

Agenda Item A6	Committee Date 8 June 2009	Application Number 09/00329/FUL
Application Site Grosvenor Road Garage Heysham Road Heysham Lancashire		Proposal Redevelopment of Bay View Cars site for 9 flats
Name of Applicant Bay View Cars		Name of Agent JMP Architects Ltd
Decision Target Date 4 June 2009		Reason For Delay
Case Officer		Mr Andrew Holden
Departure		No
Summary of Recommendation		Approve with conditions

1.0 The Site and its Surroundings

- 1.1 The application site is located at the junction of Heysham Road with Grosvenor Road. The adjoining land uses are all residential with a mixture of two storey and two/three storey terraced properties in addition to a small number of two storey semi-detached properties. The closest properties are those of Rydal Road and Rydal Grove. These are two storey stone built terraced houses. The roof area to the Rydal Grove dwelling closest to the site all have full width dormer windows facing the site and are effectively three storey in terms of accommodation. A car parking area to a large recently completed six storey flat complex lies immediately to the west of the application site. The flats being sited further to the west on the footprint of the now demolished Grosvenor Hotel.
- 1.2 The site currently comprises a large single storey commercial car showroom (currently operating as Bay View Garages) with an open forecourt/parking area to the north. The floor level of the building is set below that of the adjoining Heysham Road and Rydal Grove. The rear wall of the showroom forms the rear boundary to properties on Rydal Road. The wall height is approximately 2.2m above the garden levels with the roof of the car showroom rising away from these residential properties another 3.5/4.0m.

2.0 The Proposal

- 2.1 The application seeks to develop a single building comprising of nine flats. Internally, the development provides for 3no. One bed flats, 4no. Two bedded flats, 2no. Three bedded maisonette. The accommodation is contained within a building rising three and a half storeys in height with additional roof space accommodation. The lower level to the application site allows for car parking to a semi basement level and residential accommodation over four floors.

- 2.2 Externally, the site utilises the existing vehicle access leading down to a basement parking area for nine cars and secure cycle storage. Gardens areas are to be developed to the corners of the site for the ground floors flats. In addition an area is to be provided at street level for additional cycle and refuse storage. The main pedestrian entrance to the building is also to be found on the Heysham Road frontage of the development.
- 2.3 The building as a whole rises approx 13.0m from Heysham Road to its ridge (14m from the lower ground level within the site). The residential accommodation is over four floors including bedroom accommodation for the maisonettes in the roof space. The external walls of the building are a mixture of a natural stone plinth (up to 2.0m high), two and a half storeys of white render with timber cladding to the eaves and verge. The roof introduces a simple gable roof form with natural slate coverings to the Heysham Road frontage and a flat roof to the rear element. Windows, doors and rain water goods are to be grey powder coated aluminium.
- 2.4 The footprint of the building is broadly 'T' shaped and with the longer frontage to Heysham Road. The form of the building introduces the main windows to the flats to the north and east elevations. A large open glazed stair well rising the full height of the building develops the main entrance facing Heysham Road.

3.0 Site History

- 3.1 The site has been the subject of an earlier application 05/00150/OUT in early 2005. This application sought consent for the development of 3 houses and 7 flats on the same site. The houses were to be over three storeys and located to the south end of the site fronting Heysham Road and the flats over four storeys at the northern end of the site at the junction of Heysham road with Grosvenor Road. Although the application was an outline, the application provided illustrative plans to considered location and massing. The application was subsequently refused on three grounds, oversupply of housing (SPG 16), impact upon neighbouring dwellings and lack of parking provision.
- 3.2 The houses were to be built tight to the southern boundary of the site and fronting Heysham Road with gardens to the rear. The overall height of these buildings was approx 9.5m above Heysham Road. The relationship to the properties on Rydal Road was considered unacceptable.
- 3.3 The application was the subject of appeal and was dismissed by the planning Inspectorate. The issues of housing supply and neighbour impact were acknowledged by the Planning Inspectorate but parking provision was considered acceptable given the presence of on street parking on the adjacent Grosvenor Road.
- 3.4 As a consequence of the dismissed appeal a further application was submitted under 09/00002/FUL which sought to develop the site for nine flats in a single 3½ storey high building. The submission raised concerns over the relationship of the building to neighbouring properties by reason of overlooking and massing. This application was subsequently withdrawn to enable the concerns of massing and overlooking to be considered and the scheme to be revised.

