

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A7	6 April 2018	17/00073/FUL
<b>Application Site</b> Land Adjacent Aikengill Scotforth Road Lancaster Lancashire	<b>Proposal</b> Erection of 7 dwellings with associated new access and cycle paths	
<b>Name of Applicant</b> Fellside Land Developments Ltd	<b>Name of Agent</b> JWPC Chartered Town Planners	
<b>Decision Target Date</b> 24 April 2017	<b>Reason For Delay</b> Negotiations to resolve highway safety issue and requirement to undertake a re-consultation	
<b>Case Officer</b>	Ms Charlotte Seward	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Notes**

The 31 May 2017 Planning and Highways Regulatory Committee resolved that planning permission be granted but delegated back to the Chief Officer (Regeneration and Planning) to resolve the outstanding highways issues and subject to conditions.

Following extensive negotiations to resolve highways safety issues the access design has been amended. These changes have resulted in subsequent changes to the internal road layout, plot layout, site levels, landscaping, and drainage. These changes fall outside of the scope of the decision making powers delegated to the Chief Officer, and therefore are required to be determined at Committee. The key changes to the proposed development include the following:

- Widening of access to the north and south with corresponding increased loss of hedgerow
- Increase in access radii to north and south
- Widening of sections of footpath on Scotforth Road
- Lengthening of section of straight internal road including creation of a retaining wall
- Reduction of gradient of access and internal road
- Shift of access road serving units 5 to 7 from the front of units to the rear
- Creation of turning head in the east part of the site
- Creation of pedestrian/cycle dropped crossing
- Shifting of units 5 to 7 in a westerly direction and change to garden layout, parking and increase in finished floor levels with corresponding impact on eaves and ridge heights
- Shifting of units 1 to 3 in a southerly direction and change to garden layouts, parking and increase in finished floor levels with corresponding impact on eaves and ridge heights

**1.0 The Site and its Surroundings**

1.1 The proposed site lies to the east of the A6 and is surrounded by residential development to the north, east and south, including Collingwood Park, Oakwood Gardens, Mulberry Lane and Brantwood Drive. The site is an undulating area of unmanaged grassland, whose ground level is elevated above the A6. The boundaries of the site are characterised by a retaining wall and

hedgerow to the west and hedgerow to the east of the site. To the south is a boundary fence. A group of trees to the south of this boundary are protected by a Tree Preservation Order. There is an existing public right of way (footpath no.55) which runs through the site and is well used by local residents for dog walking. The site is not allocated for development within the existing or emerging Local Plan.

## **2.0 The Proposal**

- 2.1 This proposal seeks to develop the site for 7 4-bed houses with associated access, parking, drainage and landscaping. The scheme also includes the provision of a cycleway to form part of the Strategic Cycle Network.
- 2.2 Each of the dwellings is proposed to have a garden space and access to 2 or 3 parking spaces, with 5 of the dwellings having a garage each. The dwellings will be brick faced and will feature a projecting gable to their front elevation and external chimney breasts to the side. The site will be re-graded to facilitate its development with retaining walls between the gardens of each unit. A scheme for landscaping and planting is proposed.
- 2.3 An access is proposed to be created onto the A6 Scotforth Road. The access road will split to the south to serve units 1 to 4 and to the north to serve units 5 to 7. The proposal also includes the formation of a shared use cycleway running along the east of the site from north to south.

## **3.0 Site History**

- 3.1 Pre-application advice was provided in April 2016 (Ref: 16/00316/PRETWO) for a proposal at this site for 14 dwellings. The advice given identified that the principle of housing at this location could be considered acceptable but that issues such as streetscene impact, spatial standards, footpath/cycle linkage, lack of amenity space and highway arrangements resulted in a proposal that could not be supported at application.
- 3.2 A subsequent application (16/01037/FUL) for 13 dwellings with associated access and re-grading of land was withdrawn. This was principally in relation to the number of the dwellings proposed and highway safety concerns.
- 3.3 On 31 May 2017 the Planning and Highways Regulatory Committee resolved that planning permission be granted but delegated back to the Chief Officer (Regeneration and Planning) to resolve the outstanding highways issues and subject conditions.
- 3.4 Planning Officers have subsequently been working with the applicant and County Highways to facilitate the design of an acceptable access.

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory and non-statutory consultees to the amended proposal.

