential property which is separated from the other housing on Hornby Road by Artle Beck. Adjacent to the eastern boundary is a track leading to Ellers Farm which is approximately 225 metres from the highway. The land to the east and on the opposite side of the road is agricultural and to the north is a cycle path which follows the line of the former railway. The site is located within the Countryside Area, as identified on the Local Plan Proposals Map.

2.0 The Proposal

- 2.1 This is a reserved matters application following the grant of outline consent for the erection of up to 30 dwellings. Only the principle was approved at outline stage and therefore consent is sought for the access, appearance, landscaping, layout and scale of the development. The scheme is for the erection of 30 dwellings, predominantly arranged around two separate access roads. The site will be divided by a linear strip of amenity space which follows the line of the Thirlmere Aqueduct and its easement. Two of the dwellings are now proposed to have direct access from Hornby Road, following amendments to the scheme. All the open market houses are proposed to have four bedrooms, and three different house types for these are proposed. The affordable housing is proposed to be in the form of two three-bedroom and three two-bedroom shared ownership properties with four two bedroom properties for affordable rent.

3.0 Site History

3.1 There is an extensive planning history on the site relating to the industrial use of the site. The most relevant application relates to the outline consent for up to 30 dwellings (14/00768/OUT). This was refused by the Council in November 2014 as a result of the loss of employment land without sufficient marketing or justification. However, the proposal was subsequently approved at appeal in January 2016.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	Comments. More variation in the materials, window sizes and placement would make the houses less uniform, there are concerns about the use of reconstituted stone, and the preference would be for natural stone. Request that the boundary with Hornby Road is natural stone and boundaries within the site are walls or hedges rather than fences. Reassurance is needed that the site will be adequately protected from flooding and how drainage will be improved. Clarification is required in relation to the height after flood mitigation measures have been included. Request that the 30 mph speed limit be moved further along Hornby Road to reduce traffic speeds, with an additional step to 40 mph before this. Three bedroom houses should also be provided on the site to meet needs of local families and it is disappointing that there is no provision for the elderly. Amenities of residents should be protected during construction.
Environmental Health	Comments. No additional comments in relation to contamination from the ones made on the outline application. Some additional investigation is required.
Tree Protection Officer	No objection in principle subject to the submission of: a detailed landscaping scheme; further details in relation to the cycle link; a reconsideration of the relationship of trees to plot 6.
Public Realm Officer	Comments. The plan provides good accessible amenity space. Question whether it has been followed up with the parish as to whether this should be for allotments as they have been seeking appropriate land in the past.
Highways Authority	No objections in principle. Offsite highway works are required in the form of a change to the speed limit to the east of the site and the introduction of gateway treatment measures.
Lead Local Flood Authority	No comments received during the statutory consultation period.
County Strategic Planning	No comments received during the statutory consultation period.
Natural England	No objection.
Environment Agency	No objection in principle subject to the inclusion of the conditions detailed in the response to the outline application. Artle Beck adjoining the site is designated a "main river" and the developer may need an Environmental Permit.
Forest of Bowland AONB	Comments. Request that a mixed hedgerow is planted (hawthorn, blackthorn, hazel), interspersed with hedgerow trees as a boundary treatment for the southern boundary, rather than singles species (hawthorn); and driveways are standard rather than coloured tarmac.
United Utilities	No objection subject to conditions requiring: foul and surface water to be drained on a separate system; the submission of a surface water drainage scheme; and management and maintenance of sustainable drainage systems.
Lancashire Fire and Rescue	Comments. It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

5.0 Neighbour Representations

5.1 3 pieces of correspondence have been received which raise an objection to the proposal and highlight the following concerns:

- Design issues – use of local sandstones would be more appropriate; vertical elements

around windows could be considered; colour of windows and doors should be white; roofs should not be too steep or high; roofing material should reflect local slates; garden walls adjacent to the road reflect the drystone wall opposite and hedges used instead of fences

- Drainage requires improvements using SUDs techniques such as ponds and reed beds
- Trees and hedges should be encouraged using native species
- Flooding concerns – this site was flooded during the December 2015 event
- Impacts on the highway network.
- Density of the housing and impact of this on aesthetics and local facilities

5.2 1 piece of correspondence has been received which neither supports or objects to the proposal but raises the following comments:

- The end boundary to the development should be stock proof to prevent livestock entering gardens

