

Agenda Item	Committee Date	Application Number
A6	20 July 2020	20/00367/FUL

Application Site	Proposal
White Lodge Sunnyside Lane Lancaster Lancashire	Creation of vehicular access from Towneley Close, construction of a driveway and installation of gates

Name of Applicant	Name of Agent
Mr Timothy Whittaker	

Decision Target Date	Reason for Delay
29 June 2020	Referral to the Planning Regulatory Committee and the Committee cycle

Case Officer	Ms Rebecca Halliwell
Departure	No
Summary of Recommendation	Approval

## (i) Procedural Notes

This application has been referred to the Committee by Cllr Dowding on the grounds of pedestrian safety, so in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

### 1.0 The Site and its Surroundings

- 1.1 This application relates to a substantial two storey detached residential dwelling located on the eastern side of a private road, which is accessed via Sunnyside Lane. The immediate area is predominantly residential. The site is also situated on the northern side of Towneley Close. Towneley Close is a cul-de-sac which serves 8 detached properties.
- 1.2 The property benefits from a considerable curtilage, with garden areas to the front, south side and rear of the property. A c3 metre high hedge currently abuts the southern boundary fence panels, screening the property from Towneley Close. The property currently benefits from an access onto Sunnyside Lane, which connects to Westbourne Road about 600 metres to the north east at a point to the west of Lancaster railway station and the city centre.
- 1.3 At the eastern end of Towneley Close is a footpath between nos. 7 and 8. This connects to a public right of way (PROW) (footpath no.59), which in turn connects to another PROW (footpath no.41) that runs along the western edge of Fairfield Millennium Green.

### 2.0 The Proposal

- 2.1 Planning permission is sought for the creation of a vehicular access from Towneley Close, the construction of a driveway and the installation of gates.
- 2.2 The proposed access will run from the south west corner of the applicant's front garden area off Towneley Close where it would adjoin onto the existing driveway and turning circle. The vehicular access will incorporate the dropping of the kerb and the loss of a small proportion of grass verge. It will have a maximum width of 3.5m and be set back from the highway by 2.3 metres, set at an angle. The fence panels will also be angled to provide visibility splays. To accommodate the proposed access circa 8

metres of the hedge will be removed from the south-western boundary. The proposed gates will have a maximum height of 1.83 metres at the highest point and will consist of a metal frame with timber hardwood gate panels. The existing access will be blocked up by the erection of wooden fence panels.

### **3.0 Site History**

- 3.1 Planning permission was granted for the erection of the application dwelling and garage under planning application 88/00736/HST. In 2007 an application was submitted and granted for the erection of a conservatory, 07/01656/FUL. Subsequently, no further applications have been received in relation to the application site.
- 3.2 Planning permission was granted for the erection of 8 houses and garages under planning application 86/00870/HST. This application relates to the properties sited along Towneley Close. The original permission in 1986 stipulated that no access was to be permitted from the private drive to the north.
- 3.3 In 2003 under planning application 03/00273/FUL permission was sought for the removal of conditions on previous permissions to allow access to Piggy Lane from Westbourne Road and Towneley Close. This application was refused, but the subsequent appeal was allowed (APP/A2335/A/03/1136447).

### **4.0 Consultation Responses**

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

Consultee	Response
Highway Authority	<b>No objection</b> though for reasons of highway safety would request inclusion of a condition relating to surface materials.
Cadent Gas / National Grid	Comments. There are low or medium pressure gas pipes in the vicinity of the site.

### **5.0 Neighbour Representations**

- 5.1 There have been 13 representation received regarding this application, 8 of which object to the application, 2 raise no objection and 3 which is in support of the scheme.
- 5.2 The 8 objections have raised the following concerns:
- The property already benefits from two existing access points. No justification or reasoning had been put forward to rationalise the need for the development.
  - Lack of visibility for the users of the proposed access when existing / accessing the site and for the users of the highway due to the blind corner at the end of Towneley Close.
  - Adverse impact on the pedestrian environment due to the increase in vehicular movement along Towneley Close which will introduce and unnecessary and avoidable hazard which will add to the already exacerbated issues.
  - Impact upon the pedestrian usage of the link footpath to the PROW.
  - White Lodge is run as a commercial venture, offering lodgings to International Students and contractors.
  - Detract from the peaceful open plan cul-de-sac.
- 5.3 The 3 representations of support stipulate that the proposed development will not have an adverse impact on the pedestrian environment or on the quantity of traffic moving along Towneley Close as the proposed access will serve one property only. The 2 representations raising no objection cite similar points.

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

- 6.1 National Planning Policy Framework (NPPF)  
Section 2: Achieving Sustainable Development  
Section 12: Achieving Well-Designed Places

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1: Sustainable Development

SC5: Quality in Design

6.3 Development Management DPD 2015

DM21: Walking & Cycling

DM29: Protection on Trees, Hedgerows and Woodland

DM35: Key Design Principles

6.4 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020

DM29: Key Design Principles

DM45: The Protection of Trees, Hedgerows and Woodland

DM61: Walking and Cycling

**7.0 Comment and Analysis**

7.1 The main issues are:

- Principle of Development
- Design / Visual Impact
- Residential Amenity Impact
- Highways Impact

7.2 Principle of Development

7.2.1 The development is sited adjacent to residential properties along Towneley Close and Sunnyside Lane and, therefore, it is considered that the development has some form of relationship to the existing built form of the surrounding area. The development includes the blocking up of the existing access, and a condition can be imposed to ensure that the access is blocked up within 1 month of the existing access becoming operational. Taking into account that the proposed access will serve one dwellinghouse, the principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified.