Consultee	Response
<b>Revised comments</b>	
<b>County Highways (Revised comments)</b>	<b>No objection</b> subject to the following conditions: requirement for the internal roads to be constructed prior to occupation; visibility splays to be free of any structures/planting over 1m in height; off-site highways improvements to pedestrian/cycle link, relocation of street lighting, improvements at the junction including thermoplastic lines, traverse stop and give way lines.
<b>Tree Protection Officer</b>	<b>No objection</b> subject to conditions – Agreed an Arboricultural Method Statement, Implementation of Arboricultural Report and soft landscaping planting plan.
<b>Planning and Housing Policy Team</b>	<b>Comments</b> – The Council currently reports a 4 year housing land supply. Progression has been made on the Bailrigg Garden Village proposals with a Broad Area of Growth being shown in the Local Plan. Our past comments remain relevant
<b>Regeneration Team</b>	Affirm that the past comments of the Housing and Planning Policy Team remain relevant.

## New comments

<b>Fire Safety Officer</b>	<b>Comments.</b> It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5
<b>Un-amended Comments</b>	
<b>United Utilities</b>	<b>No objection</b> subject to the following conditions: separate foul and surface water systems, provision of surface water drainage in relation to the drainage hierarchy as set out in the NPPF, management and maintenance of surface water drainage system.
<b>Natural England (NE)</b>	<b>Comments</b> – refers the Council to the NE’s standing advice.
<b>Lead Local Flood Authority (LLFA)</b>	<b>Comments</b> – It is not listed in the ‘When to consult the LLFA document or in the Development Management Procedure Order 2010.’
<b>Ramblers Association</b>	<b>Comments</b> - Request for the cycleway to be formally adopted preferably as a bridleway and that the whole length of the public right of way is modified accordingly.

## **5.0 Neighbour Representations**

5.1 Four letters of representation have been received to the recent consultation, three in objection and one of concern. The material considerations raised include:

- Loss of green space
- Impact of increased use of highways network
- Safety of proposed access
- Scale of development in the context of the proposed Bailrigg Garden Development
- Land stability
- Removal of hedgerow to the south end of the cycle track
- The design of the cycleway and footpath with blind corned and narrow passage
- Increase in finished floor levels of Unit 7 in relation to 15 Brantwood Drive
- Disturbance and activity close to existing residential properties
- Maintenance of highways were not adopted including cycleway
- Maintenance of private drainage system
- Premature removal of hedgerow in location of access

5.2 The original consultation process received 8 letters of objection, including two responses from landowners PEEL and CEP, the following material planning concerns were raised:

- Prematurity in relation to Bailrigg Garden Village and the potential for conflict with access onto the A6 and over the railway line
- Safety of the proposed highways access and cycleway entrance in relation to the proposed Booths access and proposed access for Bailrigg Garden Village – including a request for a Road Safety Audit
- Access visibility
- Traffic generation and the impact on traffic congestion and air quality;
- Safety and amenity of proposed cycleway, including the potential impact on the security of surrounding residential properties;
- Prematurity in relation to the Bailrigg Garden Village;
- Loss of amenity of the public footpath from open natural path to enclosed path by high timber fences;
- Impact of loss of the hedgerow on habitat and amenity;
- Responsibility of the management of retained hedgerow;
- Scale of two-storey dwellings in relation to neighbouring properties and the levels of the site;
- Adverse impact on scale and design of new dwellings on privacy of existing neighbouring properties; and,
- Objection to suggested use of Mulberry Lane as an alternative access on amenity of the residential of Mulberry Lane.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

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 80 – Sustainable Drainage

## 6.2 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on 9 February, and there will be an 8 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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
- SC2: Urban Concentration
- SC4: Meeting the District's Housing Requirement
- SC5: Quality in Design

## 6.4 Development Management Development Plan Document (DPD)

- 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
- DM27: The Protection and Enhancement of Biodiversity
- DM29: Protection of Trees, Hedgerows and Woodland
- DM35: Key Design Principles
- DM39: Surface Water Run Off and Sustainable Drainage
- DM41: New Residential Development
- DM48: Community Infrastructure

## **7.0 Comment and Analysis**

### 7.1 The main issues are:

- Principle of development
- Housing Land Supply

- Housing Mix
- Affordable Housing Contribution
- Site Layout
- Scale, Design and Appearance
- Residential Amenity
- Access, Parking and Traffic Generation (including prematurity in relation to Bailrigg Garden Village)
- Cycleway
- Surface Water Drainage Scheme and Foul Drainage
- Public Open Space
- Impact on Trees and Proposed Landscaping Plan
- Habitat
- Contamination

## 7.2 Principle of Development

7.2.1 The Committee resolution of the 31 May 2017 established that the principle of development of this site for housing is acceptable. Given the location of this development within the urban area, within an established residential area, within reasonable walking distance to services and open space, and having access to sustainable forms of transport, the development of this site for housing is supported in principle, subject to detailed matters being acceptable.

