

<b>Agenda Item</b> A13	<b>Committee Date</b> 15 March 2010	<b>Application Number</b> 09/01188/FUL
<b>Application Site</b> Land at Badgers Wood, Middleton		<b>Proposal</b> Erection of 33 dwellings with associated external works
<b>Name of Applicant</b> PRV Middleton Towers (in administration)		<b>Name of Agent</b> SJD Architects, Hampdon House, Falcon Court, Preston Farm Business Park, Stockton on Tees, Cleveland
<b>Decision Target Date</b> 14 April 2010		<b>Reason For Delay</b> Not applicable
<b>Case Officer</b>	Peter Rivet	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 This gently sloping cliff top site is part of the Middleton retirement village, on the site formerly occupied by Middleton Towers holiday camp. This is on land off Carr Lane, to the south of Middleton.
- 1.2 The first stage of the development is now substantially complete but as a result of problems associated with the recession, the company responsible for the development (Prestigious Homes) is in administration.

### **2.0 The Proposal**

- 2.1 The administrators wish to complete a sufficient element of the development to support an adequate range of community facilities. However, most of the people interested in living in the retirement village are interested in living in bungalows rather than houses or flats.
- 2.2 Consequently they wish to amend the approved layout in order to follow the market. They propose to build 33 two-bedroom bungalows on land that was originally intended for a mixture of bungalows and flats (which would have given a total of 57 dwellings). Some will be entirely single-storey but a number of them will be dormer bungalows, with the second bedroom accommodated in the attic.
- 2.3 As the materials and finishes used will be the same as those of the completed dwellings on the site, the original character of the development will be unchanged.

### **3.0 Site History**

- 3.1 The original planning permission for a retirement village on the holiday camp site, with a maximum of 650 dwellings, was granted by central government, the application having been "called in" for a decision by the Secretary of State. The detailed layout was covered in a reserved matters application in 2005.

3.2 An important feature of the development was that 118 of the dwellings, out of the total of 650 (approximately 20%), were to be "car free". To facilitate this the development was subject to an agreement under Section 106 of the Town & Country Planning Act 1990, requiring the developers to provide a free bus service between the site and the centres of Morecambe and Lancaster.

3.3 The applications directly relevant to the current proposal are as follows:

Application Number	Proposal	Decision
00/00156/OUT	Outline application for a retirement village comprising dwellinghouses, other residential accommodation, retail, leisure, recreation and ancillary administration; creation of a new access and circulation road	Approved by the Secretary of State (September 2002)
05/00740/REM	Reserved matters application for retirement village	Approved
07/00799/FUL	Amended details of layout of retirement village	Approved

#### **4.0 Consultation Responses**

4.1 The following consultation replies have been received:

Consultees	Response
<b>Middleton Parish Council</b>	No observations received within the consultation period.
<b>Overton Parish Council</b>	No objections to this application.
<b>County Council Highways</b>	No objections from a highway point of view. They note that the off street highway works, involving the change in priority at the junction of the site access with Carr Lane, are in progress (they were substantially complete at the time of the most recent site inspection).
<b>Environmental Health</b>	Points out that no contaminated land desk study has been provided with the application (this was prepared in association with the earlier proposal and has since been forwarded). Request a construction hours condition, and draw attention to the developers' obligation to minimise dust nuisance.
<b>City Contract Services</b>	No observations received within the consultation period.
<b>Environment Agency</b>	Initially objected as the area is at risk from coastal flooding - this objection has been withdrawn in the light of the Access and Escape Route assessment provided by the applicants' agents. However they ask that a condition should be attached to any consent requiring that a surface water drainage strategy should be submitted before the development is commenced.
<b>United Utilities</b>	No observations received, but they raised no objection to the previous consent here.

#### **5.0 Neighbour Representations**

5.1 An objection has been received from a resident of Lancaster who says that he has been unable to find any assessment of the impact of the development on the biodiversity of the site.

5.2 No other representations had been received at the time this report was prepared.

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

6.1 Policy **SC3** of the Core Strategy states that development in the rural areas will be concentrated in those settlements which have a full range of community facilities.

6.2 The Lancaster District Local Plan identified the holiday camp as part of a "Tourism Opportunity Site" but while the relevant policy (**TO2**) has been "saved" it is clearly no longer relevant to the current use of the land. The proposal does however need to be considered in relation to "saved" policies **H17**, which addresses sheltered housing, and **E4** which deals with development in the countryside.

6.3 As the proposal involves development intended for older people, "saved" policy **R21** requiring appropriate provision for people with disabilities is particularly important.

## **7.0 Comment and Analysis**

7.1 This proposal involves a site in the countryside, where new housing development would not normally be permitted; but this application involves an existing commitment, rather than a new one. It also involves a significant reduction in the number of dwellings proposed.

7.2 The location is detached from the nearest village, at Middleton, which offers only a limited range of community facilities. However the concept here is of a self contained retirement village with its own shops and community areas. A regular bus service is already running. Consequently the development meets the requirements of policy H17. As the character of the development is unchanged, the proposal remains compatible with policy E4.

7.3 The dwelling types proposed are, as previously noted, very similar to those already built on the site. They are suitable for occupation by people with mobility problems. Some are single storey, while those with attic level accommodation have a ground floor bedroom. They therefore meet the requirements of policy R21.

7.4 The submitted layout shows dedicated car parking for all but seven of the 33 dwellings. It is important to ensure that the 20% car free element of the scheme is maintained. As the development is already subject to an agreement under section 106 of the Town & Country Planning Act 1990 this point will be addressed through a suitably worded condition.

7.5 The objection to the development on ecological grounds will be noted; but the earlier application was accompanied by a detailed environmental assessment of the site. The present proposal involves a less intensive form of development than that previously, on land which has already been cleared and levelled off in preparation for its development, so it does not raise any issues which have not already been considered through the planning process.

## **8.0 Conclusions**

8.1 This is essentially a revised and less intensive layout, and therefore it is recommended that the proposal should be supported.

## **Recommendation**

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

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plan.
3. Accommodation to be occupied by people over 55 only.
4. Location of the 20% of the dwellings to be designated as "car free" to be agreed.
5. Construction to take place only between 08:00 and 18:00 Mondays to Saturdays, with no work on Sundays or officially recognised public holidays.
6. Surface water drainage strategy to be provided (as required by the Environment Agency)
7. All other conditions on previous approval remain

## **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**

None