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

Paragraphs 100 -103 – Flooding and Drainage

Paragraphs 115 and 116 – Areas of Outstanding Natural Beauty

Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This will enable progress to be made on the preparation of a Local Plan for the Lancaster District. It is envisaged that the public consultation will commence on 27 January 2017 and conclude on 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of; reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared, they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM25 – Green Infrastructure
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
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM41 – New Residential Development
DM42 – Managing Rural Housing Growth

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Scale, siting, design and landscape impact
- Residential amenity
- Highway safety
- Impact on trees
- Flooding and drainage
- Ecological impacts
- Affordable housing

7.2 Scale, siting, design and landscape impact

7.2.1 The site is located on the eastern edge of Caton, and to the north of Hornby Road. With the exception of a single dwelling, no other residential development extends beyond Artle Beck in this part of the village. Whilst the site has been previously developed, it is afforded a large amount of screening, although most of this is non-native and could be considered to be harmful to the landscape in itself. There is no other development on the opposite (southern) side of Hornby Road, and as such, the site is in a relatively prominent position, marking the gateway to the settlement and is within the Forest of Bowland AONB. Given this, it is important that any development on this site not only respects the character and appearance of the settlement but is sensitive to the surrounding landscape, providing an appropriate form of built development marking the entrance to the village.

7.2.2 The layout that was submitted with the application resulted in a development that was very inward facing and did not provide a strong frontage to Hornby Road or a strong built form to the edge of the settlement. None of the properties fronted the main highway and the design of the dwellings presented the side of buildings to the highway rather than trying to create a dual frontage. It also resulted in a number of boundaries with side and rear gardens abutting the highway. The presence of the Thirlmere Aqueduct and its associated easement has resulted in two separate sections of development, with their own access roads, as the only way to cross this within the site would be to construct a bridge which would not be viable given the scale of development. This does limit the layout of the development, particularly as the applicant is unwilling to reduce the number of units on the site. There were also concerns regarding the design of the road, the use of integral garages on some of the plots, a concentration of parking at the end of one of the roads and the siting of a garage at the end of another and it was felt that this resulted in an overly suburban scheme, rather than being sympathetic to its rural surroundings. It was also considered that the use of artificial stone and tiles to the roof would not fully respect the character and appearance of the area.

7.2.3 Following the concerns being raised, a number of changes have been made to the layout. Two of the dwellings are now proposed to front onto Hornby Road, and have their own separate accesses from this road. An initial amended layout proposed more of the dwellings to directly front the highway, however, there were some concerns raised by the Highways Officer. Three are proposed to have the side wall and garden fronting the road and one a narrow section of rear garden. Subject to precise details of the design, to show that an appropriate frontage and boundary treatment can be

achieved, this is considered to be acceptable. One with an access off the newly created road will front Hornby Road. The position of the road serving the larger section of the development has remained in the same position but the position of some of the house types has changed in order to reduce the pre-dominance of parking at the front of properties in one area of the site, visible from the main road. The road serving the smaller section of the development has been softened by making this less angular and some of the dwellings have been rearranged to create a stronger built form at the end of the cul-de-sac. There are still properties that have parking to the front, rather than down the side, and ones with integral garages, however these are spread throughout the scheme and are interspersed with front gardens which soften this.