## 7.3 Housing Land Supply

7.3.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. Where the development plan is out of date, or the local planning authority does not have a 5 year housing land supply permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

7.3.2 In October 2017 Lancaster City Council published a 5 year housing land supply position. Based on the adopted housing requirement of 400 dwelling per annum the housing supply position is 4 years. As a consequence there is a clear expectation that unless material considerations imply otherwise, sites that offer the opportunity for housing delivery should be considered favorably.

## 7.4 Housing Mix

7.4.1 The principle of developing the site for 7 four bed houses was accepted in May 2017. Subsequent to the Committee resolution updated evidence on housing needs have been published in the Lancaster Strategic Housing Market Assessment Part II 2018.

7.4.2 In the assessment of the proposal in May 2017 it was identified that whilst the proposal would not be meeting the predominant identified need for Lancaster, the 2013 Meeting Housing Needs SPD did not exclude the delivery of detached market 4-bed homes. As such the delivery of 7 4-bed homes would still assist in delivering a balanced housing market. Given the constrained nature of this site, and the density of the surrounding residential development, the delivery of a single house type at this site can be considered to be acceptable.

7.4.3 The most recent information from the Lancaster Strategic Housing Market Assessment Part II 2018 states that the predominant affordable need is for 1 or 2 bed houses and the type of dwelling is detached. It also identifies that there is an oversupply in 3 bed plus homes (11 homes). However, for market housing, while the predominant needs is for 3 bed homes, there is some outstanding need for 4 bed homes. On this basis, a small development for 4 bed homes can be supported.

## 7.5 Affordable Housing Contribution

7.5.1 The Lancaster City Council Affordable Housing Practice Note (Sept 2017) was published to provide clarity on the current requirements for the district. This scheme is for 7 houses in an urban area and is less than 1000sqm GIA. In accordance with Table 1 of the Practice Note there is no requirement for affordable housing contribution. It should be noted that the proposal just falls within this threshold with a GIA of 999.6sqm. Should the applicant seek to vary the approved plan

(condition 2) in the future in such a manner that the development exceeded 1000 sq.m, then a financial contribution could be secured at that time.

## 7.6 **Site Layout**

7.6.1 The site is constrained by the surrounding housing development, the existence of the public right of way across the site, the topography of the site, the proximity and orientation of neighbouring properties, protected trees and the need to create an access onto the A6. The site layout has had to respond to these in a way which manages these constraints but also delivers a comprehensive design.

7.6.2 The amended scheme reflects the density of the surrounding housing development, and allows the development to be better situated in relation to existing and proposed houses to ensure appropriate levels of residential amenity. These elements will be discussed in more detail in the following assessment.

## 7.7 **Scale, Design and Appearance**

7.7.1 The number of houses and their design has not been altered by the amended plans. The May 2017 decision accepted the principle of the design and the materials proposed. Subject to the control of materials the scale, design and appearance of the proposed houses would be sympathetic to the character of the surrounding residential properties.

## 7.8 **Residential Amenity**

7.8.1 Policy DM35 sets out the key design principles which new development should address. The following assessment addresses overlooking, overbearingness, overshadowing, garden space and facilities for refuse and recycling.

### 7.8.2 **Overlooking**

7.8.2.1 Proposed housing should be designed to ensure that new dwellings are as private and as free from overlooking as possible. As a general rule a distance of 21m between windows serving habitable rooms and 12m between windows serving habitable rooms and a blank elevation should be achieved. Between the proposed houses the 12m distance between windows serving habitable rooms and blank/side elevations has been maintained. However, to ensure privacy is maintained the first floor bathroom window will be required to be obscure glazed by condition of any permission granted.

7.8.2.2 The distance between facing windows serving habitable rooms of the amended units exceeds the 21m for all the units with the exception of units 3 and 4 which at its closest point is 18.8m, which is an increase on the originally proposed 17.6m. Given the constraints of the layout of this site it is difficult to see how this distance could be increased. As a standalone issue it is considered that this could be a robust reason for refusal.

