

<b>Agenda Item</b> A10	<b>Committee Date</b> 16 October 2017	<b>Application Number</b> 17/00732/VCN
<b>Application Site</b>  Lancaster Leisure Park Wyresdale Road Lancaster Lancashire		<b>Proposal</b>  Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 in relation to boundary treatments, condition 6 in relation to the phasing of the highway works, condition 14 amending the timescales for the implementation of on-site play and fulfilling the requirements of condition 19 (contaminated land) and condition 23 (cycle stores/refuse) on planning permission 16/01183/VCN)
<b>Name of Applicant</b>  Mr Matthew Buckle		<b>Name of Agent</b>  -
<b>Decision Target Date</b>  30 October 2017		<b>Reason For Delay</b>  Not applicable
<b>Case Officer</b>		Mr Mark Potts
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval (on the basis of no objection from County Highways)

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

- 1.1 The 2.31 hectare application site is situated on the east side of Lancaster within the Lancaster Leisure Park complex that falls between the M6 motorway and the residential area known as Golgotha. The site is bounded by an abattoir and the Leisure Park's main car park to the west, open fields to the south west and south east, the Ashton Guest House and Well House Farm to north east and Wyresdale Road to the north. Development on the site begun in 2014 with the new housing estate now fully occupied.
- 1.2 The M6 motorway and Golgotha command higher positions to the east and west respectively with the application site sat within the bottom of a shallow valley between these 2 features. The site is generally flat on the western half of the site gradually climbing towards the eastern boundary. There are trees to the Wyresdale Road frontage, along the western side of the access road, to the south west boundary and on the boundary with The Ashton and Well House Farm (protected by Tree Preservation Orders).

## **2.0 The Proposal**

- 2.1 Planning permission was granted in 2014 for the erection of 71 dwellings, access and landscaping under planning permission 12/01109/FUL and amended in 2017 under application 16/01183/VCN. Whilst the development is now complete this application seeks approval for the boundary treatment that has been erected between plot 37 and Well House Farm in the form of 1.8m high close boarded fencing (condition 2). The application also seeks an amended timescale for the implementation of the offsite highway works to be completed within the next 7 months (condition 6). The playground equipment has been approved but not installed; the revised timescale is within the next 8-10 weeks

(condition 14). The scheme also seeks to allow for the discharge of conditions 19 (contamination) and 23 (cycle and refuse storage).

### **3.0 Site History**

3.1 There is a long and varied planning history across Lancaster Leisure Park, but the most relevant applications to this proposal are:

Application Number	Proposal	Decision
16/01183/VCN	Erection of 71 dwellings including associated parking and landscaping (pursuant to the variation of condition 2 on planning permission 12/01109/FUL to vary the amended plans)	Approved
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping	Approved

### **4.0 Consultation Responses**

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

Consultee	Response
Tree Protection Officer	Initially raised an objection as the information provided in support of the application shows the dimensions of the concrete base exceeding those dimensions within the approved AMS. Following the receipt of additional information from the applicant <b>No objection</b> is offered.
County Highways	<b>Objection</b> to condition 6 as the detail has yet to be agreed as part of the Section 278 process. The Highway Authority is satisfied with the details associated with condition 23 (cycle storage)
Environmental Health	<b>No objection</b>
Public Realm Officer	<b>No objection</b> , but consider that the ranger seat should have arm rests and it is a requirement that the seat has back and arm rests.

### **5.0 Neighbour Representations**

5.1 No comments received.

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

#### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 12, 14 and 17 - Sustainable Development and Core Principles

Paragraph 32, 34 and 38 - Access and Transport

Paragraphs 49, 50 and 55 - Delivering Housing

Paragraphs 56, 58, 60, 61 and 64 – Requiring Good Design

Paragraphs 69, 70, 72 and 73 – Promoting Healthy Communities

Paragraphs 109, 115, 117, 118 – Conserving the Natural Environment

#### **6.2 Local Planning Policy Overview**

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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains 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 Local Plan saved policies

H5 Housing Development Sites  
E4 Countryside Area

### 6.4 Lancaster Core Strategy

SC1 Sustainable Development  
SC5 Achieving Quality in Design

### 6.5 Lancaster Development Management DPD

DM20 Enhancing Accessibility and Transport linkages  
DM22 Vehicle Parking provision  
DM26 Open Space, Sports and Recreation  
DM29 Trees, Hedgerows and Woodland  
DM35 Key Design Principles  
Appendix B Car Parking Standards

### 6.6 Other planning policy/guidance documents

National Planning Practice Guidance (NPPG)  
Householder Design Guide Planning Advisory Note (PAN)

## **7.0 Comment and Analysis**

7.0.1 The principal issues that concern this application include the below;

- Highway Impacts;
- Land Contamination;
- Playground Provision;
- Trees.

### 7.1 Highway Impacts

7.1.1 The original grant of planning permission required that all the off-site highway works were completed before the first occupation of the first dwelling. The works provide for cycle improvements along Wyresdale Road; upgrades of the closest bus stops on Wyresdale Road; the extension of the 30mph zone; and the reconfiguration of kerb lines and traffic calming to Wyresdale Road including pedestrian refuge and lighting.