- 7.2.4 It has been advised that a better frontage is given to the properties adjacent to the amenity space. The new layout has three side walls and two rear gardens facing this area. Suggestions have been made about introducing windows into the side walls to provide better natural surveillance, however, amended plans have not yet been provided. The position and shape of the amenity space is not ideal, but has been dictated by the presence of the aqueduct. A link to the cycleway to the north is proposed from the site and the position of this has been amended to be through this area and a path has been shown linking the two sections of the site. This now provides improved legibility and visual and practical links between the two elements and the amenity space. This should encourage this area to be utilised and will provide extra surveillance through increased movements by pedestrians and cyclists. It has been suggested that the boundary between the gardens and the amenity area is softened by the use of living fences, and it is not considered that timber fences would be appropriate on this part of the site.
- 7.2.5 In terms of materials, the agent has confirmed that the applicant would be willing to incorporate a mix of natural stone and render, with the former predominantly on the Hornby Road facing properties. The details of this are awaited and no information has been provided in relation to the roofs. Policy DM28 sets out that proposals should, through their siting, scale, massing, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. It is considered that the use of natural materials, characteristic of this area, are an important component of this. The use of natural stone walls to front boundaries would also be beneficial to the scheme. Some concerns have also been raised about the windows and it was suggested that these were simplified. Windows are proposed to be grey UPVC which is considered to be appropriate in principle. There are some concerns regarding the use of white fascias, and a darker colour may be more appropriate if fascias are to be used. However, this is something that could be covered by condition.
- 7.2.6 There are a mix of dwellings proposed, with three styles of four bedroom properties shown on the plan, some two bedroom dwellings and two three bedroom dwellings. The latter has been recently added so there are no elevations of these as yet, however, it is expected that they will be similar to the two bedroom units. These are relatively simple pitched roof dwellings with a canopy on the front. The detailing will be key, in terms of materials and window recesses, to ensure that they are appropriate. The initial designs for the four bedroom units have a bit more interest in the front elevations with the use of bay windows, stepped eaves lines and canopies over doors. Again the detailing of these features will be important. Most of the dwellings have a ridge height around 8.5 metres, with the exception of one house type which is 9.2 metres. This does not appear to have taken account of an increase required as flood mitigation. However, studying the original topographical survey, it does not look like it would require a significant increase in levels. There would need to be an increase of around 600mm towards the rear of the site, but it would remain similar towards the front. Clarification has been sought about this and whether it affects the elevations. Many of the traditional dwellings fronting Hornby Road are quite high, despite being only two storey. Given that the site is not elevated, and the pitches are all similar, this is likely to be acceptable. Amended plans are still awaited in order to address the concerns which predominantly relate to the frontage to the highway.
- 7.2.7 All the four bedroom properties, which do not have an integral garage, are proposed to have an attached or detached garage. However, details do not appear to have been provided of these. In terms of amenity space, whilst not quite all of the properties show gardens with a depth of 10 metres, they all provide rear gardens at least 50 square metres in area, although some of the units only just meet this standard. Subject to the receipt of appropriate designs, it is considered that the layout provides an acceptable form of development, in keeping with the existing settlement and will not harm the character or appearance of the AONB. Landscaping does also form a key consideration and is considered separately below.

7.3 Residential amenity

7.3.1 There is only one nearby residential property, 85 Hornby Road, that has the potential to be affected by the development. This is located to the west of the site and the dwelling is close to the boundary. At first floor there are two dormer windows in the side elevation facing the site. From the original plans of the dwelling it appears that these serve a bathroom and a bedroom. There are also windows at ground floor. Four of the proposed dwellings will back onto this property, with the rear wall of three of these facing the side wall of the neighbouring dwelling. The closest will be 13 metres from the boundary and 17 metres from the side wall, but will not face any of the windows directly. The other two will be 17 metres from the boundary and 21 metres from the dwelling. This is considered to be an appropriate separation distance to protect the privacy of the occupiers of both existing and proposed properties. There will be some overlooking of the garden areas of the new dwellings, however, it is not considered that this will be significant given the limited number of openings in the upper floor of the neighbouring dwelling.

7.3.2 There are appropriate separation distances between all the new properties in order to prevent overlooking. There were some concerns about the siting of the dwelling on plot 17 in relation to that on plot 18 on the initial amended plan. It was considered that there may be a detrimental impact on light to no. 17. As such the garage and dwelling on the plot have been swapped. The amended plan provides a better relationship, although this could be improved if the buildings were parallel to each other. However, the position is constrained by the adjacent amenity space.

7.4 Highway safety

7.4.1 Some initial comments have been provided by the Highways Authority, though formal comments, following receipt of the amended plan are awaited. It has been verbally confirmed that there are no objections on highway safety grounds to two of the dwellings having separate accesses onto Hornby Road and these are set away from the eastern edge of the site. The carriageway immediately adjacent to the site is subject to a speed classification of 30 mph, terminating at its eastern edge with a change to the national speed limit. No County Council traffic counts records are available in the immediate vicinity, although the Highway Officer has suggested that 85% of vehicular speeds are generally at or slightly in excess of the 30mph speed limit. It has therefore been advised that the existing 30mph zone is extended in an easterly direction along the frontage of the site with an incremental increase to 40mph and subsequently 60mph (national speed limit). This should also incorporate significant gateway treatment measures as a means of reinforcing the speed change. These are considered to make the development acceptable in highway safety terms and would be covered by a condition and a Section 278 agreement with the highway authority. It has also been advised that the internal access road and associated cycle link should be constructed to Lancashire County Council highway adoption standards via a Section 38 highway agreement.

7.4.2 In terms of parking, all of the 2 bedroom properties have 1 parking space each, the three bedroom units have 2 spaces and the four bedroom units have at least two spaces and a garage. Whilst this does not really allow for visitor parking, it is difficult to accommodate such facilities into the scheme without reducing the number of units. Given the width of the road with footways, it is unlikely that this would lead to overspill parking onto Hornby Road.