7.8.2.3 In relation to the existing neighbouring properties the rear elevation of 1 Oakwood Gardens is within 15.5m of unit 3, which has reduced following amendment from the original 16m. In addition, the finished floor level of the property has been reduced by 0.4m to 46.0 AOD. At ground level the intervening hedgerow and fence will ensure that no adverse impact on privacy for both properties. At first floor level 1 Oakmere Gardens has the potential to overlook on proposed unit 3 with a potential for an adverse impact. It is considered that whilst the distance between the properties has reduced, the height of the property has also been reduced which will mean that the potential for harmful overlooking is reduced as views are more likely to over sail the property. Given the constraints on the layout it is difficult to eliminate any impact as it is very difficult to amend the layout without promoting impact on other properties or the internal road design.

7.8.2.4 There is a potential for the privacy of units 3, 4 and 7 to be adversely affected by the proposed cycleway. The layout is not proposed to be amended due to the likelihood of this creating separate issues. However, it is possible to mitigate the impact from the cycleway by raising sections of the boundary treatment to 1.8m and by having landscaping to help screen any views from the cycleway. As such conditions requiring the final details and fencing can be secured by condition.

On balance it is considered that the dwellings' amenity would not be so adversely affected that it would warrant refusal.

7.8.2.5 The amended plans have increased the distance between proposed Unit 1 and 3 Oakwood Gardens from 18m to 18.42, and maintained the distance between proposed Unit 2 and 2 Oakwood Gardens at 12m. The finished floor levels of the properties have been reduced by 0.3m. The distance and finished floor level are acceptable for habitable room to blank elevation. Furthermore, any potential impact is limited by the angle of orientation of the neighbouring properties to each other.

7.8.2.6 In relation to 1 and 6 Mulberry Lane these properties are on a higher ground level and present blank elevations to the proposed units 3 and 4. As the blank elevations of units 3 and 4 face these elevations and are of a distance greater than 12m, this relationship can be considered acceptable. In relation to Aikengill, the closest proposed property is Unit 7 and this is of an increased distance of 18.3 at its closest point. The angle of the properties to each other and the physical separation by boundaries together will ensure that there would be no adverse impact on either properties.

### 7.8.3 Overbearingness

7.8.3.1 The topography of the site results in the ground level of the proposed units varying by a significant amount. Units 1, 2 and 3 will be stepped up in terms of finished ground level. This will result in the scale of unit 2 relative to unit 1 being perceived as larger, and 3 relative to 2. It is proposed that the boundaries between the properties would be 1.8m, but together with the proposed retaining walls this would be perceived as a 3m boundary on the lower side. This will be in addition to the side elevation of the proposed unit adding 1 to 1.2m to the overall perceived height of the dwelling. This would not affect the amenity within units 1 or 2 due to the side elevations facing each other having no windows with exception of the obscure glazed bathroom window on unit 2. Unit 2 will perceive unit 1 as being lower and as such can be considered acceptable. However, this would have an impact on the amenity of the garden. Unit 1 would have an unimpeded outlook to the west and as such the impact can be considered not to be detrimental. The rear garden of unit 2 would feel quite enclosed as a result of the surrounding properties. On balance though it is considered to be insufficiently adverse to refuse.

7.8.3.2 Units 4 and 7 are unaffected by the levels of the site in relation to the other proposed units. The amended plans have altered the site levels and the distances between properties 4, 5 and 6. The finish floor level of unit 5 has increased by 2.3m and, Unit 6 by 1.25m and unit 4 by 0.4m. This results in the properties from the street scene appearing more at level with the other development at the site which is more visually appealing, and in addition to this reduces the level differences between the units, particularly Unit 4 and Unit 5 which has been reduced to a difference of to 1.10m AOD rather than 4.4m AOD. This has helped to remove any potential adverse impacts as a result of overbearingness from the site and bring Unit 4 more in line with the levels of the rest of the plots. The change in the layout to accommodate the internal road has also increased the distances between Unit 4, 5 and 6 which results in a better degree of openness and outlook for each of the properties.

7.8.3.3 Units 1, 2 and 3 would be within 7.3m and 8.5m of the rear boundary of the site and the garden boundary with the houses at Oakwood Gardens. The amended plans have seen this reduce by approximately 0.5m for each property. Whilst this is a fairly short distance to the boundaries, the character of the boundary is timber fence and trees of varying size so it is a soft rather than a hard boundary. As such it is unlikely to have an adverse impact in terms of overbearingness.