Application Number	Proposal	Decision
05/00150/OUT	Redevelopment of Bay View Cars for 3 houses and 7 flats	Refused - Appeal dismissed
09/00002/FUL	Redevelopment of Bay View Cars for 9 flats	Withdrawn

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Consultee	Response
County Highways	No objections but some concerns over the level of car parking provision and suggest that spaces are not allocated to individual properties to ensure flexibility for residents and visitors. Condition required in respect of the adjoining highway retaining wall, boundary details to ensure highway visibility, provision and maintenance of car parking spaces/cycle storage.
Environmental Health	No objections - The site has the potential to significantly adverse impact and suggests a number of conditions to control impact. Conditions include the development of a more detailed contaminated land study and conditions to assess the impact from a former filling station close to the site, hours of construction, dust control, construction noise (including pile driving), external lighting and ventilation details to the underground car parking area or air conditioning units.
Environment Agency	No objections to the development proposals subject to a condition seeking the submission of a contaminated land study and mitigation. Supports the use of sustainable Drainage Systems for the site.
Untied Utilities	No objections development should be drained on a separate system with only the foul drainage connected to the sewer. Surface water to be drained to soakaway or surface water sewer.
Town Council	Views awaited

5.0 Neighbour Representations

5.1 To date eight letters have been received from neighbouring residential occupiers. The letters raised a number of issues, five letters support the proposal concerned over the nature of the present car sales business and the impact it currently has on the adjoining highways and pleased that an alternative use is being sought for the site. The letters objecting to the scheme has raised concerns on the following grounds: -

- Concerns of overlooking for the flats directly into a private garden area on the opposite site of Heysham Road.
- Too many flats in the area
- Concerned over the future occupants of the flats and the possible impact on the area.
- Loss of sea views.

6.0 Principal Development Plan Policies

6.1 The application should be considered in respect of the saved polices of the Lancaster District Local Plan and the Lancaster Core Strategy.

6.2 Saved polices H12 and H19 of the Lancaster District Local Plan are considered appropriate and seeks to ensure that development of small site within the main urban core are only permitted which do not result in the loss of green space, would not have significant adverse effects upon the amenities of nearby residents, achieve a high standard of design, are satisfactorily serviced and makes arrangements for access, servicing and cycle/car parking.

6.3 Following development of the revised Regional Spatial Strategy, SPG 16 - The Phasing of New Residential Development of the Lancaster District Local Plan is no longer in place and not to be considered.

- 6.4 Policies SC1 - Sustainable Development, SC2 - Urban Concentration and SC5 - Standards for Housing of the Lancaster Core Strategy are considered appropriate and also need to be considered as part of the application submission.
- 6.5 SC1 - Seeks to ensure that new development proposals are as sustainable as possible. The policy needs to consider both the location and design of the development. In respect of location, the proposal should be convenient for local services, use previously developed land, alleviate adverse environmental conditions, not have significant impact on conservation, archaeology or built heritage and be compatible with the surrounding landscape. In respect of design, the layout should be convenient to walk or cycle around, reuse buildings, use local material and minimise construction waste, clean up environmental problems use energy efficient design and renewables and sustainable drainage.
- 6.6 SC2 - Seeks to build healthy and sustainable communities by focusing development where it will support the vitality of existing settlement, regenerate area and reduce the need to travel. As such the policy seeks to direct 95% of all new dwelling within the existing urban area of Morecambe, Heysham, Lancaster and Carnforth.
- 6.7 SC5 - seeks to ensure that development proposal achieve a high standard of design, maintaining and improving the quality of development in the main urban area in addition to other sensitive areas.

