

<b>DECISION DATE</b> 6 June 2008	<b>APPLICATION NO.</b> 08/00327/FUL A13	<b>PLANNING COMMITTEE:</b> 2 June 2008
<b>DEVELOPMENT PROPOSED</b>  <b>ERECTION OF NEW BUILDING CONSISTING OF 1 RETAIL UNIT AND 10 FLATS, RESUBMISSION OF APPLICATION 07/01545/FUL</b>		<b>SITE ADDRESS</b>  <b>POLICE STATION HEYSHAM ROAD HEYSHAM MORECAMBE LANCASHIRE LA3 2BJ</b>
<b>APPLICANT:</b>  Daffodil Homes Ltd Tarnwater Yealand Conyers Lancs LA5 9RJ		<b>AGENT:</b>  Harrison Pitt Architects

#### **REASON FOR DELAY**

Not applicable.

#### **PARISH NOTIFICATION**

**Heysham Neighbourhood Council** - No observations received at the time this report was prepared.

#### **LAND USE ALLOCATION/DEPARTURE**

Within the Urban Area defined in the Lancaster District Local Plan. The site forms part of a Local Centre identified in the Plan and Heysham Road is part of a Primary Bus Corridor.

#### **STATUTORY CONSULTATIONS**

**County Council Highways** - The proposal is an improvement on the earlier application which was withdrawn, in that there is now a single access on to Knowlys Road. However the access in the position shown may give rise to problems because of on-street parking adjoining it, unless the Traffic Regulation Order controlling on street parking is amended. The cost of altering it should fall on the developer. In addition the proposal comes within the scope of the County Council's criteria for contributions towards cycle, bus and pedestrian crossing improvements. The sum requested is £8,700. Conditions should be attached to the consent requiring the provision and retention of off street parking and cycle storage.

**Environmental Health** - Recommend a construction hours condition. A contaminated land study has been submitted; they have asked for some issues raised by it to be given further consideration (these have been referred to the applicant's agents).

**Strategic Housing** - As submitted the proposal is for ten flats and one retail unit. The housing element does not appear to meet any specific local need (referred to the applicants for their consideration).

## **OTHER OBSERVATIONS RECEIVED**

A letter from a neighbour living opposite objects to the proposal, on the grounds that the flats are now proposed for general occupation rather than for sheltered housing. He draws attention to antisocial behaviour problems in the area.

The occupier of the house in Knowlys Road adjoining the site also objects to the proposal - he is particularly concerned that the new building would be attached to the side of his property. He is also concerned about the effect of the development on property values (this is not a planning consideration).

Any further representations received will be reported orally at Committee.

## **REPORT**

This site is at the corner of Heysham Road and Knowlys Road. The former police station and the associated police house which used to occupy the site have been demolished and the land is currently vacant. An earlier application involving a shop unit and twelve sheltered flats (07/01545/FUL) was included on the agenda of the Planning Committee report on 14 January 2008, with a recommendation for refusal, but it was withdrawn before it could be determined.

The present proposal involves accommodation for general occupation, rather than for elderly people. The size of the building has been reduced (in comparison with the previous proposal) so that it relates better to its neighbours. It consists of a continuation of an existing terrace along Knowlys Road, while the corner part of the site is defined with a four-storey block containing a shop unit on the ground floor, and flats above. All the flats would be two-bedroomed, with ten off street parking spaces, two of which would be laid out to disabled accessible standard. Vehicular access to them would be taken from Knowlys Road. A lift would be provided in addition to the stairs.

The design is generally in scale with its surroundings, notwithstanding the County Council's intention to demolish the nearby two storey library building and replace it with a new single storey one. However the proposal as submitted uses asymmetrical windows which are consistent with the character of the modern block on the corner, but not with the more traditional houses on the Knowlys Road frontage. This point has been raised with the architects responsible for the scheme and it is understood that amended plans showing traditional style windows will be available in time for the Committee meeting.

The following policies in the Lancaster District Local Plan are particularly relevant to the proposal:

- **H12**, which states that proposals for new housing will only be permitted where they exhibit a high standard of design, layout and landscaping and use materials and features appropriate to their surroundings
- **H13**, which requires that housing development should have full regard to energy efficiency, waste reduction and recycling considerations. It also encourages the use of high densities.
- **H19**, which sets out criteria for the consideration of new housing development within existing areas of Lancaster, Morecambe, Heysham and Carnforth
- **R21**, which requires appropriate provision for people with disabilities.

The proposal has also to be considered in relation to SPG16 in relation to the release of land for residential development.

It will be seen that the County Council consider that a contribution towards the cost of public transport, cycle and pedestrian crossing improvements should be sought from the developer. However the site is already extremely well served by public transport, with a frequent bus service along Heysham Road.

There might be scope for improved facilities for cyclists, but apart from this it is difficult to see how a contribution could directly benefit the occupiers of the proposed flats.

However, there is still a need to demonstrate that the development will offer community benefits in order to meet the requirements of SPG16. The agents acting for the applicants argue that the site is a sustainable one and that the buildings previously on the site were derelict. They draw attention to national guidance on housing provision and the present emphasis on new house building.

It has been suggested to them that the most appropriate way of delivering a community benefit would be to provide an element of affordable housing within the scheme. The applicant's agents are not at present willing to agree to. It is true that a scheme involving 10 flats is below the threshold where such provision is normally regarded as mandatory and in these circumstances it would be unreasonable to expect that 40% of the dwellings should be provided on that basis. However this does not preclude making a smaller proportion of the accommodation available for rent or shared equity purchase, or providing some other form of community benefit to meet the current requirements of SPG 16. Our recommendation reflects this requirement and will require some further negotiation with the applicant.

The recommendation that permission should be granted is therefore subject to the receipt of amended plans dealing with the window detail, and the developers agreeing to enter into an agreement covering the provision of an element of affordable housing within the scheme (or other community benefit). Members will be advised of their response at the meeting.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

## **RECOMMENDATIONS**

That subject to amended plans being provided showing amendments to the windows fronting Knowlys Road, and the developers agreeing to enter into an agreement including an element of affordable housing within the scheme, or some other alternative community benefit, **PLANNING PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Amended plans showing symmetrical windows on Knowlys Road elevation.
3. Development to be carried out in accordance with the approved plans.
4. Samples of materials to be agreed.
5. Construction work to take place only 08:00-18:00 Mondays to Saturdays, with no working on Sundays or officially recognised public holidays.
6. Contaminated land study to be undertaken and all works recommended by it to be undertaken before construction work is commenced.
7. No development to take place until the developer has entered into an agreement covering the provision of affordable housing within the scheme.