7.8.3.4 Given the finished levels of the site are key to the amenity of the proposed dwellings, full details of the finished floor and site levels will be required by condition.

### 7.8.4 Overshadowing

7.8.4.1 The orientation, separation distances and site levels between Units 4 and 7 are such that no adverse impact as a result of overshadowing would amount, and the amended plans have resulted in an improved relationship. The orientation of Units 1 to 3 would result in some overshadowing in the morning. In the middle of the day the properties would be unaffected by each other. In the afternoon/evening there would be potential for some overshadowing but the stepped nature of the plots in levels and to be progressively set further north in the site would ensure that each of the

properties would benefit from unobstructed light on the principle elevations and front gardens of the properties.

#### 7.8.5 Garden space

7.8.5.1 Rear gardens as a general rule should achieve a depth of 10m and an overall area of 50sqm. The amended plans have resulted in the gardens which achieve this depth reduced from 5 Units to only 1. 3 of the units' gardens have a depth of approximately 9m and the remaining 3 between 7 and 8m. Whilst the desired depth has not been achieved, the overall garden space of each of the properties significantly exceeds the 50sqm requirement, such that the proposal can be considered to provide an appropriate overall garden provision. Whilst this is the case, the applicant will still need to define, via condition discharge, a curtilage plan for each of these dwellings, especially in relation to the drainage attenuation tank. Additionally the landscaping close to the cycleway north connection point will require clarification.

7.8.5.2 Any potential overlooking between the properties' gardens has been managed by the design of the elevations and the condition to make the first floor side elevation windows obscure glazed. Furthermore, boundary fences have been proposed to protect privacy at a ground level. The final details of these boundaries need to be controlled by condition. Any potential overlooking from the cycleway is to be managed by landscaping and boundary fencing, the final details which are to be agreed by condition. This will ensure adequate protection of the amenity of gardens for units 3, 4 and 7.

#### 7.8.6 Refuse and recycling

7.8.6.1 The amended plans show a specified location for bins and recycling, which can be considered acceptable.

#### 7.9 Access, parking and traffic generation

7.9.1 Policy DM20 sets out the requirements that need to be met in order to ensure that new development is acceptable in terms of location, access, parking, provision of safe streets and reducing as far as possible negative impacts of cars.

7.9.2 When the original Committee report was drafted for the May 2017 Planning Committee, County Highways had a position of no objections on the principle of the access in the proposed location, subject to a number of conditions. However, a few days in advance of Committee County Highways issued further comments requesting that the overall width of the access be constructed to 5.5m, include 2m continuous footways and 10m junction radii. It was on the basis of the need to address these further comments that Committee resolved to approve the development subject to the resolution of the highways safety issues. In addition to this, objections have been received about the relationship of the proposed access to the Bailrigg Garden Village in terms of conflict with a potential further access and on the grounds of prematurity (this element is considered in 7.10). On this basis Committee resolved to approve the proposal subject to the resolution of highways safety concerns.

7.9.3 Subsequent to the Committee resolution extensive negotiations have been undertaken between County Highways and the applicant facilitated by the case officer. Amended plans were submitted on numerous occasions with County Highways raising concerns in relation to location and width of the access, ingress into vehicle running lanes of vehicles exiting the site, junction radii, turning space within the site, access and internal road gradients, width of footway on Scotforth Road, provision for cyclists, and the design of the proposed cycleway to have a narrowing at its southern extent.

7.9.4 Responding to advice provided by County Highways a comprehensive redesign of the access, internal roads and the plot layout has been undertaken. The current plans show an access which has been widened, junction radii has been increased, access and internal road gradients have been reduced, turning head has been made larger and moved into the site away from the junction, width of footways have been increased, and a provision has been made for a dropped pedestrian crossing. This design has improved the highway safety of the site and Scotforth Road for vehicles and pedestrians, and helped to further mitigate any perceived potential conflict with the extant Booths access.