7.0 Comment and Analysis

- 7.1 It is considered that the location of the development for residential use is one which could be supported in principle as it is located within the main urban area in a sustainable location well served by public transport and is close to other services such as shops, schools etc. The general design of the building is considered to be appropriate to the area, the simple gable forms and proposed materials reflect those of the neighbouring properties although the building is of a clearly contemporary design with the introduction of large scale window openings and to the communal areas and some of the living rooms. However, the application details need to be considered against the policies set out above.
- 7.2 The withdrawn scheme sought to develop a similar building but was not considered to fully address previous concerns of overlooking and massing raised in the dismissed scheme. The current proposal has been redesigned to address those concerns. The southern wall of the building is positioned approximately 15m from the rear window to the properties on Rydal Road. The earlier bedroom windows have now been redesigned to be orientated at an angle and thus prevent direct overlooking of the Rydal Road properties.
- 7.3 The issue of massing and overlooking was also pertinent to the properties on Rydal Grove. The short terrace of dwellings and in particular the northern end of the terrace was very close to the new building. To address massing/overlooking concerns this part of the building has been moved further north by approximately 3.0m and the roof form changed from a pitched roof to a flat one to reduce massing. The resulting building is a little over 3.0m higher than the current building on site and is similar in height to surrounding properties.
- 7.4 County highways have raised comment over the level of parking provision within the scheme providing 11 spaces for 9 residents (122%). This is an improvement upon the original proposal which developed one for one spacing and is at a level of provision marginally greater than the adjacent West One scheme at 116 %. It is considered that the level of provision is adequate given its urban location but advises that the spaces are left unallocated to ensure flexibility of parking for visitors and residents. This approach could be the subject of condition. Further conditions are requested to ensure the adjoining highway retaining wall is appropriately constructed, visibility is maintained and the cycle spaces are provided and maintained.

- 7.5 The scheme must also be considered in respect of its need and benefit within the community. The site is currently a non-conforming use within the locality and from comments received as part of the consultation process it is source of complaint/concern on a regular basis. Commercial use of this restricted site is clearly problematical. The scheme has the benefit of removing such a use from the locality.
- 7.6 Lancaster Core Strategy Policy SC2 directs residential accommodation to the main urban areas, requiring that 95 % of new dwellings to be accommodated within the existing urban area including Heysham. Policy SC1 seeks to ensure that development proposals are as sustainable as possible. The number of new dwellings is such that it does not demand the provision of affordable housing via but it considered that the proposal does seek to develop a wide range of residential units from generous sized one bedroom properties to three bedded maisonettes helping to maintain a balance in the community. The applicant has also further indicated that the property is to highly energy efficient being insulated to a level 20% higher than that demanded by the current Building Regulations. The building is also to be an energy generator, the precise methodology is currently under investigation but self generation of 10% or more is to be achieved. Both the energy efficiency and generation can be secured by planning condition.

8.0 Conclusions

- 8.1 Overall, the scheme is considered to have addressed the demands of planning policy. The site is in a highly sustainable urban location, the design has incorporated energy efficiency and generation in a pleasing contemporary design which reflects the characteristics and form of the neighbouring residential buildings and the loss of the commercial use would clearly have amenity benefits to local area. Subject to appropriate planning conditions the development is one which should be supported.

Recommendation

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

1. Standard three year time limit
2. Development to be built in accordance with the approved plans
3. Separate system of drainage unless otherwise agreed
4. The design and constructional details of the highway retaining wall to the Heysham Road and Grosvenor road frontages to be approved by Lancashire County Council's Bridges section before any works are commenced on site.
5. The boundary wall on the highway frontage of the site to Grosvenor Road shall not exceed a height greater than 1.0m above the crown of the adjacent carriageway.
6. Provision and retention of car parking
7. Parking spaces to remain unallocated and available for residents and visitors
8. Provision and retention of cycle storage area.
9. Standard Contaminated land condition
10. Contaminated land - importation of soil, materials and hardcore.
11. Contaminated land - prevention of new contamination
12. Bunding of Tanks
13. Asbestos survey to be undertaken prior to works being commenced on site
14. Hours of construction limited to 0800 -1800 Mon. to Fri. and 0800 -1400 Saturday only
15. Scheme of dust control
16. Scheme of noise assessment to be agreed including any piling operations
17. Ventilation and extraction details to be agreed
18. External lighting details to be agreed.
19. Notwithstanding the details hereby approved, precise details of the balcony construction and screening to be agreed.
20. Precise details of the energy efficiency/insulation levels to be agreed
21. 10% Renewable Energy Generation
22. Precise details of all external materials to be agreed including samples
23. Boundary treatments to be agreed
24. As may be required by consultees.

Advice

1. Vehicle crossing
2. Copy of Environment Agency comments

Human Rights Act

The applicant's right to use and develop their property has to be balanced against the rights of neighbouring residents, namely, their right to respect for their private lives and homes. As set out above, the impact of the proposed development on neighbouring properties is considered unacceptable and, therefore, it is considered necessary and proportionate to refuse this application.

Background Papers

- 1.