

<b>Agenda Item</b> A7	<b>Committee Date</b> 28 September 2009	<b>Application Number</b> 09/00803/RCN
<b>Application Site</b> Oxford Court, Lancaster Road, Carnforth	<b>Proposal</b> Removal of condition 5 on application 06/01494/FUL relating to occupancy restriction to persons aged 55 and older	
<b>Name of Applicant</b> Daffodil Homes (Lancashire) Ltd	<b>Name of Agent</b> Alastair Skelton, North Quarry Office, North Quarry Business Park, Appley Bridge, Wigan WN6 9DB	
<b>Decision Target Date</b> 20 November 2009	<b>Reason For Delay</b> Not applicable	
<b>Case Officer</b>	Peter Rivet	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

## **1.0 The Site and its Surroundings**

- 1.1 Oxford Court is a four storey block of 15 sheltered flats occupying the former site of Carnforth Methodist Church, at the corner of Lancaster Road and North Road, at the southern end of the centre of Carnforth. Adjoining it are the grounds of Carnforth North Road Primary School. Although there are some shops nearby, the essential character of the area is residential.
- 1.2 Consent for the development was granted in 2007 subject to conditions, one of which (no. 5) specified that: "The accommodation hereby authorised shall be occupied only by persons aged 55 years and upwards. Reason: The building has been designed specifically to meet the needs of elderly people and the off-street parking available is unsuitable for accommodation intended for general occupation."
- 1.3 The flats were designed to suit the needs of people with potential mobility problems and a lift has been provided. At the same time the parking provision, just 5 spaces, is considerably below the standard normally expected for 15 units of living accommodation.

## **2.0 The Proposal**

- 2.1 The applicants wish to have the occupation restriction removed. Their agent states that the accommodation has been marketed for 18 months but that it has proved difficult to sell and at present just two of the units are occupied. The original asking price for the flats has been reduced by some 15% but this has been insufficient to attract sales. He argues that it is not in the interests of the community for good quality, sustainable housing units to be left unoccupied, and that the age restriction is neither appropriate nor necessary.
- 2.2 He considers that the accommodation is suitable for people of all age groups and that as the site is a readily accessible one, close to the centre of Carnforth, there is no justification for limiting its occupation to one particular group.

2.3 On the issue of car parking, he draws attention to the advice in the central government advice note PPS13 (Planning Policy Statement: Transport) to the effect that the availability of parking has a major influence on the means of transport that people use for their journeys, and that if less parking is available, there will be fewer car journeys.

### **3.0 Site History**

3.1 The previous application relevant to this one is as follows:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
06/01494/FUL	Erection of 15 sheltered housing accommodation units with integral car parking	Approved

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Consultees</b>	<b>Response</b>
<b>Carnforth Town Council</b>	Observations awaited - to follow the Town Council's meeting on 14 September.
<b>Housing Policy Officer</b>	Those people who have already bought flats within the development will have done so on the basis that it was for older people. If it is available for all age groups then there will be a mixture of age groups and potential conflict in terms of lifestyles.
<b>Lancashire County Council Highways</b>	At the time of the original application they commented that the junction of Oxford Street with the A6 road had substandard sightlines; consequently sheltered housing was to be preferred for this site as the level of car ownership was likely to be low. They are concerned that the level of parking available is below the standard (between 100 and 150%) they would normally expect for this kind of accommodation if it were to be made available for general occupation. Detailed observations to follow.

### **5.0 Neighbour Representations**

5.1 A letter from a resident of Oxford Street opposes the application, on the grounds that parking is a serious problem in the area. People over 55 may have fewer vehicles, but a working couple (for example) may be quite likely to have two cars; if the original application had been submitted on the basis of unrestricted occupation there would have been more opposition to it.

5.2 The proprietor of a nearby shop opposes a relaxation of the condition, stating that the development was only approved because it would provide low cost retirement accommodation.

5.3 The Headteacher and Chair of Governors of North Road Primary School object to the application. They objected to the original proposal for flats on the site on the basis that insufficient car parking was available. With only a small proportion of them occupied, all the parking spaces are in use. If people under 55 are allowed to occupy the accommodation the demand for spaces will be greater and the risk of an accident involving one of their pupils on their way to and from the site will be increased.

5.4 Any further representations received will be reported orally at Committee.

### **6.0 Principal Development Plan Policies**

6.1 Policy SC4 of the Lancaster District Local Plan sets out principles by which the local planning authority will ensure that local housing needs will be met. These include redressing imbalances in the local housing market.

6.2 Of the "saved" policies in the Lancaster District Local Plan, the following are relevant:

- **H17**, which states that sheltered housing should be sited where it is convenient for bus routes, local services and other facilities;
- **H19** which requires (among other things) that new housing development should make adequate provision for access, servicing and cycle and car parking; and
- **R21**, which requires that appropriate provision should be made for people with disabilities.

## **7.0 Comment and Analysis**

7.1 At the time when planning permission for the flats at Oxford Court was granted, new housing in the area was effectively restricted to schemes which addressed regeneration problems or was designed to meet a specific local housing need. This scheme was approved because it met what was seen to be a specific need in Carnforth for housing for elderly people, suitable for people with mobility problems. This age group has a much lower level of car ownership than the population as a whole.

7.2 So far as parking provision is concerned, the normal standard for flats of this kind intended for general occupation is 150%, which would mean a total of 22 spaces. In view of the town centre location, with easy access to bus and train services, it might be possible to accept a lower standard of 100% provision - 15 spaces - but the development as constructed has only 5. There is only a limited amount of on street parking available and it is evident that it is far from adequate for the needs of people living in the terraced houses fronting Oxford Street and the other side streets nearby.

7.3 If the site were vacant now and a scheme was put forward for flats on the site, it would be expected that adequate off street parking should be provided, in line with policy H19 of the Lancaster District Local Plan. In view of the limited space available on the site, this would have meant a substantial reduction in the total number of dwellings.

7.4 The applicants' agent has referred to advice in PPG13 on the provision of parking. Paragraph 17 of this draws attention to the need for parking policies "to be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and location". This is what the current Lancashire County Council parking standards seek to do. It is true that the site is a very accessible one, close to a town centre, and if occupancy is restricted to the over 55 age group a very low level of parking provision is appropriate. But if the household type is unrestricted, this will no longer be the case.

7.5 It would also be expected of the applicants that if the site were still vacant, and the proposal were to be submitted now, a proportion of the accommodation would be made available for use as affordable housing. However this idea was not pursued when the original consent was granted in 2007, on the basis that the development offered regeneration benefits.

## **8.0 Conclusions**

8.1 The parking provision for the development is inadequate for a development intended for flats intended for general occupation. Consequently Members are recommended to refuse consent.

## **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. Contrary to saved policy H19 of Lancaster District Local Plan - inadequate car parking to meet the needs of accommodation intended for general occupation.

## **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **Background Papers**

1. Site Location Plan