- 7.9.5 County Highways has now advised that, subject to the imposition of proposed conditions, the implications of the proposals are unlikely to have a detrimental impact on the operation and safety of surrounding lengths of the public highway as a whole. Subject to the imposition of the proposed conditions the proposal would not result in any highway safety issues and therefore can be supported on this basis.
- 7.9.6 County Highways has provided a number of comments in relation to standards where the applicant would seek highway adoption. The applicant has advised to date that they intend for the highways to be privately maintained. County Highways has made clear that in the event that the highway is not adopted the impacts of this would not be detrimental to highway safety and therefore the principle of a privately maintained highway on this site is acceptable. Comments were also made in relation to parking standards, surface water drainage and cycleway design which are addressed below.
- 7.9.7 It should be noted that within the original objection to the scheme it had been requested that access through Mulberry Lane be considered as an alternative to the proposed access onto the A6. In addition, an objection has been received from a resident of Mulberry Lane to the suggestion of a proposed alternative access through Mulberry Lane. Access through Mulberry Lane has been considered by the applicant, who advises that this is not feasible due to likely adverse possession and resident objection.
- 7.10 Prematurity in relation to Bailrigg Garden Village
- 7.10.1 Objections were received to the original submission from adjacent landowners Peel Investments (North) Limited and on behalf of CEP. The objections focused on the positioning of the proposed access conflicting with a possible connection point to the A6 to provide a crossing point over the railway on the grounds that the approval of this site would be premature in relation to the Bailrigg Garden Village proposals. The Committee resolution of 31 May 2017 established that the assessment of the acceptability of this application was not premature in relation to Bailrigg Garden Village at that time.
- 7.10.2 Planning Policy Team has advised that, whilst there has been progression of the consideration of the Bailrigg Garden Village through the inclusion of a Broad Area of Growth with the Local Plan, their previous comments remain that a determination to refuse this proposal on grounds of prematurity at this time could not be sustained. The Regeneration Team have also affirmed that the past comments of the Housing and Planning Policy Team remain relevant. No further comments have been received from PEEL or CEP in relation to the amended plans at the time of writing of the report.
- 7.10.3 On this basis, it is considered that the advancement of Bailrigg Garden Village in the Local Plan, has not made a degree of change that would mean that the approval of this development would result in a significant constraint such that a refusal on the grounds of prematurity could be warranted and the proposal can be supported on this basis.
- 7.11 Parking
- 7.11.11 The location of the proposed development is sustainable. It is well related to public transport and within close access of services. Appendix B of the Development Management DPD requires 3 parking spaces for 4 bed dwellings. 5 of the 7 houses will have access to 3 car parking spaces. The parking spaces shown outside and within the garages are of an appropriate size. The site does not make provision for turning within each plot, but given the small size of the development and that there is no through road, it is considered that turning in the private road would not amount to any highways safety issues. Appendix B also requires the provision for bicycle storage. 5 of the 7 properties have garages which are of a size which will allow for the provision of bicycle storage. The 2 units which do not have a garage have sufficient rear garden space to accommodate an external bike store which would facilitate 2 bike storage spaces. On balance, given the sustainable location of this proposal, the parking and bike store provision is appropriate.
- 7.12 Transport Statement
- 7.12.1 Policy requires that the negative impacts of cars, including volumes of traffic, fumes and noise, are sought to be reduced as far as possible. This application has been submitted with a revised

transport statement. This detailed non car based transport options and concluded that the site is highly accessible and sustainable. The document concludes that the proposal would not have a perceptible impact in highways safety and operation in the area. It suggests that the proposal's traffic generation would be minimal.

7.12.2 The scale of the development is anticipated to generate 32 trips per day for the 7 dwellings, with an estimation of 4 trips per dwelling. This number of trips in the context of the traffic volume on the A6 is limited, and would not be considered to impact traffic in a way that would cause any change to congestion issues in the wider context. In relation to Bailrigg Garden Village, the scale of this development is minor and is unlikely to have an undue impact on the ability of the proposed master-planning to come forward. In summary, the proposed traffic generation from 7 houses would not have an adverse impact on the highway in relation to trip generation.

### 7.13 **Cycleway**

7.13.1 The proposal site is identified as part of the Strategic Cycle Network within the Local Plan Proposals Maps 2004. The proposed development seeks to provide this section of cycle route to ensure that the site can function as part of the wider strategic network. This will also form an alteration and diversion of the public right of way.

7.13.2 The amended plans have not made change to the proposed cycleway considered in May 2017. However, County Highways has raised comment to the amended plans to request the provision of triple staggered barriers to substantially reduce the speed of cyclists before reaching Scotforth Road. No further comments have been received to the amended plans from the Ramblers Association or the Council's Project Engineer.

