

Agenda Item	A8
Application Number	21/00151/VCN
Proposal	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of condition 1 on planning permission 20/00307/VCN to amend the site plan to relocate garage on plot 4)
Application site	Land South of Hala Carr Farm, Bowerham Road, Lancaster
Applicant	Mr Chris Middlebrook
Agent	MCK Associates Limited
Case Officer	Mr David Forshaw
Departure	Yes
Summary of Recommendation	Approval

(i) **Procedural Matters**

The original application was deemed to be a departure from the Local Plan given the site lies within Key Urban Landscape (a locally designated protected landscape) and given this application seeks to modify conditions associated with the extant consent, it has also been advertised as a departure from the Local Plan, and therefore has to be determined by the Planning Regulatory Committee.

1.0 Application Site and Setting

1.1 Work has commenced on site to implement the development. The site is bounded by Hala Carr Farm to the north, the M6 motorway to the east and Bowerham Road (also known as Bowerham Lane) to the west. The overall residential development site area is 1.76 hectares and slopes from the east (the M6 boundary is at 84 metres Above Ordnance Datum (AOD) to the west (Bowerham Lane is at 71 metres AOD) and is more pronounced towards the north. There is an existing belt of trees punctuated by an access gate on the boundary to Bowerham Road. These trees screen the site from existing 2 storey residential properties fronting the western side of Bowerham Road.

1.2 The site does not benefit from any statutory nature conservation or landscape designation, with the Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located 1.5km to the east and Morecambe Bay Ramsar Site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) being located 2.5km to the west of the application site. An existing water trunk main enters the site from under the M6 (at a point opposite the junction of Bowerham Lane and Sandown Road) and exits the site to the south of Hala Carr Farm. The site is allocated as Key Urban Landscape and as a Woodland Opportunity Site in the adopted Local Plan.

2.0 Proposal

2.1 Due to the sloping land levels a retaining wall is to be constructed to the rear of the approved location of the garage on plot 4. In order for the garage not to affect the retaining wall's foundations it is proposed to move the garage forward (south) by 1.4m. This will require a modification of the gradients at the front of the plot. In order to retain the approved finished floor level, the house on plot 4 needs to be moved back (north) by 1.8m. No changes to the design or size of the garage or house

are proposed.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00307/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of condition 13 on planning permission 19/00456/VCN to amend the finished floor, and plot levels associated with plot number 1)	Approved
19/00456/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the variation of conditions 2, 4, 5, 10, 11, 12 and 17 on planning permission 18/01413/VCN to amend the list of approved plans, remove the southern footpath, and provide details of boundary treatments, landscaping scheme, surface water drainage, foul water drainage and materials)	Approved
18/01413/VCN	Erection of 25 dwellings and creation of a new access and access roads (pursuant to the modification to condition 6 (ii) on planning permission 16/01551/FUL to remove the requirement for street lighting at the junction of Bowerham Lane and Kempton Road, and 6 (iii) to remove the requirement for a pedestrian refuge, together with the submission of details to satisfy conditions 3, 4, 5 and 6 (highways requirements), 7 (foul water drainage), 8 (finished floor levels), 9 (surface water drainage arrangements), 10 (noise mitigation), 11 (earth bund details), 12, 13 and 14 (materials)	Approved
16/01551/FUL	Erection of 25 dwellings and creation of a new access and access roads	Allowed at Appeal

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection

4.2 No responses have been received from members of the public.

5.0 Analysis

5.1 The key consideration in the assessment of this application is any impact arising from the slight change in position of plot 4 on neighbours, parking/highway, trees/hedgerows, overall design/outward visual appearance and future occupiers' amenity.

5.2 DMDPD Policies: DM29 Key Design Principles; DM45: Protection of Trees, Hedgerows and Woodland; DM46: Development and Landscape Impact; DM62: Vehicle Parking Provision

5.2.1 The proposed change is a minor one in relation to the overall development. The nearest neighbouring property is the Hala Carr Farm collection of buildings to the rear. Although the house is proposed to be moved 1.8m closer to the boundary with Hala Carr Farm, its nearest facing building will be well in excess of 21m away.

5.2.2 Relocating the garage further forward will still enable sufficient off street parking to be maintained due to the 10.5m long driveway in front of the garage. County Highways has raised no objection.

- 5.2.3 No trees or hedgerows are proposed to be removed to facilitate the relocation.
- 5.2.4 The design and size of the house and garage is unchanged and the relocation will be imperceptible from Bowerham Road and wider views. Therefore, there is no impact on design or outward visual impact.
- 5.2.5 The proposed rear garden will be shortened to between 8 and 12m long. The overall area of the rear garden will exceed 90sqm. Therefore, it is considered the remaining garden amenity space is acceptable.

6.0 Other Considerations

- 6.1 Given this is a Section 73 application, which seeks to modify a condition on the existing planning consent, there is a need to re-impose conditions on the new planning permission (should Committee approve the development). All conditions that were imposed on 20/00307/VCN are still relevant.

7.0 Planning Obligations

- 7.1 The extant Section 106 agreement applies and consequently there is no need for a deed of variation against the original consent.

8.0 Conclusion and Planning Balance

- 8.1 The proposed alteration of the positions of the garage and house on plot 4 are minor and has no significant material impact.

Recommendation

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

Condition no.	Description	Type
1	Development in accordance with approved plans	Control
2	Development in accordance with approved access detail	Control
3	Offsite highway works in accordance with the approved plans	Control
4	Boundary treatments	Control
5	Development in accordance with the approved measures within the noise mitigation document	Control
6	Landscaped bund in accordance with approved documents	Control
7	Development in accordance with the submitted Arboricultural Implications Assessment	Control
8	Development in accordance with the approved landscaping scheme	Control
9	Surface water drainage scheme implementation	Control
10	Foul water drainage scheme	Control
11	Garages and parking to be provided in full	Control
12	Finished floor levels	Control
13	Approved visibility splays	Control
14	Removal of Permitted Development rights	Control
15	Approved building materials	Control
16	Protection of the water main	Control

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

In accordance with the above legislation, the City Council can confirm that it 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 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