

<b>Agenda Item</b> A11	<b>Committee Date</b> 12 December 2011	<b>Application Number</b> 11/00861/VCN
<b>Application Site</b> Land At Mossgate Park Mossgate Park Heysham Lancashire	<b>Proposal</b> Reserved Matters Application for the erection of 395 dwellings including associated infrastructure and public open space (Pursuant to variation of condition 2 to vary house type and footprint on 5 plots)	
<b>Name of Applicant</b> Mr John Bennett	<b>Name of Agent</b>	
<b>Decision Target Date</b> 6 January 2012	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 Mossgate Park is located at the south east corner of Heysham, covering an area of c45 hectares. This application relates to one phase of this larger (predominantly) residential development. The site is situated on raised land to the west of Heysham Moss with views stretching across the flat flood plain towards Lancaster and the Bowland Fells beyond. The surrounding land to the north, south and west of the application site has recently been developed, or is in the process of being developed for new housing and associated open space.

## **2.0 The Proposal**

- 2.1 The application seeks to vary condition 2 (approved plans) on planning permission 06/01000/REM to vary the house footprints and types on 5 plots within Phase 3 of the Persimmon Homes development at Mossgate Park. The approved plans under condition 2 show 5 properties in the north west corner of Phase 3. The footprints of the proposed houses will change on all 5 of these plots, but the house types will only change on 2 of the plots.

## **3.0 Site History**

- 3.1 Mossgate has a long and detailed site history, but the applications most relevant to the current planning application are set out below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>93/01139/OUT</b>	Outline application for residential development of 45 hectares including sports complex, pub and shops	Approved
<b>01/01295/FUL</b>	Renewal of outline consent for a further three years until 31 January 2005	Approved by the Secretary of State in 2005
<b>06/01000/REM</b>	Reserved Matters Application for 395 dwellings including associated infrastructure and public open space	Approved

## **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objection.

## **5.0 Neighbour Representations**

5.1 No comments have been received during the statutory consultation period.

## **6.0 Principal Development Plan Policies**

### **6.1 Emerging National Planning Policy**

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

### **6.2 National Planning Policy Statements (PPS)**

**PPS1** (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. This advice is echoed in **PPG 13 - Transport**. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

**PPS3** (Housing) - illustrates the need for good quality residential development in sustainable locations which have good access to a range of services and facilities. The use of previously-developed (brownfield) land is an explicit objective, as is the delivery of different types of affordable housing.

### **6.3 Lancaster District Core Strategy – adopted July 2008**

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) - 90% of new dwellings to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **SC5** (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

#### 6.4 Lancaster District Local Plan – adopted April 2004

Policy **H12** (Layout, Design and Use of Materials) - new housing developments will only be permitted which exhibit a high quality of design and local distinctiveness.

Policy **H19** (Site Layout and Amenities) – in Lancaster, Morecambe, Heysham and Carnforth, new residential development within existing housing areas will be permitted where there is no loss of open/green spaces, it does not adversely effect the amenities of nearby residents, it provides high standard of amenity, and it makes satisfactory provision for disposal of sewerage, waste water, servicing, access and car and cycle parking.

### **7.0 Comment and Analysis**

#### 7.1 Design and Layout

The proposal is acceptable in planning terms. The road and landscape layout remains unchanged. The applicant is only changing the size of 5 plots to accommodate a slightly different mix of housing, based on feedback from their sales team. The changes to house types is simply a matter of changing one approved house type for another already used within this phase of the development. In this case, the developer is seeking to develop two 3-bed detached houses (Hereford) in place of two 4-bed detached houses (Chesterton and Thirlmere). As for the plot sizes, they maintain at least 50 sq.m of private amenity space to the rear of the properties in line with the Council's standards for new housing.

### **8.0 Planning Obligations**

8.1 There is a legal agreement in place for this development under the renewed outline planning application (01/01295/FUL). The terms of the agreement cover the following:

1. 20% affordable housing (67% affordable rented and 33% discount sales)
2. Spine road to be completed before the occupation of the 500<sup>th</sup> unit
3. Payment of £707,000 for construction of an all weather sports pitch, the construction of a community hall capable of supporting sports and community functions, and the provision of such other community facilities including a rail halt.

This obligation has been complied with in respect of the payment of the sum towards community facilities, albeit the rail halt has not been provided. The development plan policy requiring its provision has been “struck out” and no longer constitutes an aspiration of the City Council given long unproductive discussions with Network Rail on the matter. However, the sum will be used in its entirety on delivering the sport and recreation facilities listed (subject to another planning application – 09/00668/FUL). The developers are also complying with the requirements of legal agreement in terms of the provision of affordable housing, and this is being monitored by the Housing and Policy Team. The spine road has not been delivered despite more than 500 dwellings being occupied, and therefore both Persimmon Homes and Miller Homes are in breach of their obligations. The Local Planning Authority (LPA) is pursuing the developers in this regard as this road will form part of an important bus route in due course. The reason for the delay has been attributed, in part, to inaccurate infrastructure plans and the road following the general route of one of the main water supply pipes in the area. It is understood that this pipe route has now been identified but new technical plans are still awaited that will form part of the developer's package of Section 38 drawings for the adoption of the road. The LPA will continue to pursue this matter to ensure the earliest possible delivery of the spine road.

8.2 The obligations set out in the legal agreement must be linked to the new permission and therefore a Deed of Variation is required to tie the two elements together.

## **9.0 Conclusions**

9.1 For the reasons set out above, the application is recommended for approval, subject to a Deed of Variation being signed and completed.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to a Deed of Variation being signed and completed to link the new permission to the existing legal agreement, and to the following conditions:

1. List of approved plans
2. Development in accordance with approved plans
3. Materials
4. Boundary treatments
5. Landscaping scheme
6. Soft landscaping specification
7. Landscaping phasing
8. Tree and hedge protection plan
9. Landscape maintenance plan
10. Landscape maintenance - minimum 5 years
11. Spine road completion before completion and occupation of 250 dwellings
12. Drainage infrastructure
13. Traffic calming scheme on Kingsway
14. Car parking provision
15. Cycle storage
16. Construction hours - 0800-1800 Monday to Saturday only
17. Traffic calming on estate roads
18. Protection of visibility splays
19. Construction details of proposed access roads
20. Protection of forward visibility splays

### **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.