7.13.3 As previous recommended, the final details of the design of the cycleway can be controlled through condition which requires the agreement of details prior to commencement of development. Overall the provision of the cycleway will be a small but strategic provision to the District's cycle network.

### 7.14 **Surface Water Drainage Scheme and Foul Drainage**

7.14.1 Changes to the access and internal roads have resulted in amendment to the drainage strategy and general drainage arrangement plan. At the time of writing no further comments have been received from United Utilities in relation to the proposal and so their original comments of no objections subject to the proposal being in accordance with the drainage hierarchy still stand. County Highways has maintained their concern for the potential for surface water run-off into the highway, and connection into the surface water drainage into combined sewer exacerbating existing drainage issues.

7.14.2 The proposed drainage strategy has been designed so that foul and surface water are dealt with separately on site and then merged to enter the combined public sewer. The strategy submitted sets out that ground infiltration is not possible in this location due to clay soil and the area's risk to ground water flooding also suggests that on site drainage is not practicable. However, it is not clear whether infiltration tests have been carried out. No information has been provided in relation to a surface water body or an alternative surface water drain. From site visits it would appear that there is not a surface water body that the site could drain to although this is not addressed within the statement. The drainage strategy does not describe why a surface water sewer cannot be connected to a separate surface water sewer and why the combined sewer is the only option. However, County Highways has advised that they would not support connection to the surface water drain in this area. Whilst at this stage the strategy does not provide evidence that more sustainable options in the hierarchy have been discounted, it is considered with confidence that the only likely option for this site is to connect to the public sewer. Subject to a condition to prove the drainage hierarchy has been met the principle of connecting to the public sewer can be supported.

7.14.3 Notwithstanding the requirement for further evidence to justify a connection into the public sewer, a drainage scheme has been designed. The scheme proposed to deal with surface water includes a mixture of filter drains across the east and west part of the site, pipe gullies and 6 man holes for surface water across the site and along the access area, narrowing pipe gauges, a hydrobrake and a 80m<sup>3</sup> attenuation tank. Together these elements are estimated to provide 85m<sup>3</sup> of storage on site which has been designed to address 1 in 100 year storm plus +30% for climate change,

this is a 15 m<sup>3</sup> of storage from the original proposal. The design also includes details of how rainwater will be prevented from overtopping onto the highway by fall of the road and position of gully designed to capture the water before it reaches the highway. Final details are required to be agreed to ensure that the correct level of attenuation is provided and that the design of the road and locations of gullies will ensure that the water will be able to connect into the attenuation tank before reaching the highway. This can adequately be dealt with by condition to ensure that the proposal would not result in any increase to flood risk on or off site.

7.14.4 Limited details have been provided in relation to the management and maintenance of the proposed foul and surface water drainage. The strategy suggests that this would be limited to making the drainage strategy available to owners of the properties. Individual owner responsibility would not allow for the effective maintenance and management of the system. As such, details of this will be required by condition to be approved prior to the commencement of development.

#### 7.15 **Impact on Trees and Proposed Landscaping Plan**

7.15.1 Concurrent to the amended plans a revised Arboricultural Implications Assessment and Landscaping Plan have been submitted.

7.15.2 The implications of the change to the plans have resulted in an additional 4m of hedgerow being removed to accommodate the proposal access. The proposal to remove the north eastern hedgerow boundary fully and a small section of the southern boundary on the cycle path remain unchanged. The remaining trees and hedgerows are to be retained and protected during development. The Council's Tree Protection Officer has not raised an objection to the proposal subject to conditions to require the implementation of Arboricultural Report and Soft Landscaping Planting Plan. The imposition of these conditions would reasonably ensure the protection of the retained trees. In addition to this an additional requirement has been requested for the agreement of an Arboricultural Method Statement where utilities are proposed within root protection areas. This is considered a reasonable condition as laying of utilities can have an adverse impact on hedgerows and trees. An informative of any permission granted should also clarify that any works to the trees protected by a Tree Preservation Order will require the submission of a separate tree and written approval obtained.

7.15.2 A revised soft landscaping scheme has been submitted to address the amended plans. The scheme includes a similar level and type of planting to the original scheme, which includes replacement hedgerows, planting along the eastern boundary, some beech hedgerows on the access and access road and individual planting in the front and rear gardens of the proposed units.