7.5 Impact on trees

7.5.1 A detailed Arboriculture Survey and Tree Protection Plan (TPP) have been submitted. The measures proposed are satisfactory for the retention and protection of those trees proposed for retention. A total of 11 tree items have been identified comprising 3 individual tree, 6 groups and 2 hedges. Most trees along the northern and eastern boundaries are proposed to be retained, but all others are proposed for removal. A new cycle link is proposed to the northern boundary which will inevitably have implications for retained trees and hedges along this boundary. Further details are required to be submitted in relation to this and have been requested, although it is noted that the position of the link has now changed.

7.5.2 It is considered that the planting scheme should include a diverse range of appropriate native and an element of non-native species. The species selected, their location and distribution across and effective incorporation into the overall design will be a key element of the scheme, particularly given the large scale loss of trees from the site and the "open" nature that their loss ultimately creates.

Species should also be selected and planted to benefit wildlife communities, including fruit bearing native species. An amended scheme is awaited in relation to this, following the amendments to the site layout. It has been suggested that there is a strong boundary to the eastern side of the site and that this landscaping should be kept outside the domestic curtilages to ensure its long term maintenance and retention. Also groups of trees in front gardens have been encouraged instead of individual specimens. Landscaping is limited in the amenity space due to the easement for the aqueduct, although it may be possible to plant shrubs within this. There were some concerns in relation to overshadowing from trees and the pressure for their removal. However, the amendments appear to have mostly overcome this.

7.6 Flooding and drainage

7.6.1 The impacts of flooding were considered at the outline stage and a condition was added to ensure that finished floor levels were set no lower than 21.19 Above Ordnance Datum (AOD) and surface water run-off was limited to 1 in 100 year plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. There are also detailed conditions on the outline consent requiring a surface water drainage scheme and a management and maintenance scheme prior to works starting on site.

7.6.2 It needs to be ensured at this stage that it is possible to accommodate an appropriate drainage scheme within the site layout. The details submitted with the application show that a pumping station will be provided for both foul and surface water to pump it from the eastern section to the western section of the site. The surface water will eventually discharge to Artle Beck. There were concerns that the scheme relied on land outside the site, to the west, to provide additional surface water storage in cellular units. Although the precise details will be considered through a discharge of condition, it should be ensured that surface water can be adequately dealt with within the site. The agent has advised that this is the case and confirmation of this is to be provided.

7.7 Ecological Impacts

7.7.1 An ecological appraisal was submitted with the outline application and set out that the main habitats are towards the edges of the sites where there are trees and hedgerows. In relation to bats, the report set out that the foraging habitat at the site is very poor for bat species, being open and exposed and this was confirmed by activity surveys showing low use. The hedge and tree lines to the north and north-west offer the most suitable habitat for bats but these are not exceptional in the local area. A condition was added to the outline consent to provide mitigation for protected species, in addition to a scheme for bird nesting and bat roosting opportunities. An additional phase 1 habitat survey has been submitted with the current application, although it does not consider the layout of the development, just the principle. It does not raise any additional issues than the original application and it is not considered that the layout would have a detrimental impact on ecology, subject to appropriate planting throughout the scheme, to be agreed through a landscaping scheme.

7.8 Affordable Housing

7.8.1 The scheme proposes nine affordable units with four of these as affordable rent and five as shared ownership. Two of those for shared ownership will have three bedrooms with the remainder having two. The only concern is that the terrace is proposed for shared ownership and this may not be desirable to registered providers as they are usually expected to be in the form of semi-detached properties. However, the overall provision is considered acceptable and complies with the requirement of 30% set out in the legal agreement.

8.0 Planning Obligations

8.1 There are none to consider as part of this application. The outline consent includes a S106 agreement which relates to the provision of affordable housing and open space.

9.0 Conclusions

9.1 Following amendments to the layout, the proposed development now better relates to the existing settlement, the adjacent highway and the surrounding landscape. Subject to the receipt of appropriate amended elevation plans and landscaping details, it is considered that the development will be acceptable in terms of its scale and appearance and not have a detrimental impact on the

character of the area or the AONB. It is also considered that the proposal will not have an adverse impact on highway safety or residential amenity and is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended plans and the following conditions:

1. Standard reserved matters condition
2. List of approved plans, including revisions
3. Offsite highway works
4. Highway construction details
5. Visibility splays
5. Materials/details including: stone; render; roofing material; windows and doors; rainwater goods; eaves, verge and ridge details; canopy details, surfacing materials, boundary treatment details
6. Landscaping scheme

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.

Background Papers

None