7.1.2 The first dwelling was occupied in 2015, and therefore the off-site highway works are long overdue. It is understood that discussions have been ongoing with the Highway Authority for over a year with respect to the off-site highway works, and the County has objected to this planning application on the basis that the relevant agreement has still to be agreed with them. The developer has a significant part to play in the delays that have occurred in these works being approved. However, from a planning perspective the reluctance of the County Council to accept highway condition details (until such time the relevant agreement is signed) is frustrating. The relevant off-site works are handled under separate legislation (a similar analogy is the difference between building regulations and planning), and therefore should be treated as such.

7.1.3 From discussions with the developer it is understood that the works have now been agreed in late September 2017 and will take 7 months to implement, but an official consultation response from the County Council is still required. Members will be updated verbally on the position of this and also the situation with respect to lighting, as this is not included on the proposed off-site highway plans. Cycle and refuse storage associated with the apartment block has been previously implemented and the County Council raises no concern regarding these elements.

## 7.2 Land Contamination

7.2.1 A number of reports have been submitted to address issues associated with contaminated land, namely a Phase I and II contaminated land assessment, additional site investigations, ground gas risk assessments and stockpile assessments. The information has been shared with the Council's Contaminated Land Officer who is satisfied that the conditions associated with contaminated land can be discharged.

## 7.3 Trees

7.3.1 Condition 2 essentially required details of the boundary treatment (1.8m high close boarded fencing) adjacent to a protected tree. The Tree Protection Officer initially had concerns with this planning application, and raised an objection. However following the receipt of additional information from the applicant, the amended detail is considered acceptable to the Tree Protection Officer. The Case Officer has asked that the applicant's appointed arboriculturist visits the site to confirm the measures included within the applicant's approved Arboricultural Method Statement have been carried out and the findings from their site visit are shared by the Tree Protection Officer.

## 7.4 Public Open Space/Play Area

7.4.1 A scheme for play equipment has been previously approved on the site and this application only sought to amend the timescales for its implementation. Works have commenced in terms of laying the base for the play equipment, but the equipment has yet to be installed. The Public Realm Officer has no objection to the application, but has requested that the 'ranger seat' has arm rests. The applicant is amenable to such a request and an amended plan has been sought in this regard. The original grant of planning permission required that this play equipment was installed by the time the 35<sup>th</sup> unit was occupied, and this was then amended in 2016 (16/01183/VCN) which required its installation by March 2017. The development is essentially complete and Officers are frustrated that the applicant has failed to deliver the play equipment on two separate occasions. The applicant states that the equipment can be installed within 8-10 weeks, and it is recommended a condition to ensure that it is implemented in such a time is imposed on any consent.

## **8.0 Planning Obligations**

8.1 The existing Section 106 will remain in force as part of any subsequent approval and therefore there are no planning obligations to be considered as part of this planning application.

## **9.0 Conclusions**

9.1 There has been a number of breaches of planning control associated with this site, so the applicant has made this application to regularise the development. Enforcement action is always the last resort and Local Planning Authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and other material considerations. To date no enforcement action regarding these elements has occurred. Whilst there is confidence that

the timescales provided by the applicant are achievable, given the historic breaches of planning control on this site, should Members approve this scheme and the applicant fails to deliver on the delivery of the various works as outlined in this consent then enforcement action is likely to be taken. With this fallback position in mind, Officers can recommend support for the application.

### **Recommendation**

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

1. Approved Plans – **Retain**
2. Boundary Fencing – **Approve details**
3. Affordable Housing Units – **Retain**
4. Access Roads and connection to the highways – **Retain**
5. Visibility Splays – **Retain**
6. Off-site highway improvements - **Amend condition** to be fully implemented no later than 7 months from the date of this permission.
7. Construction Method Statement - **Retain**
8. Foul and Surface Water systems - **Retain**
9. Flood Risk Assessment Drainage – **Retain**
10. Surface water drainage proposals – **Retain**
11. Tree Protection Measures – **Retain**
12. Tree Work schedule - **Retain**
13. Hard and Soft Landscaping – **Amended to reflect approved scheme.**
14. Play Equipment; - **Amend** to be implemented within 10 weeks of the date of this planning permission.
15. Pile Driving; - **Retain**
16. Site Clearance; - **Retain**
17. Development in accordance with contaminated land assessment; - **Retain**
18. No Soils brought from the site; - **Retain**
19. Contaminated Land Assessment - **Amend condition**
20. Any tanks, fuel and chemicals to be in accordance with approved plans – **Retain**
21. Ecological Mitigation – **Retain**
22. Removal of Permitted Development Rights – **Retain**
23. Cycle / Refuse Storage – **Retain**
24. Car parking areas – **Retain**
25. Travel Plan – **Retain**
26. Noise Mitigation – **Retain**

### **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 decision 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 decision 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 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