7.15.3 The planting will help soften views within and outside the site between the existing and proposed properties. Individual trees within the gardens of the proposed houses will help to ensure that the character of the area is reflective of the suburban character of this location. Shrub planting and climbing plants on the retaining wall will also help to soften the infrastructure of the site. Subject to a condition requiring the implementation of this landscape plan, the landscaping of the site will ensure a high level of amenity and help to ensure privacy of the dwellings from the cycleway.

#### 7.16 **Habitat**

7.16.1 An Extended Phase 1 Habitat Survey was submitted with the original application. Assessment of the report in the context of the limited biodiversity interest of the site concluded that subject to conditions required replanting of lost hedgerow to be dealt with through the landscaping conditions, the control of lighting of the cycleway through the agreement of the final details of the cycleway and the provision of provision of bird and bat boxes, that the impact on biodiversity is acceptable.

7.16.2 Together with the amended plans, an update to the Extended Phase 1 Habitat Survey dated the 16.02.18 has been submitted. This details an additional site visit carried out on 15.02.18 and concludes that no change has occurred at the site since the original site visits and states that the conclusions of the original report remain valid and applicable.

#### 7.17 **Contamination**

7.17.1 A Phase 1 Land Contamination Assessment (dated May 2016) was submitted with the original application. No further details on land contamination have been provided

7.17.2 Assessment of the report suggests that there are no contamination issues at the site. The chemical results indicated that no contaminants were detected above generic screening levels for a residential (with home-grown produce) end use. The geotechnical results indicated that the soil can be classified as a clay soil with low plasticity. The site is within an intermediate probability Radon Affected Area, as 5-10% of homes are above the action level. Basic radon protection measures are required in the construction of new dwellings or extensions. Whilst no consultation response has been provided by Environment Health, based on the findings (subject to an advice note in relation to building control requirements for Radon Affect Area between 3-10%), the development can be considered satisfactory in relation to land contamination.

## 7.18 **Public open space**

7.18.1 Local policy states that planning obligations may be sought from any development irrespective of type and size that creates an impact which requires mitigation. NPPF states that planning obligations must meet tests set out in paragraph 204 – necessary, relevant and fair and reasonable in scale and kind. The proposal site is not allocated as public open space. It is currently a field with a designated public right of way across the site with access to other local recreational and open space facilities. As such the loss of this area of land can be considered acceptable in relation to the existing protected areas. It should be noted that due to the scale of this proposal consultation with Public Realm Officer is not required, and as such no comments have been provided. Given the scale of this proposal, the lack of designation of the existing site and the proximity of open space to this site it is considered that it would be unreasonable to require a contribution to the provision of open space. In addition, the site is too constrained in scale to provide any communal open space.

## 8.0 **Planning Obligations**

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

## 9.0 **Conclusions**

9.1 This proposal would deliver seven homes within a part of the urban area of Lancaster that would reduce the need to travel, helping to meet the housing needs of the District. The proposed layout and design of the houses would be well related to the neighbouring residential development at Collingwood Park, Mulberry Lane and Brantwood Drive without adversely impacting on residential amenity. The proposed dwellings would have an acceptable level of amenity and outlook with appropriate provision for garden space and parking. Despite the site constraints amended plans have been provided which show an access which would not have any determinate impact on the safety of its users or those of Scotforth Road, and would not result in conflict with the extant Booths access position. In addition, the proposed access is not considered to prejudice the delivery of the Bailrigg Garden Village and a refusal on grounds of prematurity would be unreasonable. The proposal also presents an opportunity to deliver an important, albeit small, section of the Strategic Cycle Network. Initial proposals in relation to drainage, landscaping, site levels, cycleway and materials are considered acceptable subject to further details being secured by condition.

## 10.0 **Recommendation**

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

1. Standard 3 year timescale
2. In accordance with agreed plans
3. Foul and surface water drainage details
4. Surface water management and maintenance
5. Provision of vehicular access to base course prior to commencement of other works and then fully implemented prior to first occupation, including protection of visibility splay throughout
6. Finished floor and site levels
7. Full construction details of cycleway and subsequent implementation prior to first occupation
8. Off-site highway improvement works for traffic calming measures
9. Landscaping scheme
10. Material details for the dwellings
11. Location and material details of all boundaries, including retaining walls

12. Tree protection and mitigation
13. Implementation of ecological mitigation measures and amended AIA
14. First floor window on side elevations for bath rooms to be obscure glazed
15. Removal of PD rights

**Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm that it 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.