7.3 Design / Visual Impact

7.3.1 Policy DM35 of the Development Management DPD and Policy DM29 of the Emerging Review of the Development Management DPD both require a good standard of design. Any new development will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

7.3.2 Towneley Close is characterised by open plan driveways and front gardens. The southern boundary of the application site consists of concrete panels boards, concrete posts and wooden fence panels with a 4m high hedge behind which abuts the grass verge of Towneley Close.

7.3.3 The proposed works include the dropping of the kerb and the removal of a portion of the grass verge to facilitate the creation of the vehicular access. The proposed dropped kerb will be in line with other properties along Towneley Close which all benefit from dropped kerbs to allow access to the driveways.

7.3.4 The proposed development incorporates the angling of the fence panels, to allow the access gate to be set back 3m at the closest point from the road. Taking this into consideration, it is considered that the proposed access would not be a prominent addition within the streetscene as it would not be readily visible given that it is set back from the road, limiting public view. The fence panels will reflect those of the existing boundary and will, therefore, help assimilate the proposed works.

7.3.5 To accommodate the creation of the access about 8 metres of the hedge along the southern boundary is to be removed. This is a small portion of the hedge and will have a negligible impact upon the visual appearance of the application site and vehicular access.

7.3.6 Taking into account the above, it is considered that the proposed development will not appear incongruous and will have a negligible impact upon the streetscene. The surrounding area is characterised with driveways and dropped kerbs. As such the introduction of the vehicular access and dropped kerb would not be out of context with the existing streetscene.

#### 7.4 Residential Amenity Impact

7.4.1 There are a number of properties fronting towards the southern boundary of the application site which will be affected by the proposal. A small section of the hedge within the applicant's land which abuts the southern boundary is to be removed to accommodate the proposed access, but the remainder of the hedge along the aforementioned boundary is to be retained. The retention of the remaining hedge will prevent direct overlooking and loss of privacy from the application dwellinghouse and the properties sited on Towneley Close. In light of the above, it is considered that the proposed development will not be an adverse effect on residential amenity.

#### 7.5 Highways Impact

7.5.1 New development should ensure the safe, efficient and convenient movement of all highway users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.5.2 Concerns have been raised by the local residents with regards the increase of vehicular movement along Towneley Close and the impact an additional access will have on the pedestrian environment due to the lack of visibility from the access.

7.5.3 Towneley Close is a dual use highway as pedestrians are intended to use the road due to the lack of pavements. The open plan design of the houses / front gardens afford a clear view of the highway for vehicles and pedestrians. The angling of the fence panel along with the dropped kerb allows for an acceptable level of visibility when exiting / entering the proposed access. It is considered that the visibility from the proposed access would not be severely hindered. The proposed access from the site to Townley Close will also be set back from the nearside edge of the carriageway. This will enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

7.5.4 The Highway Authority raises no highway objection though for reasons of highway safety would request inclusion of a number of conditions. Many of these conditions require works that are contrary to the submitted plans so clarification is being sought in this regard (which will be verbally reported at the Committee meeting), though one relates to surface treatments which is reasonable to include should the application be approved. This will prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users.

7.5.5 There is a Public Right of Way (PROW) that links a footpath at the eastern end of the cul-de-sac but the road itself and the footpath link do not form part of the PROW network.

7.5.6 A survey was carried out by the local residents of Towneley Close on Monday 15 June 2020, on a lockdown weekday. 283 foot journeys were made to and from the public footpath which adjoins the road. The findings conclude that on a normal weekday when schools and businesses are open this would have been considerably higher.

7.5.7 Policy DM61 of the emerging Local Plan and Policy DM21 of the DM DPD both seek to protect, maintain and improve the pedestrian environment. Any new development should ensure that no adverse impacts are created for the pedestrian environment, particularly in relation to pedestrian safety.

7.5.8 Whilst it is clear that the cul-de-sac is used regularly by pedestrians because of the linkages to the PROW, surrounding area and facilities it is consider that the provision of a vehicular access serving one residential property will not result in exacerbated level of traffic movement along Towneley Close to an extent which would result in adverse highway safety issues.

### 8.0 Planning Obligations

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

## **9.0 Conclusions**

- 9.1 In conclusion, although the proposed development will reduce the grass verge currently characterising the northern side of Towneley Close and result in the loss of a small portion of the hedge boundary, it is considered that the proposed development will not appear incongruent within the streetscene and will not have an adverse impact on highway safety.

## **Recommendation**

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

1. Standard 3 Year Timescale
2. Approved Plans
3. Fence panel materials to match existing boundary treatment
4. Existing access to be closed within 1 month of the proposed access becoming operational
5. Surface materials

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None.